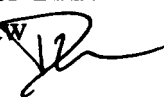


Redlined indefinitely 10/15/02

Submitted by: Assembly Member TRAINI
Prepared by: Department of Law
For Reading: August 6, 2002 

ANCHORAGE, ALASKA
AO No. 2002-126

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 2.50, "INITIATIVES AND REFERENDA" BY ADDING NEW SECTIONS TO PROVIDE FOR REVIEW AND CERTIFICATION OF THE LEGAL SUFFICIENCY OF INITIATIVE AND REFERENDA PETITIONS PRIOR TO PETITIONERS GATHERING OF SIGNATURES.

Section 1. Anchorage Municipal Code section 2.50.020 is hereby amended to read as follows:

2.50.020 Application for a petition. [RESERVATIONS OF POWERS]

- A. *Application.* An initiative or referendum may only be proposed by first filing an application for a petition on a form, which shall be prescribed and provided by the municipal clerk.
- B. *Form and Contents.* The application shall contain:
1. The name, residence and mailing address, signature and date of signature of two qualified voters who are the primary and alternate contact persons to whom all correspondence relating to the petition may be sent. The two contact persons shall be considered sponsors.
 2. The name, residence and mailing address, signature and date of signature of at least ten additional qualified voters not including the contact persons who will sponsor the petition. Additional qualified sponsors may be added not less than three days before the date of first circulation of the petition certified by the clerk.
 3. The petition proposed to be circulated. The proposed petition shall be submitted on the form provided by the municipal clerk in the application packet. The proposed petition shall conform to the requirements of section 2.50.030.
- C. *Certification of Application:* Upon receipt of a completed application for a petition the municipal clerk shall immediately remit a copy of the application to the Municipal Attorney for review. Within ten business days after receiving a completed application, the municipal clerk shall verify the sponsors' qualifications and, after consultation with the Municipal Attorney, determine and certify the

1 legal sufficiency, or lack thereof, of the application and the proposed initiative or
2 referendum.

- 3
4 D. *Appeal of Application Certification.* A decision by the municipal clerk on an
5 application for a petition is subject to judicial review by direct appeal to the
6 Superior Court of the State of Alaska. Failure to appeal the municipal clerk's
7 decision within 30 days from the date the municipal clerk mails or otherwise
8 distributes its decision shall constitute a waiver of the right of appeal.
9

10 Section 2. Anchorage Municipal Code section 2.50.030 is hereby repealed and reenacted to
11 read as follows:

12
13 2.50.030 Contents of the petition.

14
15 A. The petition applied for under section 2.50.020 of this chapter shall:

- 16
17 1. be on a form approved and provided by the municipal clerk.
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19 2. set out verbatim the ordinance or resolution sought to be enacted or
20 repealed by the petition;
21
22 3. state upon the petition, when circulated for signatures, the date of first
23 actual circulation of the petition authorized by the municipal clerk;
24
25 4. contain the statement, when circulated, that the signatures on the petition
26 must be secured within 90 days from the date of first actual circulation
27 specified in subsection A.2. of this section;
28
29 5. have the required names, residence and mailing addresses, signatures, and
30 dates of signatures of the initial contact persons and sponsors; and
31
32 6. meet constitutional, charter or other legal requirements or restrictions.
33

34 B. In addition to the requirements of subsection A., initiatives shall:

- 35
36 a. include only a single subject;
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38 b. relate to a legislative rather than to an administrative matter; and
39
40 c. be enforceable as a matter of law.
41

[A PETITION SHALL:

- A. DESCRIBE THE ORDINANCE OR RESOLUTION SOUGHT BY THE PETITION;
- B. STATE UPON THE PETITION, WHEN CIRCULATED, THE DATE OF THE FIRST CIRCULATION OF THE PETITION;
- C. CONTAIN THE STATEMENT, WHEN CIRCULATED, THAT THE SIGNATURES ON THE PETITION MUST BE SECURED WITHIN 90 DAYS FROM THE DATE OF THE FIRST CIRCULATION; AND
- D. HAVE THE REQUIRED SIGNATURES, DATES OF SIGNATURES AND RESIDENT AND MAILING ADDRESSES OF THE SIGNERS, UNLESS THE SIGNERS' QUALIFICATIONS CAN BE ASCERTAINED FROM THE STATE VOTER REGISTRATION ROLLS ON THE BASIS OF EITHER RESIDENCE OR MAILING ADDRESS.]

Section 3. Anchorage Municipal Code section 2.50.040 is hereby amended to read as follows: *(the remainder of this section is not affected by this ordinance and therefore is not set out.)*

2.50.040 Required signatures on petition.

- D. Only those signatures of qualified voters, as defined in section 2.50.010, shall [may] be counted. No signature shall [may] be counted unless it is dated, legible and accompanied by the residence and mailing addresses of the qualified voter,[,] except for signers' whose qualifications can be ascertained from the state voter registration rolls on the basis of either residence or mailing address.

Section 4. Anchorage Municipal Code section 2.50.050 is hereby amended to read as follows: *(the remainder of this section is not affected by this ordinance and therefore is not set out.)*

2.50.050 Certification of petition after signatures.

- A. Each [ALL] petition[S] shall be filed with the municipal clerk as a single instrument and shall be certified as provided in §3.02(b) of the Charter. Once the petition is filed with the municipal clerk it may not be supplemented. [A PERSON AGGRIEVED BY A DECISION OF THE MUNICIPAL CLERK RELATING TO THE CERTIFICATION OF A PETITION MAY APPEAL THAT DECISION TO THE SUPERIOR COURTS.]

B. Persons filing a petition with the municipal clerk proposing an initiative ballot proposition or referendum, may file simultaneously with the filing of the petition, a separate "Summary Statement" setting forth a recommended summary of the proposition required by section 28.40.040, provided, however, the clerk shall not be bound to utilize such recommended summary statement.

C. A decision by the municipal clerk on a petition after signatures is subject to judicial review by direct appeal to the Superior Court of the State of Alaska. Failure to appeal the municipal clerk's decision within 30 days from the date the municipal clerk mails or otherwise distributes its decision may constitute a waiver of the right of appeal.

(AO No. 197-76; AO No. 96-159(S), § 4, 1-14-97)

Section 5. This ordinance shall be effective immediately upon passage and approval.

PASSED AND APPROVED by the Anchorage Municipal Assembly this _____ day of _____, 2002.

Chairperson of the Assembly

ATTEST:

Municipal Clerk

MOA

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