

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 12-17-02

Submitted by: Assembly Member TRAINI
Prepared by: Department of Law
For Reading: October 15, 2002

ANCHORAGE, ALASKA
AO No. 2002- 162

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 AND TO PROVIDE FOR THE REVIEW AND CERTIFICATION OF SIGNATURES ON THE PETITION.

Section 1. Anchorage Municipal Code section 2.50.020 is hereby repealed and reenacted to read as follows:

2.50.020 Application for a Petition.

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 Content.* The application shall contain:

1. The name, residence and mailing address, signature and date of signature of two ~~qualified voters~~ *resident citizens who have not been convicted of a felony and* 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:

a. set out verbatim the ordinance or resolution sought to be enacted or repealed by the petition;

- b. have the required names, residence and mailing addresses, signatures, and dates of signatures of the initial contact persons and sponsors;
- c. meet constitutional, charter and other legal requirements or restrictions;
- d. include only a single subject; and
- e. be enforceable as a matter of law or be clearly denominated as advisory only.

[RESERVATIONS OF POWERS]

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 Anchorage Municipal Code section 2.50.030 is hereby repealed and reenacted to read as follows:

2.50.030 Certification of Application.

- A. *Legal Review 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 legal sufficiency, or lack thereof, of the application and the proposed initiative or referendum.
- B. *Master Form of Petition.* Upon certification of the application, the municipal clerk shall provide a master form of the petition to the primary contact person. Only unaltered photocopies of this master form may be used to gather signatures. The municipal clerk shall not be responsible for reproducing copies of this master form. The master form of the petition shall state:
 - 1 the date of first actual circulation of the petition as designated by the municipal clerk; and
 - 2 that the signatures on the petition must be secured within 90 days from the date of first actual circulation.
- C. *Appeal of Application Certification.* A decision by the municipal clerk on an application for a petition 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 distributes its decision shall constitute a waiver of the right of appeal.

[CONTENTS OF THE PETITION]

[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:

2.50.040 Required signatures on petition.

- A. A petition shall be signed by a number of qualified voters as provided in Charter Section 3.02. Only one signature may be counted for each qualified voter on a petition.**
- B. The necessary signatures on a petition shall be secured within 90 days from the date of first actual circulation of the petition.**
- [C. ONLY THOSE SIGNATURES MADE LEGIBLY SHALL BE COUNTED.]**
- C.[D.]Only those signatures of qualified voters, as defined in section 2.50.010, shall [MAY] be counted.**
- D. No signature shall [MAY] be counted unless:**
 - it is dated:[, LEGIBLE AND]**

2. it is accompanied by the residence address of the qualified voter;
 3. it is legible;
 4. the last name of the signor is the same as that of a registered voter on the state voter registration rolls. For purposes of this subsection, if the signor has registered to vote with a hyphenated last name, but signs only the second part of the hyphenated name, the last name of the signer shall be considered the same as the registered voter;
 5. the first name of the signor is the same or similar to that of the registered voter as identified in subsection 4. For purposes of this subsection, similar refers to a common or shortened form of a proper name or initials used in the place of a proper name;
 6. the middle name or initial is not inconsistent with the middle name or initial of the registered voter as identified in subsections 4 and 5; and
 7. the signor's address is the same or similar to that of the registered voter identified in subsections 4, 5 and 6. For the purpose of this subsection, similar refers to the use of common abbreviations or numeric symbols in the place of written out words.
- E. Notwithstanding the provisions of 2.50.040D.3.-7., a signature shall be counted by the municipal clerk if the signer's qualifications can be ascertained from the state voter registration rolls on the basis of other information available in the petition, such as date of birth, social security number, or voter identification number.
- F. For the purposes of this section, there is a rebuttable presumption that a signor who is a registered voter on the date signatures are counted by the municipal clerk was a registered voter at the moment of signing the petition.
- G.[E.] Any person who signs a petition may withdraw his signature upon written application to the municipal clerk within seven days after the petition has been filed with the municipal clerk.

Section 4. Anchorage Municipal Code section 2.50.050 is hereby amended to read as follows:

2.50.050 Certification of petition after signatures

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

7
8 B. Signatures rejected by the municipal clerk shall be categorized by the subsections
9 under which they were rejected. If there are insufficient signatures to certify the
10 petition, the sponsors will have 10 days from the date the municipal clerk mails
11 notification to the primary contact to provide the municipal clerk with clear and
12 convincing evidence that signatures not counted pursuant to 2.50.040D.3.-7. were
13 in fact signatures of qualified voters, as defined in section 2.50.010.

14
15 C.[B.] Persons filing a petition with the municipal clerk proposing an initiative ballot
16 proposition or referendum, may file simultaneously with the filing of the petition,
17 a separate "Summary Statement" setting forth a recommended summary of the
18 proposition required by Section 28.40.040, provided, however, the clerk shall not
19 be bound to utilize such recommended summary statement.

20
21 D. A decision by the municipal clerk on the number and sufficiency of signatures on
22 a petition is subject to judicial review by direct appeal to the Superior Court of the
23 State of Alaska. Failure to appeal the municipal clerk's decision within 30 days
24 from the date of the municipal clerk's decision shall constitute a waiver of the
25 right of appeal.

26
27 (AO No. 197-76; AO No. 96-159(S), § 4, 1-14-97)

28
29 Section 5. This ordinance shall be effective immediately upon passage and approval.

30
31 PASSED AND APPROVED by the Anchorage Municipal Assembly this 17th day of
32 December, 2002.

33
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35 
36 Chair of the Assembly

37 ATTEST:

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39 
40 Municipal Clerk