

FOLDER NO.

203.039

Constitutional Convention
Committee Proposal/3/Enrolled
Style and Drafting
January 23, 1956

ALASKA CONSTITUTIONAL CONVENTION
REPORT OF THE COMMITTEE ON STYLE AND DRAFTING

Hon. William A. Egan, President
Alaska Constitutional Convention

Dear President Egan:

Your Committee on Style and Drafting herewith presents its redraft of the Article on Initiative, Referendum and Recall for consideration by the Convention.

We desire to call attention to several changes made by our committee since the enrolled copy of this proposal was delivered to delegates. Some of these were necessitated, in our opinion, to make the initiative and referendum processes clear and workable. We will ask for suspension of the rules to incorporate such amendments as are substantive in nature.

In Section 2, we have distinguished between the initial document to be filed by the 100 sponsors and the document which is circulated throughout the State. Both, in the enrolled copy, are referred to as "the petition" though it seems clear from the description of what each must contain that they are separate documents. We have called the first an application (Section 2) and the second a petition (Sections 3, 4 and 5). This is desirable, we feel, because it makes it clear, among other things, that the filing date mentioned in Section 5 applies to the completed signed petition and not to the initial application by the 100 sponsors.

In Sections 2, 3, 4, 5 and 6, we have changed "attorney general" to "secretary of state" in accordance with specific instructions from the convention.

In Sections 4 and 5, we fix on the secretary of state the responsibility for placing the initiative or referendum question on the ballot. The enrolled copy provides merely that the proposition "shall go upon the ballot".

Committee Proposal No. 3 - Enrolled/Style and Drafting

Original Work Files - Act. XI

In Section 4, we have provided that an initiative question shall not go on the ballot if substantially the same measure has been enacted at any time up to the holding of the election. We feel this is a more practicable provision than that in the enrolled copy. That provision is that only if substantially the same measure has been enacted at a particular session the question should be kept off the ballot. Initiative petitions may be filed at any time. They might be filed during a session of the legislature. We feel that if the requested legislation should be enacted at that session, the State should not be put to the trouble and expense of holding an election on the subject at some election occurring more than 120 days after the next session.

In Section 6, we have provided that a majority of votes cast on the proposition is required to enact an initiated law or defeat an act referred. The enrolled copy referred only to "a majority of the votes cast".

In Section 6, we provide that the secretary of state shall certify the election returns and we provide for dates when an initiated law approved at the polls shall take effect and when a referred law rejected at the polls should become void. These are admittedly amendments of substance. We offer them so as to make the article wholly self-executing which it was in enrolled form except in these respects. They might be added by the legislature, but the article's provision in this regard is that such procedures may be provided by the legislature. If legislators did not choose to do so, it is possible they could prevent the satisfactory working of the initiative and referendum. We hold no brief for the particular provision of 90 days in the case of the initiative and 30 days for the referendum, but feel these suggestions are appropriate.

In Section 6, we provide that the two years within which an initiative may not be repealed dates from its effective date.

There is one additional change, substantive in nature, which we feel should be incorporated, although we have not done so in our proposed draft. This would be to change the required minimum time before an election from 120 days in the case of the referendum to 180 days after the end of the legislative session. Petitions may be filed as late as 90 days after the session. Experience shows that the mechanics of getting ballots printed and distributed in Alaska, even when a petition does not have to be checked, requires at least 2½ months. The 30 days provided in the enrolled copy would be unworkable. If 180 days are provided, the measure could still go

on the ballot in October of the same year (if the legislature adjourns by the end of March as has been the custom).

Respectfully submitted,

George Sundborg, Chairman
R. Rolland Armstrong
Edward V. Davis
Victor Fischer
Mildred R. Hermann
James J. Hurley
Maurice T. Johnson
George M. McLaughlin
Katherine D. Nordale

Work Files - Art. XI

REPORT OF COMMITTEE ON STYLE AND DRAFTING

Constitutional Convention
Committee Proposal/3
Enrolled/Style and Drafting
January 23, 1956

CONSTITUTIONAL CONVENTION OF ALASKA

RESOLVED, that the following be agreed upon
as part of the Alaska State Constitution:

ARTICLE XI

INITIATIVE, REFERENDUM AND RECALL

Initiative
and
Referendum

1 Section 1. The people may propose and enact laws
2 by the initiative and approve or reject acts of the
3 legislature by the referendum.

Application

4 Section 2. An initiative or referendum is proposed
5 by an application containing the bill to be initiated
6 or the act to be referred. The application shall be
7 signed by not less than one hundred qualified voters
8 as sponsors and be filed with the secretary of state.
9 If he finds it in proper form he shall so certify.
10 Denial of certification is subject to judicial review.

Petition

11 Section 3. After certification of the application,
12 a petition containing a summary of the subject matter
13 shall be prepared by the secretary of state for circu-
14 lation by the sponsors. If signed by qualified voters,
15 equal in number to ten per cent of those who voted in
16 the preceding general election and resident in at least
17 two-thirds of the election districts of the State, it
18 may be filed with the secretary of state.

Work files - Art. XI

Initiative
Election

1 Section 4. An initiative petition may be filed at
2 any time. The secretary of state shall prepare a title
3 and summary of the proposed law and shall place them on
4 the ballot for the first statewide election held more
5 than one hundred twenty days after adjournment of the
6 legislative session following the filing. If before the
7 election substantially the same measure has been enacted,
8 the petition is void.

Referendum
Election

9 Section 5. A referendum petition may be filed only
10 within ninety days after adjournment of the legislative
11 session at which the act was passed. The secretary of
12 state shall prepare a title and summary of the act and
13 shall place them on the ballot for the first statewide
14 election held more than one hundred twenty days after
15 adjournment of that session.

Enactment

16 Section 6. A majority of the votes cast on the pro-
17 position is necessary for the enactment of an initiated
18 law or for the defeat of an act referred. The secretary
19 of state shall certify the election returns. An initi-
20 ated law is effective ninety days after certification,
21 is not subject to veto, and may not be repealed by the
22 legislature within two years of its effective date. It
23 may be amended at any time. An act rejected by referen-
24 dum is void thirty days after certification. Additional
25 procedures for the initiative and referendum may be
26 prescribed by law.

Leg. Work files - Art. XI

Restrictions 1 Section 7. The initiative may not be used to
2 dedicate revenues, make or repeal appropriations, or
3 enact local or special legislation. The referendum
4 shall not be applied to dedications of revenue, to
5 appropriations, to local or special legislation, or to
6 laws necessary for the immediate preservation of the
7 public peace, health or safety.

Recall 8 Section 8. All elected public officials in the
9 State, except judicial officers, are subject to recall
10 by the voters of the State or political subdivision from
11 which elected. Procedures and grounds for recall shall
12 be prescribed by the legislature.

Legislative Work Files - Art. XI

12 copies typed

Constitutional Convention
Committee Proposal/~~2~~/Enrolled
Style and Drafting
January ~~20~~, 1956

3

23

ALASKA CONSTITUTIONAL CONVENTION
REPORT OF THE COMMITTEE ON STYLE AND DRAFTING

Hon. William A. Egan, President
Alaska Constitutional Convention

Dear President Egan:

Your Committee on Style and Drafting herewith presents
its redraft of the Article on ~~the judiciary~~ for consideration
by the Convention.

Initiative, Referendum and Recall

Respectfully submitted,

- George Sundborg, Chairman
- R. Rolland Armstrong
- Edward V. Davis
- Victor Fischer
- Mildred R. Hermann
- James J. Hurley
- Maurice T. Johnson
- George M. McLaughlin
- Katherine D. Nordale

Insert from attached sheets

Work files - Art. XI

Insert

We desire to call attention to several ^(made by our committee since) changes ~~to~~ the enrolled copy of this proposal was delivered to delegates. ~~None of these were necessitated, in our opinion, to make the initiative and referendum processes clear and workable. We will ask for suspension of the rules to incorporate such of these changes as are amendments as are substantive in nature.~~

In Section 2, we have distinguished between the initial document to be filed by the 100 sponsors and the document which is circulated throughout the state. Both, in the enrolled copy, are referred to as "the petition" though it seems clear from the ^{description} ~~of what~~ each must contain that they are separate documents. We have called the first an application (Section 2) and the second a petition (Sections 3, 4 and 5). This is desirable, we feel, because ^{it} makes it clear ^{among other things} that the ^{requirements} ~~filing referred to in sections 4 and 5 apply to the completed signed petition~~ filing date mentioned in Section 5 applies to the completed signed petition and not to the initial application by the 100 sponsors.

In Sections 2, 3, 4, 5 and 6, we have changed "attorney general" to "secretary of state" in accordance with specific instructions from the convention.

In Sections 4 and 5, we fix on the secretary of state the responsibility for placing the ^{initiative or referendum} question on the ballot. ~~He~~ The enrolled copy ^{provides} merely that the proposition "shall go upon

Drafting Work Files - Art. XI

the ballot: ~~that~~

In Section 4, we have provided that an initiative question shall not go on the ballot if substantially the same measure has been enacted ~~before the election~~ at any time up to the holding of the election. We feel this is a more sensible provision than that in the enrolled copy which is that only if ~~the~~ substantially the same measure has been enacted at a particular session ^{the question} ~~it~~ should be kept off the ballot. Initiative petitions may be filed at any time. They might be filed during a session of the legislature. We feel that if ~~the session should~~ ~~and~~ the ~~the~~ requested legislation should be enacted at that session, the State should not be put to the trouble and expense of holding an election on the subject at some election occurring more than 120 days after the next session.

In Section 6, we have provided that a majority of votes cast on the proposition is required to enact an initiated law or defeat an act referred. The enrolled copy referred only to "a majority of the votes cast".

In Section 6, we provide that the secretary of state shall certify the election returns and we provide for dates when an initiated law approved at the polls shall take effect and when a referred law ~~is~~ rejected at the polls should become void. These ^{are} admittedly ~~are~~ amendments of substance. We offer ~~them~~ ^{them} so as to make the article wholly self-executing which it was in the enrolled form except in these respects. ~~the~~ ~~provisions~~ ~~with respect to additional procedures is only that~~

Legislative Work Files - Art. XI

They might be added by the Legislature and the article's provision in this regard is that such procedures may be provided by the Legislature. If Legislators did not choose to do so, ~~and direct legislation is the trend~~ ~~since~~ it is possible they could prevent the ^{satisfactory} ~~working~~ of the initiative and referendum. We had no brief for the particular provisions of 90 days in the case of the initiative and 30 days for the referendum, but feel these suggestions are appropriate.

In Section 6, we provide that the two years within which an initiative may not be repealed ~~it~~ dates from its effective date. ~~and~~

There is one additional change, substantive in nature, which we feel should be incorporated although we have not done so in our proposed draft. ~~to~~ This would be to change the required minimum time before an election from 120 days in the case of the referendum to 180 days ~~when repeating of the election~~ ~~after~~ ~~an~~ ~~election~~ after ~~the~~ end of the legislative session. Petitions may be filed ~~as~~ as late as 90 days after the session. Experience shows that the mechanics of getting ballots printed and distributed in Alaska, ~~even~~ even when a petition does not have to be checked, requires at least 2 1/2 months. The 30 days provided in the enrolled copy would ^{be} ~~be~~ unworkable. If 180 ^{days} ~~is~~ provided, the measure could still go on the ~~general~~ ~~election~~ ballot in October (if the legislative adjourns by the end of March as has been the custom) of the same year. Resp. ^{fully} submitted, etc.

Working Files - Art. XI

L. V. FISCHER

January 19, 1956
Constitutional Convention
Committee Proposal/3/Enrolled

Mimeo
D.A. will proof-read
You know how many copies

STYLE AND DRAFTING

CONSTITUTIONAL CONVENTION OF ALASKA

ARTICLE XI

INITIATIVE, REFERENDUM AND RECALL

They want
it as soon
as possible -

Initiative
and
Referendum

RUSH

1 Section 1. The people ^{may} (~~reserve the power to~~) propose
2 and enact laws by the initiative and ~~(to)~~ approve or re-
3 ject acts of the legislature by the referendum.

Application

4 Section 2. An initiative or referendum is proposed
5 by an application containing the bill to be initiated or
6 the act to be referred. The application shall be signed
7 by not less than ^{one hundred} ~~(200)~~ qualified voters as sponsors and be
8 filed with the Secretary of State. If he finds it in
9 proper form he shall so certify. Denial of certification
10 is subject to judicial review.

Petition

11 Section 3. After certification of the application,
12 a petition containing a summary of the subject matter shall
13 be prepared by the Secretary of State for circulation by
14 the sponsors. If signed by qualified voters, equal in
15 number to ten percent of those who voted in the preceding
16 general election, and resident in at least two-thirds of
17 the election districts of the State, it may be filed with
18 the Secretary of State.

Initiative
Election

19 Section 4. An initiative petition may be filed at
20 any time. The Secretary of State shall prepare a title

Drafting Work Files - Art. XI

1 and summary of the proposed law and shall place them on
2 the ballot for the first statewide election held more
3 than one hundred twenty days after adjournment of the
4 legislative session following the filing. ~~If before~~
5 the election substantially the same measure ~~has been~~
6 enacted, the petition is void.

Referendum
Election

7 Section 5. A referendum petition may be filed only
8 within ninety days after adjournment of the legislative
9 session at which the act was passed. The ~~Secretary~~ of
10 ~~State~~ shall prepare a title and summary of the act and
11 shall place them on the ballot for the first statewide
12 election held more than one hundred twenty days after ad-
13 journment of that session.

Enactment

14 Section 6. A majority of the votes cast on the pro-
15 position is necessary for the enactment of an initiated
16 law or for the defeat of an act referred. The ~~Secretary~~
17 of ~~State~~ shall certify the election returns. An initiated
18 law is effective ninety days after certification, is not
19 subject to veto, and may not be repealed by the Legisla-
20 ture within two years of its effective date. It may be
21 amended at any time. An act rejected by referendum is
22 void thirty days after certification. ~~(The Legislature)~~
23 ~~(may prescribe)~~ Additional procedures for the initiative
24 and referendum may be prescribed by law.

Restrictions

25 Section 7. The initiative may not be used to

Drafting: Work files - Art. XI

Sdet

make 180

1 dedicate revenues, make or repeal appropriations, or enact
2 local or special legislation. The referendum shall not be
3 applied to dedications of revenue, to appropriations, to
4 local or special legislation, or to laws necessary for the
5 immediate preservation of the public peace, health or
6 safety.

Recall

7 Section 8. All elected public officials in the
8 State, except judicial officers, are subject to recall by
9 the voters of the State or political subdivision from
10 which elected. Procedures and grounds for recall shall
11 be prescribed by the ~~Legislature~~.

Drafting: Work files - Art. XI

Single -
space
small

Sundborg

Constitutional Convention
Committee Proposal/3/Enrolled
Style and Drafting
January 23, 1956

ALASKA CONSTITUTIONAL CONVENTION
REPORT OF THE COMMITTEE ON STYLE AND DRAFTING

Hon. William A. Egan, President
Alaska Constitutional Convention

Dear President Egan:

Your Committee on Style and Drafting herewith presents its redraft of the Article on Initiative, R_eferendum and Recall for consideration by the Convention.

We desire to call attention to several changes made by our committee since the enrolled copy of this proposal was delivered to delegates. Some of these were necessitated, in our opinion, to make the initiative and referendum processes clear and workable. We will ask for suspension of the rules to incorporate such amendments as are substantive in nature.

In Section 2, we have distinguished between the initial document to be filed by the 100 sponsors and the document which is circulated throughout the State. Both, in the enrolled copy, are referred to as "the petition" though it seems clear from the description of what each must contain that they are separate documents. We have called the first an application (Section 2) and the second a petition (Sections 3, 4 and 5). This is desirable, we feel, because

Committee Proposal No. 3 - Enrolled/Style and Drafting

Drafting Work Files - Art. XI

it makes it clear, among other things, that the filing date mentioned in Section 5 applies to the completed signed petition and not to the initial application by the 100 sponsors.

In Sections 2, 3, 4, 5 and 6, we have changed "attorney general" to "secretary of state" in accordance with specific instructions from the convention.

In Sections 4 and 5, we fix on the secretary of state the responsibility for placing the initiative or referendum question on the ballot. The enrolled copy provides merely that the proposition "shall go upon the ballot."

In Section 4, we have provided that an initiative question shall not go on the ballot if substantially the same measure has been enacted at any time up to the holding of the election. We feel this is a more ^{practicable} ~~reasonable~~ provision than that in the enrolled copy, ^{The provision} ~~which~~ is that only if substantially the same measure has been enacted at a particular session the question should be kept off the ballot. Initiative petitions may be filed at any time. They might be filed during a session of the legislature. We feel that if the requested legislation should be enacted at that session, the State should not be put to the trouble and expense of holding an election on the subject at some election occurring more than 120 days after the next session.

In Section 6, we have provided that a majority of votes cast on the proposition is required to enact an initiated law or defeat an act referred. The enrolled copy referred only to "a majority of the votes cast".

Drafting Work Files - Art. XI

In Section 6, we provide that the secretary of state shall certify the election returns and we provide for dates when an initiated law approved ~~in~~^{at} the polls shall take effect and when a referred law rejected at the polls should become void. These are admittedly amendments of substance. We offer them so as to make the article wholly self-executing which it was in enrolled form except in these respects. They might be added by the legislature, but the article's provision in this regard is that such procedures may be provided by the legislature. If legislators did not choose to do so, it is possible they could prevent the satisfactory working of the initiative and referendum. We hold no brief for the particular provision of 90 days in the case of the initiative and 30 days for the referendum, but feel these suggestions are appropriate.

In Section 6, we provide that the two years within which an initiative may not be repealed dates from its effective date.

There is one additional change, substantive in nature, which we feel should be incorporated, although we have not done so in our proposed draft. This would be to change the required minimum time before an election from 120 days in the case of the referendum to 180 days after the end of the legislative session. Petitions may be filed as late as 90 days after the session. Experience shows that the mechanics of getting ballots printed and distributed in Alaska, even when a petition does not have to be checked, requires at least 2½ months. The 30 days provided in the enrolled copy would

Drafting Work files - Art. XI

be unworkable. If 180 days are provided, the measure could still go on the ballot in October (if the legislature adjourns by the end of March as has been the custom) of the same year

Respectfully submitted,

George Sundborg, Chairman
R. Rolland Armstrong
Edward V. Davis
Victor Fischer
Mildred R. Hermann
James J. Hurley
Maurice T. Johnson
George M. McLaughlin
Katherine D. Nordale

State Work Files - Art. XI

January 19, 1956
Constitutional Convention
Committee Proposal/3/Enrolled

STYLE AND DRAFTING

CONSTITUTIONAL CONVENTION OF ALASKA

ARTICLE XI

INITIATIVE, REFERENDUM AND RECALL

Initiative
and
Referendum

1 Section 1. The people ^{may} ~~reserve the power to~~ propose
2 and enact laws by the initiative and ~~to~~ approve or re-
3 ject acts of the legislature by the referendum.

Application

4 Section 2. An initiative or referendum is proposed
5 by an application containing the bill to be initiated or
6 the act to be referred. The application shall be signed
7 by not less than ^{one hundred} ~~100~~ qualified voters as sponsors and be
8 filed with the ~~Secretary of State~~. If he finds it in
9 proper form he shall so certify. Denial of certification
10 is subject to judicial review.

Petition

11 Section 3. After certification of the application,
12 a petition containing a summary of the subject matter shall
13 be prepared by the ~~Secretary of State~~ for circulation by
14 the sponsors. If signed by qualified voters, equal in
15 number to ten ~~per~~cent of those who voted in the preceding
16 general election ~~and~~ resident in at least two-thirds of
17 the election districts of the State, it may be filed with
18 the ~~Secretary of State~~.

Initiative
Election

19 Section 4. An initiative petition may be filed at
20 any time. The ~~Secretary of State~~ shall prepare a title

Working Files - Art. XI

1 and summary of the proposed law and shall place them on
2 the ballot for the first statewide election held more
3 than one hundred twenty days after adjournment of the
4 legislative session following the filing. ~~If~~ before
5 the election substantially the same measure has been
6 enacted, ~~The~~ petition is void.

Referendum
Election

7 Section 5. A referendum petition may be filed only
8 within ninety days after adjournment of the legislative
9 session at which the act was passed. The ~~Secretary~~ of
10 ~~State~~ shall prepare a title and summary of the act and
11 shall place them on the ballot for the first statewide
12 election held more than one hundred twenty days after ad-
13 journment of that session.

Enactment

14 Section 6. A majority of the votes cast on the pro-
15 position is necessary for the enactment of an initiated
16 law or for the defeat of an act referred. The ~~Secretary~~
17 of ~~State~~ shall certify the election returns. An initiated
18 law is effective ninety days after certification, is not
19 subject to veto, and may not be repealed by the ~~Legisla-~~
20 ~~ture~~ within two years of its effective date. It may be
21 amended at any time. An act rejected by referendum is
22 void thirty days after certification. ~~The Legislature~~
23 ~~may prescribe~~ *Additional* procedures for the initiative
24 and referendum *may be prescribed by law.*

Restrictions

25 Section 7. The initiative may not be used to

Existing Work Files - Art. XI

1 dedicate revenues, make or repeal appropriations, or enact
2 local or special legislation. The referendum shall not be
3 applied to dedications of revenue, to appropriations, to
4 local or special legislation, or to laws necessary for the
5 immediate preservation of the public peace, health or
6 safety.

Recall

7 Section 8. All elected public officials in the
8 State, except judicial officers, are subject to recall by
9 the voters of the State or political subdivision from
10 which elected. Procedures and grounds for recall shall
11 be prescribed by the Legislature.

Swearing Work Files - Art. XI