

**FOLDER NO.**

**410.13**

Constitutional Convention  
Style & Drafting/Article XIII  
(Committee Proposal 3/Enrolled  
January 28, 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 Revision and Amendment for con-  
sideration by the Convention.

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

REPORT OF THE COMMITTEE ON STYLE & DRAFTING

Constitutional Convention  
Style & Drafting/Article XIII  
January 27, 1956

CONSTITUTIONAL CONVENTION OF ALASKA

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

ARTICLE XIII

AMENDMENT AND REVISION

Constitutional  
Amendments

1 Section 1. Amendments to this constitution  
2 may be approved by a two-thirds vote of each house  
3 of the legislature. The secretary of state shall  
4 prepare a ballot title and proposition summarizing  
5 each proposed amendment and shall place them on the  
6 ballot for the next general election. If a majority  
7 of the votes cast on the proposition favor the  
8 amendment, it is adopted. Unless otherwise provided  
9 in the amendment, it becomes effective thirty days  
10 after the certification of the election returns by  
11 the secretary of state.

Constitutional  
Convention

12 Section 2. The legislature may provide for  
13 constitutional conventions.

Call by Refer-  
endum

14 Section 3. If during any ten year period a  
15 constitutional convention has not been held, the

1 secretary of state shall place on the ballot for  
2 the next general election the question: "Shall  
3 there be a constitutional convention?" If a maj-  
4 ority of the votes cast on the question are in the  
5 affirmative, delegates to the convention shall be  
6 chosen at the next regular statewide election unless  
7 the legislature provides for the election of the  
8 delegates at a special election. The secretary of  
9 state shall issue the call for the convention.  
10 Unless other provisions have been made by law, the  
11 call shall conform as nearly as possible to the act  
12 calling the Alaska Constitutional Convention of  
13 1955 including, but not limited to, number of mem-  
14 bers, districts, election and certification of  
15 delegates, and submission and ratification of re-  
16 visions and ordinances. The appropriation provi-  
17 sions of the call shall be self-executing and shall  
18 constitute a first claim on the state treasury.

Convention  
Powers

19 Section 4. Constitutional conventions shall  
20 have plenary power to amend or revise the consti-  
21 tution, subject only to ratification by the people.  
22 No call for a constitutional convention shall limit  
23 these powers of the convention.

FIRST ENROLLED COPY

Constitutional Convention  
Committee Proposal/3/Enrolled  
January 9, 1956

CONSTITUTIONAL CONVENTION OF ALASKA

COMMITTEE PROPOSAL NO. 3

Introduced by Committee on Direct Legislation

INITIATIVE, REFERENDUM AND RECALL  
AMENDMENT AND REVISION

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

ARTICLE ON DIRECT LEGISLATION

- Initiative 1 Section 1. The people reserve the power by petition  
2 to propose laws and to enact or reject such laws at the  
3 polls.
- Referendum 4 Section 2. The people reserve the power to require,  
5 by petition, that laws enacted by the legislature be  
6 submitted to the voters for approval or rejection.
- Procedure 7 Section 3. The legislature shall prescribe the  
8 procedures to be followed in the exercise of the powers  
9 of initiative and referendum, except as herein provided.
- Petitions, 10 Section 4. Prior to general circulation, an initia-  
ballot 11 tive petition containing a draft of the proposed law in bill  
title, 12 form shall be signed by 100 qualified electors as sponsors  
election, 13 and have its sufficiency as to form certified by the attor-  
vote re- 14 ney general. The same procedure, so far as applicable,  
quired 15 shall apply to referendum petitions. Denial of certification

1 shall be reviewable by the court. If certified to be suf-  
2 ficient the initiative or referendum petition containing a  
3 summary of the subject matter prepared by the attorney  
4 general may then be circulated and must be signed by qual-  
5 ified electors equal to 10% of the number of voters who  
6 voted in preceding general election. The petition  
7 shall contain signatures of qualified electors resident in  
8 at least two-thirds of the election districts of the State.  
9 The petition may be filed with the attorney general who  
10 shall prepare a ballot title or proposition designating  
11 and summarizing the substance of the proposed law which  
12 proposition shall go upon the ballot as hereinafter pro-  
13 vided. Initiative petitions may be filed at any time.  
14 Referendum petitions shall be filed within 90 days after  
15 adjournment of the legislative session at which the measure  
16 was passed. Laws proposed by the initiative shall be sub-  
17 mitted to the voters by ballot title at the first statewide  
18 election which occurs more than one hundred twenty (120)  
19 days after adjournment of the legislative session following  
20 the filing of the initiative petition, unless the legisla-  
21 ture at said session shall have enacted substantially the  
22 same measure. Questions on referendum shall also be sub-  
23 mitted to the voters by ballot title at the first statewide  
24 election occurring more than one hundred twenty (120) days  
25 after adjournment of the legislature which passed the law

1 being referred. A majority of the votes cast is necessary  
2 for the adoption of an initiated law, or the defeat of a  
3 measure referred. No law passed by the initiative may be  
4 vetoed by the Governor nor may it be repealed by the legis-  
5 lature for a period of two years, but may be amended at  
6 any time.

Restrictions

7 Section 5. The initiative and referendum may not be  
8 used as a means of earmarking revenues, for making or de-  
9 feating appropriations of public funds, or for local or  
10 special legislation. The referendum shall not be applic-  
11 able to such laws as are necessary for the immediate pre-  
12 servation of the public peace, health or safety, and laws  
13 making appropriations for the current expenses of the  
14 State government and for the maintenance of public  
15 institutions.

Recall

16 Section 6. Every elected public official in the State,  
17 except judicial officers, is subject to recall by the  
18 voters of the State or subdivision from which elected.  
19 The legislature shall prescribe the recall procedures and  
20 grounds for recall.

F I R S T E N R O L L E D C O P Y

ARTICLE ON REVISION AND AMENDMENT

Methods

1           Section 1. Revisions of or amendments to this Con-  
2 stitution may be adopted by the Legislature or by consti-  
3 tutional convention as hereinafter authorized subject to  
4 ratification by the people.

Proposals by  
Legislature

5           Section 2. Any legislature may by a two-thirds vote  
6 of each house propose amendments to the Constitution. Pro-  
7 posed amendments shall be submitted by ballot title prepared  
8 by the Attorney General to the voters at the next general  
9 election. If a majority of the votes tallied on the ques-  
10 tion favor the ratification of the amendment, the amend-  
11 ment is ratified.

Constitutional  
Convention

12           Section 3. The legislature may provide for Consti-  
13 tutional Conventions. If any ten-year period elapses dur-  
14 ing which the legislature has not called a convention,  
15 the Governor shall certify the question, "Shall there be a  
16 Constitutional Convention?" The question shall be sub-  
17 mitted at the first general election following the expir-  
18 ation of such period. If a majority of the ballots cast  
19 upon the question are in the affirmative, delegates to the  
20 convention shall be chosen at the next regular election  
21 unless the legislature provides for the election of  
22 delegates at a special election.

23           Unless the legislature provides otherwise, the law  
24 providing for the Alaska Constitutional Convention of 1955  
25 shall be followed insofar as possible relating to number



1 of members, districts, convention powers, election and  
2 certification of delegates, submission and ratification  
3 of revisions and ordinances, and other applicable pro-  
4 visions. The appropriation provisions of the law shall  
5 be self-executing and shall constitute a first claim on  
6 the general fund of the State Treasury. The legislature  
7 may provide additional appropriations.

Constitutional Convention  
Committee Proposal/3  
December 9, 1955

ALASKA CONSTITUTIONAL CONVENTION  
REPORT OF THE COMMITTEE ON  
DIRECT LEGISLATION, AMENDMENT AND REVISION

Hon. William A. Egan  
President, Alaska Constitutional Convention

Dear Mr. President:

Your Committee on Direct Legislation, Amendment and Revision presents for your consideration and adoption its proposed Articles on Initiative, Referendum and Recall; and Amendment and Revision.

The Committee proposal, while incorporating many of the ideas contained in Convention Proposals No. 29 and 34, and in other drafts submitted to the Committee, is a Committee substitute.

A section by section commentary of the subject matter has been prepared by your Committee for the use of the Delegates to the Convention.

Respectfully submitted,  
E. B. Collins, Chairman  
Jack Hinckel  
M. R. Marston  
Irwin L. Metcalf  
Warren A. Taylor  
W. O. Smith  
Leonard King

CONSTITUTIONAL CONVENTION OF ALASKA

COMMITTEE PROPOSAL NO. 3

Introduced by Committee on Direct Legislation

INITIATIVE, REFERENDUM AND RECALL  
AMENDMENT AND REVISION

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

ARTICLE ON DIRECT LEGISLATION

Initiative 1 Section 1. The people reserve the power by petition  
2 to propose laws and to enact or reject such laws at the  
3 polls.

Referendum 4 Section 2. The people reserve the power to require,  
5 by petition, that laws enacted by the legislature be  
6 submitted to the voters for approval or rejection.

Procedure 7 Section 3. The legislature shall prescribe the  
8 procedures to be followed in the exercise of the powers  
9 of initiative and referendum, subject to the specific  
10 authority reserved herein. No law shall be enacted to  
11 hamper, restrict or impair the exercise of powers reserved  
12 herein by the people.

Petitions, 13 Section 4. Prior to general circulation, an initia-  
ballot 14 tive petition shall be signed by ten qualified electors  
title, 15 as sponsors and have the constitutionality certified by  
election, 16 the Attorney General. Certification shall be reviewable  
vote re- 17 by the courts. A valid initiative or referendum petition  
quired 18 shall be signed by qualified electors equal to eight

1 percent of the number of votes cast for Governor in the  
2 preceding general election at which the Governor was  
3 chosen. Petitions shall be filed with the Attorney Gen-  
4 eral, who shall prepare a ballot title, and the adequa-  
5 cy of the ballot title shall be reviewable by the courts.  
6 Initiative petitions may be filed at any time. Refer-  
7 endum petitions shall be filed within 90 days after ad-  
8 journment of the legislative session at which the measure  
9 was passed. Laws proposed by the initiative shall be  
10 submitted to the voters by ballot title at an election  
11 not later than 180 days after the adjournment of the  
12 legislative session following the filing of the petition,  
13 unless the legislature enacts the measure initiated  
14 during the session. The question on referendum shall be  
15 submitted to the voters by ballot title not later than  
16 120 days after the filing of a petition against the mea-  
17 sure. A majority of the votes cast is necessary for the  
18 adoption of an initiated law, or the defeat of a measure  
19 referred. No law passed by the initiative may be vetoed  
20 by the Governor, nor amended or repealed by the legislature  
21 for a period of three years.

**Restrictions**

22 Section 5. Neither the initiative nor referendum may  
23 *the initiative or referendum may*  
*not be used as a means of earmarking revenues,*  
24 *for making or defeating appropriation of Public Funds*  
25 *or for local or special legislation.* may be used as a means of making or defeating appropria-  
tions of public funds or earmarking of revenues nor for  
local or special legislation. Emergency acts are not

1 subject to referendum.

Recall

2 Section 6. Every elected public official in the  
3 State, except judicial officers, is subject to recall by  
4 the voters of the State or subdivision from which elected.  
5 Grounds for recall are malfeasance, misfeasance, nonfeas-  
6 ance, or conviction of a crime involving moral turpitude.  
7 The legislature shall prescribe the recall procedures.

ARTICLE ON REVISION AND AMENDMENT

Methods

1 Section 1. Revisions of or amendments to this  
2 constitution may be adopted by two succeeding legisla-  
3 tures, or be proposed by constitutional convention or  
4 by the legislature.

Proposals by  
Legislature

5 Section 2. Any legislature may by a two-thirds  
6 vote of each house propose amendments to the Constitu-  
7 tion. Proposed amendments may be submitted by ballot  
8 title prepared by the Attorney General to the voters at  
9 the next general election. If a majority of the votes  
10 tallied on the question favor the adoption of the amend-  
11 ment, the amendment is adopted.

12 Proposed amendments may be submitted to the next  
13 legislature not less than two years after being proposed.  
14 If the second legislature by a two-thirds vote of each  
15 house favors the adoption of the amendment, the amend-  
16 ment is adopted.

Constitutional  
Convention

17 Section 3. The legislature may provide for  
18 Constitutional Conventions. If any ten-year period  
19 elapses during which the legislature has not called a  
20 convention, the Governor shall certify the question,  
21 "Shall there be a Constitutional Convention?" The  
22 question shall be submitted at the first general elec-  
23 tion following the expiration of such period. If a  
24 majority of the ballots cast upon the question are in  
25 the affirmative, delegates to the convention shall be

ARTICLE ON REVISION AND AMENDMENT

-2-

1 chosen at the next regular election unless the legisla-  
2 ture provides for the election of delegates at a special  
3 election.

4 Unless the legislature provides otherwise, the law  
5 providing for the Alaska Constitutional Convention of  
6 1955 shall be followed insofar as possible relating to  
7 number of members, districts, convention powers, election  
8 and certification of delegates, submission and ratifica-  
9 tion of revisions and ordinances, and other applicable  
10 provisions. The appropriation provisions of the law  
11 shall be self-executing and shall constitute a first  
12 claim on the general fund of the State Treasury. The  
13 legislature may provide additional appropriations.

ALASKA CONSTITUTIONAL CONVENTION

Commentary on the Article of Initiative, Referendum  
and Recall

(Sec. 1 Initiative)

The initiative is the power of the people to initiate laws themselves and provide for a referendum on such laws without action by the legislature. This section reserves the authority of the people to initiate laws by petition and vote of the people directly.

(Sec. 2 Referendum)

This section permits the people to require that laws passed by the Legislature be referred to a vote of the people before taking effect. This power is known as the Referendum.

(Sec. 3 Procedure)

Many constitutions, in the states, which make provision for the use of the initiative and referendum, contain a great degree of detail relating to the exercise of the initiative and referendum. This section permits the legislature to provide by law for some details, but provides that the legislature may not restrict the substantive rights guaranteed in Section 4, nor to require procedures more difficult than provided in Section 4.

(Sec. 4 Petition, Ballot title; election; vote required)

This section sets forth certain substantive provisions and minimum procedures affecting the exercise of the initiative



and referendum. To prevent waste of money on elections for laws that are unconstitutional, sponsors are required to submit a proposed law to the Attorney General for certification of its constitutionality, subject to court review, prior to the circulation of petitions. The provision is intended to stop, at the initial stage, the circulation of petitions for laws that would, even if approved by the voters, result in expensive court action.

If the legislature adopts a measure that is the subject of the initiative, the measure does not have to be submitted to the people.

Additional details of procedure may be provided by the legislature subject to the limits imposed by this section. The procedure outlined has the advantage of brevity while ensuring the substantive rights to the people.

(Sec. 5 Restrictions)

The exercise of the initiative is a fundamental right of the people, but special interest groups should not be permitted to unduly hamper the operation of government. The restrictions in Section 5 will prevent the abuses and problems that have sometimes arisen in the states permitting initiative and referendum. Neither the initiative nor referendum can be used with regard to emergency legislation, appropriations, or measures earmarking taxes and other revenues, or for special or local laws that are of interest to only one group of people or people in only one portion of the state.

(Sec. 6 Recall)

The right of the people to remove elected officials is preserved. The Legislature is directed to provide the methods to be used.

Commentary on the Article on Amendment and Revision

(Sec. 1 Methods)

This section outlines three methods by which the constitution may be amended or revised. (1) By action of two separate legislatures directly; (2) by action of one legislature and referral to the people; and (3) by constitutional convention.

(Sec. 2 Proposals by Legislature)

The Legislature, by a two-thirds vote, may submit a proposed amendment to a vote at a general election. Use of general election is intended to insure a substantial vote on the question.

An alternate method is provided which permits the legislature, by a two-thirds vote, to submit a proposed amendment to the next legislature, but not to a succeeding session of the same legislature. If the second legislature adopts the amendment by a two-thirds vote it becomes part of the constitution without referring it to a vote of the people.

(Sec. 3 Constitutional Convention)

The legislature is empowered to call a convention, but if the legislature does not provide for a convention each ten years, the question is submitted to the people at the following general election.

The legislature is authorized to prescribe the procedures and powers of a convention; but if it does not make such provisions, the law calling this convention will be followed insofar as practicable.