

# State of Alaska

2008 Ballot Measures Voter Guide

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**It's Your State,  
It's Your Voice,  
It's Your Choice!**

**VOTE!**

**Primary Election**

**August 26, 2008**

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**Division of Elections**

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### Help Your Community!

If you'd like to get paid to serve your community.....

If you enjoy spending time with your neighbors and meeting new people.....

If you like helping people exercise their right to vote.....

### Sign up to be a poll worker!

Each election cycle the regional election offices appoint hundreds of poll workers.

If you would like to be a poll worker, contact the regional office closest to you.  
(Office locations are on the back of this pamphlet)

**This publication was prepared by the Division of Elections, produced at a cost of \$.15 per copy to inform Alaskan voters about issues appearing on the 2008 Primary Election Ballot per AS 15.58.010 and printed in Portland, Oregon.**

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**STATE OF ALASKA**  
**Division of Elections**  
**Office of the Lieutenant Governor**

August 2008

Dear Alaska Voter:

The Division of Elections is pleased to provide you with the *2008 Primary Election Ballot Measures Voter Guide*.

This pamphlet has been prepared to provide you with information about ballot measures appearing on the Primary election ballot. For each ballot measure, this pamphlet provides:

- The ballot language
- A neutral summary prepared by the Legislative Affairs Agency
- A statement of costs
- The full text of the proposed law as submitted by the initiative committee
- A statement in support of the measure
- A statement in opposition of the measure

While there are also candidates appearing on the ballot, according to state law, this pamphlet is to contain ballot measure and voting information.

I hope you will take time to read the information prior to casting your vote in the August 26, 2008 Primary election. The Division of Elections encourages you to get your family, friends and neighbors involved in the electoral process. Your vote does make a difference.

Sincerely,

A handwritten signature in cursive script that reads "Gail Fenumiai".

Gail Fenumiai  
Director

# Voting Information

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Primary Election Day is August 26, 2008

## Polling Places

The polls will be open from 7:00 a.m. to 8:00 p.m. on Election Day. **To locate your polling place please call 1-888-383-8683. In Anchorage, please call 269-8683.**

## Bring Identification to the Polls

You **MUST** be prepared to show one form of identification. You may use the following ID:

- Voter ID Card
- Driver's License
- State ID Card
- Current and valid photo ID Card
- Passport
- Military ID Card
- Birth Certificate
- Hunting or Fishing License

**or**, you may use an original copy of one of the following documents if it contains your name and current address:


- Current Utility Bill
- Government Check
- Bank Statement
- Pay Check
- Other Government Document

*If you do not have identification when voting, you will be asked to vote a questioned ballot.*

## What Happens if Your Name is not on Register

If your name does not appear on the precinct register, you may vote a questioned ballot. Before receiving a ballot, you must complete a questioned ballot envelope. Your voted ballot will be placed in a secrecy sleeve and then the secrecy sleeve will be sealed inside the completed questioned ballot envelope. All questioned ballots are returned to the Election Supervisor for review and counting by the Questioned Ballot Review Board.

## Marking the Ballot

When voting the ballot, completely fill in the oval next to the candidate or issue you wish to vote for. Fill in the oval like this: 

You only have to mark the races or issues you choose to vote for. If you mark more than one choice in a race or issue, that section of the ballot will **NOT** be counted. The sections of the ballot that are properly marked will be counted.

If you make a mistake marking your ballot, **DO NOT** erase or correct the ballot. You may return the spoiled ballot to an election worker and request a new ballot. If you attempt to correct a mistake on the ballot, the corrected vote may not be counted. **Note:** *You may only receive a replacement for a spoiled ballot 2 times.*

## Campaigning Prohibited Near Polls

Alaska law prohibits political persuasion within 200 feet of any entrance to a polling place during the hours the polls are open. This means you may not discuss or display campaign items for candidates or issues appearing on the ballot at that polling place.

# Voter Rights/Assistance While Voting

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## **Questioned Voting**

If your name is not listed on the precinct register or if you do not have identification, you have the right to vote a questioned ballot. The information you provide on the outside of the questioned ballot envelope will be used to determine your voting eligibility and to update your voter registration information. If for any reason your questioned ballot is not fully counted, you will be notified in writing.

## **Language or Other Assistance While Voting**

If you need assistance during the voting process, you may have a person of your choice provide any needed assistance as long as that person is not a candidate for office in the election, is not your employer, agent of your employer or agent of a union you belong to. Assistance may be provided during each step of the voting process, including assistance inside the voting booth with reading or marking the ballot. You may also receive assistance from the election board. This is your right under federal law.

The Division of Elections provides for language assistance for Alaska Native and Filipino (Tagalog) voters who have limited English proficiency through the use of bilingual election workers and interpreters. Alaska Native language assistance is available on Election Day in many rural polling places throughout the state. Filipino (Tagalog) language assistance is available on Election Day in Kodiak. If you need language assistance, please contact the Division of Elections.

## **Touch Screen Voting Option**

There will be one touch screen voting unit in each polling place. Touch screen voting is intended for the blind, disabled, and for voters who do not read well. Alaska's touch screen voting unit allows disabled voters to vote unassisted through the use of magnified, high contrast and audio ballots. If you need to vote using the touch screen voting unit, let the election board know.

## **Visually Impaired Voters**

Magnifying ballot viewers for the visually impaired will be available at all polling places and absentee voting sites.

Audio tape recordings of the 2008 Ballot Measures Voter Guide are available from the Alaska State Library, Talking Book Center, located in Anchorage. Telephone the library at (907) 269-6575 for information.

## **Hearing Impaired Voters**

The Division of Elections has a TTY telecommunications device, which allows hearing impaired voters to obtain general information about elections by calling (907) 465-3020.

## **Physically Disabled Voters**

If you have difficulty gaining access to your polling place, or if you have accessibility questions about your polling place, please let the Division of Elections know. We make every effort to ensure that polling places are accessible to all Alaskans.

**If you have questions or would like more information about our special services, please contact any regional elections office.**

### **Region I**

**Juneau: (907) 465-3021**

### **Region II**

**Anchorage: (907) 522-8683**

**Mat-Su: (907) 373-8952**

### **Region III**

**Fairbanks: (907) 451-2835**

### **Region IV**

**Nome: (907) 443-5285**

# 2008 Primary Election Ballot Choices

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In Alaska, the political parties determine which candidates will have access to their ballot and which voters are eligible to vote their ballot. Based on the political party by-laws, the below table outlines the 2008 Primary election ballot choices.

There are three ballot types:

<b>Ballot Type</b>	<b>Candidates on Ballot</b>	<b>Who Can Vote This Ballot</b>
<b>A-D-L Candidate</b> and Ballot Measures	<b>Alaskan Independence</b> <b>Democrat</b> <b>Libertarian</b>	<b>Any registered voter</b> Party affiliation listed on register is: (A - D - G - L - M - R - N - U - V)
<b>Republican Candidate</b> and Ballot Measures	<b>Republican</b>	<b>Voters registered as:</b> <b>Republican, Undeclared and</b> <b>Nonpartisan</b> Party affiliation listed on register is: (R - U - N)
<b>Ballot Measures Only</b>	<b>No Candidates</b> This ballot contains ballot measures only.	<b>Any registered voter</b>

- ❖ The political party affiliation listed on your voter registration record 30 days prior to the election determines which Primary ballot type you are eligible to vote. Your political party affiliation is printed on the precinct register.
- ❖ The election board will look at the political party affiliation listed on the precinct register to determine which ballot type you are eligible to vote. You may vote only ONE ballot type.
- ❖ If you want a different ballot type than what the precinct register shows you are eligible for, you must vote a questioned ballot.
- ❖ If you do not want to vote for any political party candidates, you may request the Ballot Measures Only ballot.

# Absentee Voting

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## Early/In Person/By Mail/By Fax/Special Needs Voting

There are several absentee voting options available during each election. You may vote absentee in person, by mail, by fax or vote a special needs ballot through a personal representative.

### **Voting Early or Absentee In Person**

Beginning **August 11, 2008**, you may vote at an absentee voting site. Ballots for all 40 districts are available at all Regional Elections offices. In addition to the Regional Elections offices, there are many other voting sites throughout Alaska that will have ballots for their house district. For more information or for a list of absentee voting locations visit our website or contact a Regional Elections office.

### **Special Needs Voting**

If you are unable to go to the polls due to age, serious illness or a disability, you may have a personal representative pick up and deliver a ballot to you beginning 15 days before an election at an absentee voting site or on Election Day at the polling place. Your personal representative can be anyone over 18, except a candidate for office in the election, the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's union.

### **Voting By Mail or By Fax**

The Division of Elections Absentee Office in Anchorage handles all absentee by mail and fax applications. To vote by mail or by fax, you must submit an application.

#### **Absentee By Mail**

Absentee ballot applications can be submitted after January 1st of each election year.

You can request a ballot for a specific election or for all elections in the year. **Absentee by mail ballot applications for the Primary election must be received by August 16, 2008.**

Apply early to ensure timely delivery of your ballot. Your voted ballot must be postmarked on or before Election Day.

#### **Absentee By Fax**

Voting by fax should be your last alternative for casting a ballot. You may apply for fax voting **August 11, 2008 through 5:00pm Alaska Time on August 25, 2008.** You may return your voted fax ballot by mail or by fax. **If you return your voted ballot by fax, it must be received no later than 8:00pm Alaska Time on Election Day.** If you return your voted ballot by mail, it must be postmarked on or before Election Day.

If you have questions about voting by mail or fax, please contact the Absentee Office at:

Division Of Elections  
Absentee Voting Section  
619 E. Ship Creek Ave. #329  
Anchorage, Alaska 99501-1677  
Phone: (907) 375-6400 - Fax: (907) 375-6480

For more information about absentee voting, contact any Division of Elections office or visit our website at:

**[www.elections.alaska.gov](http://www.elections.alaska.gov)**



**Mail or Fax Your Completed Absentee By Mail Ballot Application To:**  
 Division Of Elections  
 Absentee Voting Section  
 619 E. Ship Creek Ave. #329  
 Anchorage, Alaska 99501-1677  
 Phone: (907) 375-6400 - Fax: (907) 375-6480

**2008 State of Alaska Absentee By Mail Ballot Application**

This application MUST be received AT LEAST 10 DAYS prior to election day - APPLY EARLY

<b>1. Send ballot(s) for:</b> <input type="checkbox"/> All Elections <input type="checkbox"/> Primary (August) <input type="checkbox"/> General (November) <input type="checkbox"/> REAA/CRSA (October) To request an absentee by mail ballot for city/borough elections, you must apply directly with your city/borough clerk's office.			
<b>2. You MUST complete this section for registration:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No    I am a citizen of the United States. <input type="checkbox"/> Yes <input type="checkbox"/> No    I am at least 18 years old or will be within 90 days of completing this application. If you checked NO to either question, do not complete this form as you are not eligible to register to vote.			
<b>3. Last Name</b>		<b>First Name</b>	
		<b>Middle Initial</b>	
<b>Suffix (Sr., Jr., Etc.)</b>			
<b>4. Name Previously Registered:</b> _____		<b>5. *Voter Number:</b> _____ (If Known)	
<b>6. You MUST Provide the Alaska Residence Address Where You Claim Residency</b> – do not use PO, PSC, HC or RR House No.    Street Name    Apt #    City    State			
<b>ALASKA</b>			
If your mailing address is DIFFERENT than your residence address, and you want to keep your residence address confidential, check the following box. * [ ] Yes, please keep my residence address confidential.			
<b>7. Permanent Mailing Address</b> _____ _____ _____		<b>8. *Identifiers – You MUST provide at least ONE</b> SSN or Last 4 of SSN: _____/_____/_____ AK Driver's License No.: _____ AK State Identification No.: _____ <input type="checkbox"/> I have not been issued a SSN or AK Driver's License or AK State ID No.	
<b>9. * Date of Birth</b> – You MUST provide _____/_____/_____ <small>Month    Day    Year</small>		<b>10. Sex</b> <input type="checkbox"/> Male <input type="checkbox"/> Female	
<b>11. Political Affiliation</b> – For information on political affiliation choices in Alaska, see No. 7 in instructions. Write political affiliation here: _____ (Your primary ballot choice is based on your political affiliation.)			
<b>12. For Military and Overseas Voter ONLY – Check One</b> <input type="checkbox"/> I am a member of the Uniformed Services or merchant marine on active duty, or an eligible spouse or dependent. <input type="checkbox"/> I am a U.S. Citizen temporarily residing outside the U.S. or other U.S. citizen residing outside the U.S.		<b>13. *Contact</b> - (Include all state and international prefixes) Daytime Phone: _____ Evening Phone: _____ E-Mail Address: _____	
<b>14. Ballot Mailing Address</b> <input type="checkbox"/> Check here to mail your ballot to the permanent mailing address listed above or provide a different address below: _____ _____ _____		<b>15. *Primary Ballot Choice</b> (August Election Only) You MUST select ONE ballot choice or you may not receive a ballot. <b>See instructions for more information about ballot choice.</b> <input type="checkbox"/> Ballot with Alaskan Independence, Democratic, Libertarian Candidates and Ballot Measure(s) <input type="checkbox"/> Ballot with Alaska Republican Candidates and Ballot Measure(s) <input type="checkbox"/> Ballot Measure(s) ONLY (no candidates)	
<b>16. <input type="checkbox"/> For Military and Overseas Voters:</b> Check here if you selected a choice under No. 12 and would like to receive ballots through the next two regularly scheduled General Elections at the ballot mailing address you provided in No. 14.			
<b>17. <input type="checkbox"/> Special Advance Ballots:</b> Check this box if you will be living, working, or traveling outside the U.S. or you are in a remote area of Alaska and would like a special advance ballot. Ballots are mailed beginning 60 days prior to election day. See No. 9 in instructions for additional information about this ballot.			
<b>18. Voter Certificate. Read and sign:</b> I swear or affirm, under penalty of perjury, that: The information on this form is true, accurate, and complete to the best of my knowledge and I am eligible to vote in the requested jurisdiction, I am not requesting a ballot from any other state, and I am not voting in any other manner in this (these) election(s). I further certify that I am an Alaska resident and that I have not been convicted of a felony, or having been so convicted, have been unconditionally discharged from incarceration, probation and/or parole. I am not registered to vote in another state or I have taken the necessary steps to cancel that registration. <b>WARNING: If you provide false information on this application you can be convicted of a felony and/or misdemeanor. (AS 15.56.040; AS 15.56.050)</b>			
<b>*Signature</b> _____		<b>Date</b> _____	
<b>Registrar/Agency/Official – Check ID and complete this section</b> Registrar Name _____ Voter # or SSN _____ OR Agency Name: _____		<b>For Office Use Only</b> <input type="checkbox"/> S/A & M/A    VN _____ <input type="checkbox"/> M/A <input type="checkbox"/> Return Codes _____    D/P _____	

\*Items are kept confidential by the Division of Elections and are not available for public inspection except that confidential addresses may be released to government agencies or during election processes as set out in state law.



# Sample Ballot



**State of Alaska Official Ballot**  
**Primary Election**  
**August 26, 2008**  
**Official XXXX Party Ballot**

**Instructions:** To vote, completely fill in the oval next to your choice, like this: ●

<b>United States Senator</b> (vote for one)	<b>Ballot Measure No. 2</b> <b>Bill Amending Same Day Airborne Shooting</b> <b>05HUNT</b>
<input type="radio"/> US Senate Candidate <span style="float: right;">Party Endorsement</span>	This bill amends current law banning same-day airborne shooting to include grizzly bears. The bill permits the Board of Game to allow a predator program for wolves and grizzly bears if the Commissioner of Fish and Game finds an emergency, where wolves or grizzly bears in an area are causing a decline in prey. Only employees of the Department of Fish and Game could take part in the program. Only the minimum number of wolves or grizzly bears needed to stop the emergency could be removed.  Should this initiative become law? <input type="radio"/> YES <input type="radio"/> NO
<b>United States Representative</b> (vote for one)	
<input type="radio"/> US Representative Candidate <span style="float: right;">Party Endorsement</span>	
<b>State Senator District X</b> (vote for one)	
<input type="radio"/> State Senator Candidate <span style="float: right;">Party Endorsement</span>	
<b>State Representative District XX</b> (vote for one)	<b>Ballot Measure No. 3</b> <b>Bill Providing For Public Funding In Campaigns</b> <b>07CASE</b>
<input type="radio"/> State Representative <span style="float: right;">Party Endorsement</span>	This bill creates a voluntary program of public funding for state election campaigns. To qualify, candidates must collect a certain number of signatures and \$5 campaign contributions from voters in the area in which the candidate is running for office. Qualified candidates that agree to limits for campaign fundraising and spending may receive campaign funding from the State of Alaska based on the office sought. A qualified candidate may receive state matching funds if the candidate is opposed by a candidate that does not take part in the program.  Should this initiative become law? <input type="radio"/> YES <input type="radio"/> NO
<b>Ballot Measure No. 1</b> <b>Establishing Alaska Gaming Commission</b> <b>05GAM2</b>	
This initiative would create a seven-member gaming commission in the state Department of Revenue, and change gaming laws. The commission would employ a director, make contracts, adopt regulations, investigate and enforce gaming laws. The commission would have authority to allow games of chance, such as lotteries and casino games, in the future. It could join other states in multi-state gaming. The director would supervise gaming activities, and enforce charitable gaming laws. The initiative would make certain acts related to gaming a felony. Gaming allowed by the new law would be exempted from the criminal prohibition against gambling.  Should this initiative become law? <input type="radio"/> YES <input type="radio"/> NO	

**Continue Voting on Next Side**

# Sample Ballot

**Ballot Measure No. 4**  
**Bill Providing For Regulation Of Water Quality**  
**07WTR3**

This bill imposes two water quality standards on new large scale metallic mineral mining operations in Alaska. The first standard does not allow such a mining operation to release into water a toxic pollutant that will adversely affect human health or the life cycle of salmon. The second standard does not allow such a mining operation to store mining wastes and tailings that could release sulfuric acid, other acids, dissolved metals or other toxic pollutants that could adversely affect water that is used by humans or by salmon. The bill defines a large scale metallic mineral mining operation to mean a metallic mineral mining operation that is in excess of 640 acres in size. The bill defines toxic pollutants to include substances that will cause death and disease in humans and fish, and includes a list of substances identified as toxic pollutants under federal law.

Should this initiative become law?

YES

NO

SAMPLE

Continue Voting on Next Side

BACK Card 108 SEQ# 1

# 2008 Primary Election Ballot Measures

## **Ballot Measure No. 1**

Establishing Alaska Gaming Commission

## **Ballot Measure No. 2**

Bill Amending Same Day Airborne Shooting

## **Ballot Measure No. 3**

Bill Providing For Public Funding In Campaigns

## **Ballot Measure No. 4**

Bill Providing For Regulation Of Water Quality

# Ballot Measure 1

## Establishing Alaska Gaming Commission

### BALLOT LANGUAGE

This initiative would create a seven-member gaming commission in the state Department of Revenue, and change gaming laws. The commission would employ a director, make contracts, adopt regulations, investigate and enforce gaming laws. The commission would have authority to allow games of chance, such as lotteries and casino games, in the future. It could join other states in multi-state gaming. The director would supervise gaming activities, and enforce charitable gaming laws. The initiative would make certain acts related to gaming a felony. Gaming allowed by the new law would be exempted from the criminal prohibition against gambling.

Should this initiative become law?

Yes

No

### LEGISLATIVE AFFAIRS AGENCY SUMMARY

This would create a body called the Alaska Gaming Commission. The members of the body would be appointed by the governor. Some members of the body would have to have special training or backgrounds. The body would oversee existing gaming by qualified groups, cities, and boroughs. The body would also be permitted to allow new types of gaming to be conducted by other persons under rules set by the body. The body could hire a director and other persons to assist the body in performing its duties.

### STATEMENT OF COSTS

As required by AS 15.58.020(6)(c), the Alaska Department of Revenue has prepared the following statement of costs to the Department of implementing the law proposed by this ballot initiative.

This initiative would establish within the Department of Revenue a Gaming Commission, which would have authority to enable and regulate

essentially any form of gaming in Alaska, including charitable gaming. The Commission would establish regulations governing any permitted forms of gaming. These regulations would, among other things, determine what revenue the state would receive from any permitted gambling. Because every aspect of gaming in Alaska would be determined by the future decisions of the commission, it is impossible to predict the revenue impacts of this initiative. It is also difficult to predict the costs associated with implementing the initiative.

The gaming commission would consist of seven members, who would be required to hire an executive director, and would be required to have a yearly audit of their accounts. The Department estimates that the minimum additional costs, beyond the current costs for administering charitable gaming, would amount to approximately \$220,000 for the first year if the Commission authorized no additional gaming.

If the commission retained the current charitable gaming regulations, and authorized significant new gaming, the additional cost, beyond the \$220,000 cited above and the current costs to administer charitable gaming, could reach \$2.2 million per year or more. These costs would primarily be for hiring the staff required to audit the records of gaming companies. If the commission authorized Video Lottery Terminals on a statewide basis, establishing a computer system to administer this form of gambling would add approximately \$1.6 million in the first year.

### FULL TEXT OF PROPOSED LAW

**“An Act relating to establishing the Alaska Gaming Commission.”**

**BE IT ENACTED BY THE PEOPLE OF THE STATE OF ALASKA:**

#### FINDINGS AND PURPOSE:

The people of the State of Alaska find and determine that it is in the public interest to have controlled, well managed gaming in Alaska,

*The text of this bill is presented as submitted by petition sponsors.*

# Ballot Measure 1

## Establishing Alaska Gaming Commission

and protect the public to:

- (1) provide recreational opportunities for Alaskans,
- (2) attract additional tourists to Alaska because the activities available to them will increase,
- (3) retain revenue in Alaska which now leaves the State because of illegal, out-of-state and internet gaming,
- (4) provide new economic development as a sustainable industry,
- (5) provide additional potential sources of revenue to support programs such as education, transportation, fish and wildlife management, and operations of state and local governments, and
- (6) help protect the permanent fund.

**\*Section 1.** AS 04.11.370(c) is amended to read:

(c) If the board receives notice from the **Alaska Gaming Commission** [DEPARTMENT OF REVENUE] that a licensee or permittee has violated a provision of AS 05.15 related to gambling, the board

- (1) may suspend the license or permit; and
- (2) shall suspend the license or permit for a period of at least 30 days if the offense is the person's second or subsequent violation of AS 05.15 related to gambling.

**\*Sec. 2.** AS 05.15.010 is amended to read:

**Sec. 05.15.010. Alaska Gaming Commission** [DEPARTMENT OF REVENUE] to administer chapter. The **Alaska Gaming Commission in the** Department of Revenue shall administer this chapter.

**\*Sec. 3.** AS 05.15.690 is amended by adding a new paragraph to read:

(46) "commission" means the Alaska Gaming Commission.

**\*Sec. 4.** AS 05 is amended by adding a new chapter to read:

### **Chapter 18. Alaska Gaming Commission.** **Article 1. Administration.**

#### **Sec. 05.18.010. Creation of commission.**

(a) The Alaska Gaming Commission is established for the purposes of generating revenue for the state and regulating gaming activities in the state. The commission is established in the Department of Revenue. The commission consists of five voting members and two ex officio nonvoting members appointed by the governor, subject to confirmation by the legislature. One voting member shall be appointed from each of the four judicial districts of the state. One voting member shall be an at-large member. Not more than three of the seven members may be members of the same political affiliation or party. One voting member of the commission must have a least five years' experience in law enforcement and one voting member must be a certified public accountant. One ex officio member of the commission must be an operator or permittee under AS 05.15, or an executive or managing director, member-in-charge, or member of the board of directors of an operator or permittee. One ex officio member of the commission must hold a license issued pursuant to AS 04.11, or be a majority owner, officer, or member of the board of directors of such licensee. The voting members of the commission shall elect one voting member to serve as chair of the commission.

(b) The voting members serve staggered terms of five years. The ex officio members serve nonstaggered five-year terms. A member may be appointed but may not serve for more than ten consecutive years.

(c) A member of the commission does not receive a salary for service on the commission but is entitled to per diem and travel expenses authorized for members of boards and commissions under AS 39.20.180.

(d) A voting member of the commission may not have a pecuniary interest in a contract agreement entered into by the commission.

(e) A person may not serve as a voting member of the commission if that person



# Ballot Measure 1

## Establishing Alaska Gaming Commission

- (1) has been convicted of
  - (A) a felony; or
  - (B) an offense under this chapter, AS 11.66.200 - 11.66.280, or a comparable provision of municipal, state, or federal law;
- (2) is an elected official of the state or of a political subdivision of the state;
- (3) is an operator or an executive or managing director or member-in-charge of an operator or permittee under AS 05.15; or
- (4) holds a license or permit under AS 04.11.

(f) A person may not serve as an ex officio member of the commission if that person has been convicted of a crime listed in (e)(1) of this section or is an elected official of the state or of a political subdivision of the state.

(g) A person may not serve as a member of the commission until the investigation required under AS 18.65.080(b) is completed.

(h) Three voting members of the commission constitute a quorum for the transaction of business.

(i) The governor may remove a member for cause, including incompetence, neglect of duty, or misconduct in office. A member being removed for cause shall be given a copy of the charges and afforded an opportunity to publicly present a defense in person or by counsel upon not less than 10 days' notice. If a member is removed for cause, the governor shall file with the lieutenant governor a complete statement of all charges made against the member and the governor's findings based on the charges, together with a complete record of the proceedings.

(j) The governor may immediately suspend a member for a violation of law or for misconduct in office pending removal from office under (a) of this section.

**Sec. 05.18.020. Meetings.** (a) The commission shall meet a least quarterly at the call of the chair, at the request of a majority of the voting members, or at a regularly scheduled time set by the commission.

(b) An action of the commission is not binding unless taken at a meeting where three or more of the voting members are present and vote in favor of the action.

(c) The voting members of the commission may exclude the ex officio members from executive sessions otherwise permitted by law.

**Sec. 05.18.030. Duties and powers of commission.** The commission shall

- (1) enter into contracts and agreements necessary to carry out the provisions of this chapter;
- (2) adopt regulations necessary to carry out the provisions of this chapter;
- (3) authorize gaming activities pursuant to Sec. 05.18.100;
- (4) administer, regulate, and enforce the gaming laws under AS 05.15;
- (5) investigate violations of the laws of Alaska related to gaming and the gaming industry, and refer violations to the Department of Law for prosecution.
- (6) report to the governor and the legislature on the gaming activities authorized and on the total revenue, prize disbursement, and other expenses on a periodic basis as determined by the commission;
- (7) report to the governor and the legislature each year on authorized gaming activities, including a full and complete statement of revenue, prize disbursement, and other expenses, and recommendations for changes in this chapter;
- (8) report to the governor and the legislature as frequently as the commission determines necessary on conclusions from the analysis of the reaction of state residents to gaming activities, and on matters that require changes in the law to prevent violations or evasions of this chapter or to correct undesirable conditions in connection with

# Ballot Measure 1

## Establishing Alaska Gaming Commission

the operation or administration of gaming activities;

- (9) monitor the operation of gaming throughout the state; and
- (10) study and investigate the operation and administration of gaming laws of other states and of federal laws that affect gaming activities.

**Sec. 05.18.040. Regulations.** The commission shall adopt regulations under AS 44.62 (Administrative Procedure Act) to establish

- (1) the types of gaming activities to be conducted if those activities are permitted under AS 05.18.100;
- (2) the places and locations where gaming activities under this chapter may be conducted; except that the commission may not: (a) create Gaming Districts as defined in Section .05.15.701(8) of the initiative entitled "Alaska Video Lottery Law" (the "VLT Initiative") except in accordance with the procedures set forth in Section 5.15.707(3) of the VLT initiative; and/or (b) prohibit the installation and/or operation of Gaming Machines (as herein defined) within a Gaming District by a Licensee as defined in the VLT initiative; and/or (c) authorize, permit, license or approve the installation and/or operation of Gaming Machines (as herein defined) within Gaming Districts except as set forth in Section 05.18.100 or the VLT Initiative, if that initiative is enacted into law;"
- (3) all matters necessary or desirable to carry out this chapter to operate gaming activities efficiently and economically, and to make the participation in gaming activities and the distribution of prizes convenient.

**Sec. 05.18.050. Executive director and employees.** (a) The commission shall employ an executive director who is qualified by training and experi-

ence to conduct the day-to-day work of the commission. The director may not engage in another professional occupation.

(b) Subject to approval of the commission, the director may appoint deputies required to carry out the functions and duties of the commission. The director may appoint professional, technical, and clerical employees necessary to perform the duties of the commission.

(c) The director is in the exempt service under AS 39.25.110.

(d) The commission may not employ a person who has been convicted, including conviction based on a guilty plea or plea of nolo contendere, of an offense that disqualifies a person from being a member of the commission.

**Sec. 05.18.060. Duties of director.** The director shall

- (1) supervise the operation and administration of gaming activities;
- (2) act as secretary to the commission;
- (3) meet at least quarterly with the commission on the operation and administration of gaming activities;
- (4) make available for inspection by the commission, upon request, all books, records, files, and other information and documents of the commission;
- (5) advise the commission and make recommendations to improve the operation and administration of gaming in the state;
- (6) suspend or revoke a contract issued under this chapter for a violation of this chapter or the regulations adopted under this chapter.
- (7) provide each month to the commission a full and complete statement of the revenue, prize disbursements, and other expenses on a periodic basis as determined by the commission; and
- (8) administer and enforce the charitable gaming laws in AS 05.15.

**Sec. 05.18.070. Subpoenas.** (a) The director or



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## Establishing Alaska Gaming Commission

the commission may subpoena witnesses and documents in a matter over which the commission has jurisdiction, control, or supervision. The director or the commission may administer oaths and affirmations to persons whose testimony is required.

(b) If a person fails to obey a subpoena, or if a person refuses to answer a relevant question or to exhibit a document when ordered to do so by the director or the commission, the director or the commission may apply to the superior court for an order directing the person to comply with the subpoena or the order. The court may order the person to comply.

### Article 2. Gaming Activities.

**Sec. 05.18.100. Gaming activities.** (a) The commission may authorize any future gaming activities provided, however, the commission may not (1) create Gaming Districts (as defined in the VLT Initiative) except in accordance with the procedures set forth in Section 05.15.707(3) of the VLT Initiative if that initiative is enacted into law; and/or (2) other than in accordance with the provisions of the VLT Initiative, authorize, permit, license or approve the installation and/or operation of: (A) more than 5 Gaming Machines (as defined) at any location within the State of Alaska prior to December 31, 2012 and/or (B) more than 20 Gaming Machines (as defined) at any location within the State of Alaska subsequent to December 31, 2012. "Gaming Machines" shall be and mean any and all of: video lottery terminals, slot machines and all mechanical, electrical and/or computerized games of chance."

(b) The commission may participate with other states in multi-state gaming activities.

### Article 3. Miscellaneous Provisions.

**Sec. 05.18.300. State gaming fund and appropriations.** There is created in the general fund the State Gaming Fund. The state gaming fund consists of all revenue received from gaming activities and all other money credited or transferred to the fund from another fund or source. Appropriations may be made from the

State Gaming Fund for any public purpose.

**Sec. 05.18.310. Audit.** The commission shall have an audit of the books and accounts of the commission performed at least once in each year by certified public accountants. The Legislative Budget and Audit Committee shall annually perform post-audits of the commission and report to the legislature. The commission may have special audits performed at any time on its own motion or at the request of the director. The commission shall file a copy of each audit with the commissioner of revenue and the legislature.

**Sec. 05.18.320. Prohibited acts.** (a) A person may not

- (1) knowingly act as an operator or permittee or sell a gaming product unless that person is authorized to do so by the commission, or is an employee of an authorized operator or permittee authorized to do so and under the supervision of the employer, or is a licensee, restricted licensee, or employer of either as these terms are defined in the VLT initiative, if that initiative is enacted into law;
- (2) except as otherwise authorized by AS 05.15, knowingly sell or offer to sell a gaming product to a person under 21 years of age;
- (3) knowingly present a counterfeit or altered gaming product for payment or transfer a counterfeit or altered gaming product to another person to present for payment;
- (4) with intent to defraud, falsely make, alter, forge, utter, pass or counterfeit a gaming product; or
- (5) impersonate a representative of the commission.

(b) An agent or contractor may not knowingly withhold funds owed to the commission.

(c) In this section, "knowingly" has the meaning given in AS 11.81.900.

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## Establishing Alaska Gaming Commission

### Sec. 05.18.330. Assignment of contracts.

A person that enters into a contract under this chapter may not assign the contract without the approval of the commission.

**Sec. 05.18.340. Penalty.** A person that violates AS 05.18.320 or 05.18.330 is guilty of a class C felony.

### Article 4. General Provisions.

**Sec. 05.18.900. Definitions.** In this chapter, unless the context requires otherwise,

- (1) "commission" means the Alaska Gaming Commission;
- (2) "director" means the executive director of the commission;
- (3) "gaming product" means a ticket, receipt, card, or other item, except a prize, received by a person from an agent or an employee of an agent as evidence of participation in a gaming activity under this chapter;
- (4) "operation and administration" includes accounting, sales, promotion, and security;
- (5) "person" has the meaning given in AS 01.10.060 and also includes an estate, receiver, trustee, assignee, referee, or other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and a department, commission, agency, or instrumentality of the state, including a municipality and an agency or instrumentality of a municipality.

\*Sec. 5.18.905 Inapplicability to Gaming Districts  
This chapter does not apply to Gaming Districts as defined in Section 05.15.708 (8) of the initiative entitled "Alaska Video Lottery Law", if that initiative is enacted into law.

**\*Sec. 5.** AS 11.66.280(2) is amended to read:  
(2) "gambling" means that a person stakes or risks something of value upon the outcome of a contest of

chance or a future contingent event not under the person's control or influence, upon an agreement or understanding that that person or someone else will receive something of value in the event of a certain outcome; "gambling" does not include

- (A) bona fide business transactions valid under the law of contracts for the purchase or sale at a future date of securities or commodities and agreements to compensate for loss caused by the happening of chance, including contracts of indemnity or guaranty and life, health, or accident insurance;
- (B) playing an amusement device that
  - (i) confers only an immediate right to replay not exchangeable for something of value other than the privilege of immediate replay; and
  - (ii) does not contain a method or device by which the privilege of immediate replay may be cancelled or revoked; or
- (C) an activity authorized by the **Alaska Gaming Commission** under AS 05.15 or AS 05.18;
- (D) an activity authorized by the initiative entitled "Alaska Video Lottery Law", if that initiative is enacted into law.

**\*Sec. 6.** AS 18.65.080 is amended by adding a new subsection to read:

(b) The Department of Public Safety shall investigate and ascertain whether a person appointed by the governor to serve as a member of the Alaska Gaming Commission has been convicted of a crime set out in AS 05.18.010(e).

**\*Sec. 7.** AS 39.25.110 is amended by adding a new paragraph to read:

# Ballot Measure 1

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## Establishing Alaska Gaming Commission

(40) the executive director of the Alaska Gaming Commission.

**\*Sec. 8.** AS 39.50.200(b) is amended by adding a new paragraph to read:

(58) Alaska Gaming Commission (AS 05.18).

**\*Sec. 9.** AS 05.15.690(9) is repealed.

**\*Sec. 10. The provisions of this act are independent and severable, and if any provision of this Act, or the applicability of any person or circumstance, shall be held to be invalid by a court of competent jurisdiction, the remainder of this Act shall not be affected and shall be given effect to the fullest extent practicable.**

**\*Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to read: REVISOR INSTRUCTION. The revisor of statutes is instructed to change references to the “commissioner” and “department” in AS 05.15 to “commission” unless it is clear from the context that “commissioner” refers to a commissioner other than the commissioner of revenue and “department” refers to a department other than the Department of Revenue.

# Ballot Measure 1

## Establishing Alaska Gaming Commission

### STATEMENT IN SUPPORT

Alaska is the only gaming state in America, which has no single regulatory agency. Alaska has over 15 types of charitable gaming. If you've ever bought a raffle ticket, entered a fishing derby, played Bingo, or guessed when the ice at Nenana will go out, you have legally, gambled in Alaska. These gaming activities produce a \$350 million dollar gambling industry.

Enjoying a "Monte Carlo Night," a game of Keno or buying an Alaska Lottery ticket, are not allowed. Why not? The simple reason is that certain powerful legislators, over the years, have denied you the right to engage in these other harmless gaming activities. Even though, scientific research has shown that 97% of persons, who do gamble, gamble responsibly.

### Who's Backing This Initiative?

Over 52,000 Alaskans from across the State signed the Gaming Commission petition, placing the issue on this ballot. "Alaskans for Gaming Reform" was started by businesses involved in gaming. They were quickly joined by members of the Alaska Native Brotherhood (ANB) in Juneau who helped draft the Initiative language. The Native community is also critically aware of the internal problems of current gaming laws.

### What Will The Initiative Do?

The Initiative would only create a Gaming Commission. That Commission would oversee all gaming activities and have the authority to authorize, administer, regulate, and enforce all gaming laws in Alaska. This Initiative, in itself, would NOT increase gambling in Alaska. The "Will of the People", not the Legislature, would decide what gaming activities would or would not be authorized. A Gaming Commission, appointed by the Governor and approved by the Legislature would ensure fairness and uniformity.

### Who Is Managing Our Gambling Now?

Currently, the understaffed Charitable Gaming Division of the Department of Revenue administers and monitors gaming activities. The

Department of Public Safety and local law enforcement agencies enforce the gaming laws and the Department of Law prosecutes gaming violations. This Initiative would consolidate all those functions into the Alaska Gaming Commission, thereby relieving the other agencies of valuable time to pursue their primary responsibilities.

### How Will Non-Profits Be Affected?

The revenue that non-profits currently receive from Bingo, pulltabs, raffles and other charitable gaming activities will NOT be affected by this Initiative. Initial funding for the Commission staff and operations would be borne by the State but would be reimbursed from gaming revenue received and thereafter, be self sufficient. Any new forms of gaming allowed by the Commission could be taxed by the State, providing needed revenue for education, public safety, highways, and substance abuse rehabilitation facilities.

### Conclusion!

A Gaming Commission will ensure that all gaming activities have responsible oversight. Gaming activities could be controlled and monitored by a central computer thus eliminating cumbersome reporting requirements and eliminating fraud and corruption. It could establish a new, stable, and consistent entertainment industry creating jobs throughout the State.

The majority of Alaskans can seldom agree on any one issue. This is one of them!

**Anyone voting against an Alaska Gaming Commission is in favor of unregulated gaming!**

Darwin A. Biwer, Jr.  
Chairman  
Alaskans for Gaming Reform

# Ballot Measure 1

## Establishing Alaska Gaming Commission

### STATEMENT IN OPPOSITION

Voting NO on Ballot Measure 1 leaves Alaskans in charge of whether gambling should be expanded in our state. The creation of the Alaska Gaming Commission will take away that right by giving five (5) unelected individuals serving on the Commission the ability to singlehandedly authorize any future gaming activities in Alaska including slot machines and casinos. As a Dept. of Revenue entity, the Alaska Gaming Commission would have very little incentive to examine the harmful and addictive consequences and societal costs of gambling.

Voting NO on Ballot Measure 1 sends a strong message that the net societal effect of our government embracing gambling as a legitimate form of raising revenue is wrong and would bring with it disastrous consequences.

Unfortunately, some lawmakers today are looking toward a revenue stream that has a landslide of cultural and social costs in its wake. There's a reason why they say what happens in Vegas ... stays in Vegas.

Nevada, the gambling state, has been ranked #1 in the country in suicides, divorce, prostitution, women killed by men and gambling addiction and has been ranked as the "most dangerous state in the nation" by a nationally respected company that compares rates per 100,000 for murder, rape, robbery, aggravated assault, burglary and motor vehicle theft.

Voting NO on Ballot Measure 1 sends a message that Alaskans do not want to grow our government and create a new bureaucracy to oversee an activity that ravages the lives of individuals and families, and contributes substantially to the moral decay of our communities. The societal costs of problem gambling are significant, from divorce, child neglect, indebtedness, bankruptcies and gambling-related financial crimes and loss of jobs.

While some Alaskans may consider gambling to be a harmless pastime, many underestimate the costs in dollars and human suffering associated with it.

Studies show that about 2.5 million Americans are pathological gamblers, and another 3 million are problem gamblers. According to the American Insurance Institute, gambling is the main cause of white collar crime, and is the third leading cause of individual bankruptcy in America.

Gambling is driven by and subsists on greed. For this reason, the activity is morally bankrupt from its very foundation. Gambling is also an activity which exploits the vulnerable - the young, the old, and those susceptible to addictive behaviors. Further, gambling entices the financially disadvantaged classes with the unrealistic hope of escape from poverty through instant riches, thus ultimately worsening the plight of our poorest citizens. Gambling undermines the work ethic. It is based on the premise of something for nothing, a concept that sanctions idleness rather than industriousness, slothfulness instead of initiative.

Though the human suffering caused by compulsive gambling may be borne by a minority of the population, the overall economic and social costs are shared by all. Alaskans should ultimately have the final say as to whether our Government should be partially funded by gambling. Voting NO on Ballot Measure 1 gives Alaskans that authority.

Jim Minnery - President  
Alaska Family Council

Debbie Joslin - President  
Eagle Forum Alaska

# Ballot Measure 2

## Bill Amending Same Day Airborne Shooting

### BALLOT LANGUAGE

This bill amends current law banning same-day airborne shooting to include grizzly bears. The bill permits the Board of Game to allow a predator program for wolves and grizzly bears if the Commissioner of Fish and Game finds an emergency, where wolves or grizzly bears in an area are causing a decline in prey. Only employees of the Department of Fish and Game could take part in the program. Only the minimum number of wolves or grizzly bears needed to stop the emergency could be removed.

Should this initiative become law?

Yes

No

### LEGISLATIVE AFFAIRS AGENCY SUMMARY

This measure prohibits a person from shooting wolves or grizzly bears on the same day the person has been airborne. But, there is an exception if there is a biological emergency and the shooting is the only feasible option. Also, for the shooting to be allowed, the shooting must be done only by a state employee and in certain areas of the state. The number of wolves or grizzly bears shot under the exception has to be the least amount possible.

### STATEMENT OF COSTS

As required by AS 15.58.020(6)(c), the Alaska Department of Fish and Game (ADF&G) has prepared the following statement of costs to the Department of implementing the law proposed by this ballot initiative.

The initiative proposes amendments to the state statutes dealing with the shooting of wolves, wolverines and grizzly bears with the use of aircraft. If it became law, the initiative would require the Commissioner of Fish & Game to find that a "biological emergency," as defined in the initia-

tive, existed in a specific geographical area before initiating "airborne control" of a population of predators.

ADF&G estimates that the additional biological research and data-gathering needed in order to consider making such a finding would cost at least an additional \$400,000 per year in staff time and operational expenses. In addition, the initiative requires that any same-day-airborne shooting of predators be conducted by ADF&G personnel. Current administration policy prohibits department personnel from participating in such programs.

The department believes that the definition of "biological emergency" in the initiative is so narrow that the Commissioner would be precluded from ever determining that a biological emergency exists, and from implementing any airborne predator control program. Therefore, it would be unnecessary for the department to expend the \$400,000 per year cited above in research costs. In addition, there would not be any new salary or aircraft costs associated with department staff taking wolves or grizzly bears with the use of aircraft. In sum, because the initiative essentially precludes airborne predator control programs, the end result is that there would be no direct fiscal impact on ADF&G if the initiative becomes law.

### FULL TEXT OF PROPOSED LAW

#### **An Act Prohibiting the Shooting of Wolves & Grizzly Bears with the Use of Aircraft**

Be it enacted by the People of the State of Alaska that Section 1. A.S. 16.05.783 is amended to read:

Section 16.05.783. (a) A person may not shoot or assist in shooting a free-ranging wolf, wolverine or grizzly bear the same day that the person has been airborne. However, the Board of Game may authorize a predator program involving the shooting of wolves or grizzly bears



# Ballot Measure 2

## Bill Amending Same Day Airborne Shooting

from the air or on the same day that a person has been airborne if

- (1) the Commissioner of Fish and Game makes written findings based on adequate data demonstrating that a biological emergency exists and that there is no feasible solution other than airborne control to eliminate the biological emergency;
- (2) any shooting is conducted by Department of Fish and Game personnel only, and not by any permittee or agent;
- (3) the program is limited to the specific geographical area where the biological emergency exists; and
- (4) the program removes only the minimum number of wolves or grizzly bears necessary to eliminate the biological emergency.

(b) This section does not apply to a person who was airborne the same day if that person was airborne only on a regularly scheduled commercial flight.

(c) A person who violates this section is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$5,000, or by imprisonment for not more than one year, or by both. In addition, the court may order the aircraft and equipment used in or in aid of a violation of this section to be forfeited to the State.

(d) In this section,

- (1) “free-ranging” means that the animal is wild and not caught in a trap or snare; and
- (2) “biological emergency” means a condition where a wolf or grizzly bear population in a specific geographic area is depleting a prey population to a point that if not corrected will cause an irreversible decline in the prey population such that it is not likely to recover without implementing wolf or grizzly bear control.



# Ballot Measure 2

## Bill Amending Same Day Airborne Shooting

### STATEMENT IN SUPPORT

A YES vote on Ballot Measure 2 would prohibit the shooting of wolves and grizzly bears from the air or by using a plane to land and shoot, as part of a predator control program, unless the Commissioner of Fish and Game determines, based on adequate data, that a biological emergency exists.

A biological emergency is defined as a condition where wolves or bears are depleting a prey population to a point that if not corrected, will cause an irreversible decline in a prey population unless control measures using aircraft are implemented.

This would restore a prohibition that an overwhelming majority of Alaskans passed by initiative in 1996, but was subsequently overturned by the legislature. We believe a majority of Alaskans still support this measure, as evidenced by the fact that 57,000 residents signed our petition, in 37 of the 40 state election districts, with strong support in both urban and rural areas.

Ballot Measure 2 is seen as a reasonable and moderate management policy that actually allows predator control using aircraft in serious cases where predators are directly responsible, but not on an ongoing basis just to inflate game populations for ever increasing numbers of hunters, when predators are not causing a biological problem. By allowing limited aircraft control measures in emergencies, rural subsistence hunting will be protected and declining game populations can be enhanced.

If Ballot Measure 2 passes, it will still remain legal to trap and hunt wolves on foot or by snow-machine. A large majority of wolves are taken by these methods at present.

The organization promoting a YES vote on Ballot Measure 2, Alaskans for Wildlife, is composed of long-term state residents who actively hunt but believe that limits on the use of aircraft for bear and wolf control are necessary because of past abuses involved with this type of shooting,

enforcement difficulties and the damage done to the image of responsible game management in Alaska.

Past experience has indicated that predator control programs using aircraft can only be successful if they are scientifically justified, cost-effective and grounded in broad public acceptance. Alaska's present program is not.

Please vote YES on Ballot Measure 2. It gets rid of a bad wildlife law while sending a message to the Alaska legislature that voters meant it when they passed the measure placing serious limits on aircraft-assisted predator shooting the first time.

Joel Bennett  
Author and initiative Committee Member

# Ballot Measure 2

## Bill Amending Same Day Airborne Shooting

### STATEMENT IN OPPOSITION

Vote NO on Measure 2

Measure 2 would effectively place a permanent ban the state's aerial predator management programs and is driven by out-of-state animal rights extremists and a few misguided Alaskans. This measure is bad for Alaska for a number of reasons:

- After a winter of **aggressive wolf attacks**, now is not the time to limit the options of professional game managers
- Removing a critical wildlife management tool may force game managers to turn to **other predator management options**
- Allowing moose and caribou populations to be decimated, **punishes the subsistence hunters** who depend on them

Vote NO on Measure 2:

Let's be clear, **predator management is not hunting** and fair chase ethics do not apply. It is a **game management tool, period**. Predator management programs are only used on limited basis to restore moose and caribou populations and ensure Alaskans have adequate access to food sources. Predator management is not about eliminating all predators, when a **program's goals are reached the program is stopped**.

Vote NO on Measure 2:

Alaskans all across the state have seen or read about the killing power of wolves. Countless **dogs were stalked and killed** and even **people were threatened by wolves**. These wolf attacks were vicious and often deadly. They drive home the necessity of managing predator populations.

Vote NO on Measure 2:

The state tries to increase game populations by improving habitat, reducing hunting quotas and other means before using predator control programs. Only when these options fail does the state turn to the last resort of aerial predator management, which is conducted by private individuals with specially-issued, strictly monitored

permits. By limiting predator management efforts to state employees only, this measure will force **taxpayers to pay for the extensive and increasing costs** of the programs.

Vote NO on Measure 2:

While the ballot title makes Measure 2 seem reasonable, the measure's definition of an "emergency" is so restrictive that by the time the State would be allowed to attempt to manage predator populations, it would be too late. It is a classic bait-and-switch tactic used by out-of-state extremists.

Vote NO on Measure 2:

The campaign run by the animal rights extremists supporting this measure is designed to tug at your heartstrings. Before you make your final decision, please consider these facts about Measure 2:

- **Predator management is not hunting** and is only used on a limited basis to reduce excessive predator populations
- Predator management is only used to ensure Alaskans have **enough wild game to feed their families**
- Without aerial predator management, game mangers may turn to more **extreme options**

**Please vote NO on Measure 2**

Dr. Wayne Regelin  
Former Director of Wildlife Conservation  
and Former Deputy Commissioner of Alaska  
Department Fish & Game

Samantha Castle Kirstein  
Former Alaska Board of Game Member

Mary Nelson  
State Representative, Bethel

*The statement printed on this page is the opinion of the author(s) and is presented as submitted to the Division of Elections.*

# Ballot Measure 3

## Bill Providing For Public Funding In Campaigns

### BALLOT LANGUAGE

This bill creates a voluntary program of public funding for state election campaigns. To qualify, candidates must collect a certain number of signatures and \$5 campaign contributions from voters in the area in which the candidate is running for office. Qualified candidates that agree to limits for campaign fundraising and spending may receive campaign funding from the State of Alaska based on the office sought. A qualified candidate may receive state matching funds if the candidate is opposed by a candidate that does not take part in the program.

Should this initiative become law?

Yes

No

### LEGISLATIVE AFFAIRS AGENCY SUMMARY

This Act would create a program for the public funding of some state election campaigns. A person running for the office of governor, lieutenant governor, state senator, or state representative could be eligible. To qualify, the person would have to get a set number of \$5 campaign donations from certain Alaska voters. The number of donations would depend on the office sought. Once qualified, the person would receive campaign funding from the State of Alaska. The amount of funding would be based on the office sought. Other sources of funding would be limited. The person would have to abide by the program's fundraising limits. The person would have to abide by the program's spending limits. A qualified person could receive matching funds from the state if opposed by a candidate who was not taking part in the program.

### STATEMENT OF COSTS

**Estimate of Cost to the State for Implementation:** The information below was prepared by the Department Administration, Alaska Public

Offices Commission as an estimate of the cost to the state for implementing the proposed law. This estimate is required by AS 15.45.090(a)(4).

### Costs

This initiative establishes public funding for state candidates who agree to limit their campaign spending. The Commission will be responsible for a new section which will administer the provisions of AS 15.14, for additional oversight of political campaigns.

### Administrative Costs

Funding is required for 6 positions: an Accountant V, who will lead the section, an Accounting Technician III who will provide assistance to the manager and supervise the support staff; a Regulations Specialist/Compliance Auditor who will initially draft the regulations required to implement the act and then act as the chief auditor, two Administrative Assistants and an Administrative clerk.

Additional funding is needed to support the new positions, including supplies, equipment and support services. One-time funding is required to provide office space and work stations, with standard equipment, for the new employees.

The Alaska Public Offices Commission, Department of Administration, expects that general funds will be required for the following (dollar amounts are in thousands):

One-Time Costs: \$ 112.4

One-time costs include office space for six employees including parts, labor, chairs, computers, workstation, filing cabinets, etc.

Salary and Benefits Costs: \$ 409.7

Yearly Operations Costs: \$ 81.7

Total First Year Costs: \$ 603.8

Total Continuing Costs: \$ 491.4

# Ballot Measure 3

## Bill Providing For Public Funding In Campaigns

The initiative would also require the State Department of Administration to implement a new debit card program for disbursing funds to candidates. The cost to implement such a program cannot be accurately estimated at this time without costly research.

The Division of Elections will provide access to the voter registration database, so that Commission staff can verify that makers of campaign contributions are registered voters in the appropriate election districts.

### Campaign Financing Costs

It is difficult to accurately estimate the cost of providing public funds to candidates under this initiative. The cost will depend on the number of candidates that choose to participate in the public campaign financing program, and several other factors. Because public funding is optional, candidates cannot legally be mandated to use it, and some candidates are likely to not choose public funding, lowering the total cost of the program. Other scenarios could be analyzed in addition to the examples below.

The following analysis is based on the percentages of candidates who chose to enroll in a similar program in Maine. Maine, along with Arizona, has the longest history with this program (4 election cycles). Although the numbers of statewide and district offices differ from state to state, the following cost analysis assumes an identical percentage of participation in Alaska as in Maine during the first year of operation (33%). The following is calculated using the number of primary and general election candidates in the 2006 election:

Primary Election (dollar amounts are in thousands)

# Candidates	# Participating		Office	Amount	Total
	Candidates	Office			
13	4	Gov.	\$ 250.0	\$ 1,000.0	
8	3	Lt. Gov.	\$ 150.0	\$ 450.0	
23	8	Senate	\$ 24.0	\$ 192.0	
92	31	House	\$ 16.0	\$ 496.0	

### TOTAL PUBLIC

**FUNDING FOR PRIMARY ELECTION**      **\$ 2138.0**  
**BASED ON 33% PARTICIPATION**

General Election (Dollar amounts are in thousands)

# Candidates	# Participating		Office	Amount	Total
	Candidates	Office			
6	2	Gov./Lt.	\$ 500.0	\$ 1,000.0	
20	7	Senate	\$ 36.0	\$ 252.0	
72	24	House	\$ 24.0	\$ 576.0	

### TOTAL PUBLIC

**FUNDING FOR GENERAL ELECTION**      **\$ 1828.0**  
**BASED ON 33% PARTICIPATION**

### TOTAL COSTS TO THE STATE

**BASED ON 33% PARTICIPATION**      **\$3966.0**

The following analysis is based on the number of primary and general election candidates in the 2006 election and a scenario in which every candidate qualifies for, and chooses public funding:

Primary Election (dollar amounts are in thousands)

# of Candidates		Office Amount	Total
13	Gov.	\$ 250.0	\$ 3,250.0
8	Lt. Gov.	\$ 150.0	\$ 1,200.0
23	Senate	\$ 24.0	\$ 522.0
92	House	\$ 16.0	\$ 1,472.0

### TOTAL PUBLIC

**FUNDING FOR PRIMARY ELECTION:**      **\$ 6,474.0**

General Election (Dollar amounts are in thousands)

# of Candidates		Office Amount	Total
6	Gov./Lt.	\$ 500.0	\$ 3,000.0
20	Senate	\$ 36.0	\$ 720.0
72	House	\$ 24.0	\$ 1,728.0

### TOTAL PUBLIC

**FUNDING FOR GENERAL ELECTION:**      **\$ 5,448.0**

### TOTAL POTENTIAL

**COSTS TO THE STATE:**      **\$11,922.0**

The proposal also contains additional funding mechanisms for different situations, which could increase the cost of the program.

For example, if a qualified participating candidate is outspent by her or his opponent, who has not

# Ballot Measure 3

## Bill Providing For Public Funding In Campaigns

opted for public funding, the state will match the opponent's spending by giving the like amount of funds to the qualified candidate. These costs may be very large. For example, if a qualified candidate is outspent by a nonparticipating opponent during the primary election, the state may provide additional funding up to three times the amount provided above.

Because this program involves many interacting factors, it is difficult to accurately predict program costs. We have analyzed administrative costs, potential program costs based on a similar program in Maine, potential program costs if every Alaskan candidate chooses to enroll, and a discussion of the factors that interact in determining the costs of the program.

### FULL TEXT OF PROPOSED LAW

"An Act establishing a program of public funding for campaigns for state elected offices, to be known as the Alaska Clean Elections Act."

### BE IT ENACTED BY THE PEOPLE OF THE STATE OF ALASKA:

**\*Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

SHORT TITLE. This Act may be known as the Alaska Clean Elections Act.

**\*Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to read:

FINDINGS. The people of the State of Alaska find that providing a voluntary clean elections system for all primary and general elections would enhance democracy in the state in the following principal ways:

- (1) it would affirm the principal of "one person, one vote," reduce the disproportionate and deleterious influence of large contributors, and restore the rights of citizens of all backgrounds to equal and meaningful participation in the democratic process;

- (2) it would slow the escalating cost of elections;
- (3) it would enable voters and candidates to hear and to be heard in the political process, and restore open and robust debate on issues of public concern;
- (4) it would diminish the public perception of corruption, strengthen public confidence in democratic institutions and processes, and eliminate the danger of corruption caused by the private financing of election campaigns;
- (5) it would increase the accountability of elected officials to the constituents who elect them;
- (6) it would create genuine opportunities for qualified residents of the state to run for state office and encourage more competitive elections; and
- (7) it would free elected officials from the incessant rigors of fundraising and allow them more time to carry out their official duties.

**\*Sec. 3.** AS 15.13.010 is amended by adding a new subsection to read:

(e) This chapter does not limit the application of AS 15.14 to contributions, expenditures, and communications made for the purpose of influencing the nomination or election of a candidate for governor, lieutenant governor, or a member of the state legislature.

**\*Sec. 4.** AS 15.13.030 is amended to read:

**Sec. 15.13.030. Duties of the commission.** The commission shall

- (1) develop and provide all forms for the reports and statements required to be made under this chapter, **AS 15.14**, AS 24.45, and AS 39.50;
- (2) prepare and publish a manual setting out uniform methods of book-keeping and reporting for use by

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persons required to make reports and statements under this chapter **and AS 15.14**, and otherwise assist candidates, groups, and individuals in complying with the requirements of this chapter **and AS 15.14**;

- (3) receive and hold open for public inspection reports and statements required to be made under this chapter **and AS 15.14**, and, upon request, furnish copies at cost to interested persons;
- (4) compile and maintain a current list of all filed reports and statements;
- (5) prepare a summary of each report filed under AS 15.13.110 and **AS 15.14** **and** make copies of this summary available to interested persons at their actual cost;
- (6) notify, by registered or certified mail, all persons who are delinquent in filing reports and statements required to be made under this chapter **and AS 15.14**;
- (7) examine, investigate, and compare all reports, statements, and actions required by this chapter, **AS 15.14**, AS 24.45, and AS 39.50;
- (8) prepare and publish a biennial report concerning the activities of the commission, the effectiveness of this chapter, its enforcement by the attorney general's office, and recommendations and proposals for change; the commission shall notify the legislature that the report is available;
- (9) adopt regulations necessary to implement and clarify the provisions of **AS 15.14**, AS 24.45, AS 39.50, and this chapter, subject to the provisions of AS 44.62 (Administrative Procedure Act); and
- (10) consider a written request for an advisory opinion concerning the application of this chapter, **AS 15.14**, AS 24.45, AS 24.60.200 -

24.60.260, or AS 39.50; **and**

**(11) appoint a clean elections administrator to administer AS 15.14 and to make decisions authorized by that chapter or decisions delegated to the administrator by the commission.**

**\*Sec. 5.** AS 15.13.045(b) is amended to read:

(b) In conjunction with (a) of this section, the commission may compel the attendance of witnesses and production of papers, books, records, accounts, documents, and testimony, and may have the deposition of witnesses taken in a manner prescribed by court rule or law for the taking of depositions in civil actions when consistent with the powers and duties assigned to the commission by this chapter **and AS 15.14**.

**\*Sec. 6.** AS 15.13.045(c) is amended to read:

(c) The commission may examine the papers, books, records, accounts, and documents of any person subject to this chapter **and AS 15.14** to ascertain the correctness of a report filed with the commission, or in conjunction with an investigation or inspection conducted under (a) of this section.

**\*Sec. 7.** AS 15 is amended by adding a new chapter to read:

### **Chapter 14. Clean Elections.**

**Sec. 15.14.010. Clean elections fund.** (a) The clean elections fund is created in the general fund. The fund shall be used by the administrator to finance the election campaigns of certified candidates participating in a voluntary alternative campaign financing option available to persons running for the office of governor, lieutenant governor, state senator, or state representative, and to pay the administrative and enforcement costs of the commission.

(b) The legislature may appropriate money from the following sources to the fund:

- (1) the qualifying contributions required of candidates applying for certification under AS 15.14.060;
- (2) unspent funds returned by a partic-



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icipating candidate under this chapter; and

- (3) fines or monetary penalties levied by the commission against candidates for violations of this chapter;
- (4) the general fund.

(c) Money appropriated to the fund may be spent without further appropriation.

(d) Money in the fund does not lapse.

**Sec. 15.14.020. Limitations on participating candidates.** (a) During an election cycle, a participating candidate may not accept, expend, or agree to expend any contributions or funds other than

- (1) seed money contributions allowed under AS 15.14.040;
- (2) clean elections funds received under AS 15.14.080-15.14.100;
- (3) contributions from a political party under AS 15.14.130; and
- (4) private contributions allowed under AS 15.14.150(b).

(b) A participating candidate who receives funds under this chapter during the primary election campaign period shall comply with the requirements of this chapter during the subsequent general election campaign period.

(c) A participating candidate may only use contributions and funds received under this chapter during an election cycle to pay expenses or expenditures incurred during that election cycle. Funds received under this chapter may not be used for costs or legal fees related to representation before the commission or for defense of any enforcement action under this chapter. Nothing in this chapter prevents a participating candidate from having a legal defense fund.

(d) A participating candidate may not expend funds raised or received before the election cycle.

(e) A participating candidate shall comply with the expenditure limits set out in AS 15.14.070.

(f) A participating candidate shall continue to be bound by all other applicable election and campaign finance statutes and regulations, except for provisions in express or clear conflict with the provisions of this chapter.

**Sec. 15.14.030. Declaration of intent.** (a) A candidate may become a participating candidate under this chapter by filing a statement declaring the candidate's intent to seek certification under AS 15.14.060 and to comply with the requirements of this chapter. The candidate's declaration of intent may be filed with the commission at any time before the end of the qualifying period under AS 15.14.035 during the election cycle.

(b) A candidate may not solicit or collect seed money contributions or qualifying contributions before submitting a declaration of intent.

**Sec. 15.14.035. Qualifying period.** (a) A candidate for governor or lieutenant governor may qualify between August 1 of the year preceding a year in which the general election is held and June 1 of the year of the general election.

(b) A candidate for the office of state senator or state representative may qualify between October 1 of the year preceding a year in which the general election is held and June 1 of the year in which a general election is held.

**Sec. 15.14.040. Seed money contributions.**

(a) A participating candidate may accept contributions not to exceed \$100 from an individual at any time during an election cycle before filing an application for certification under AS 15.14.060. Those contributions may be expended by a candidate for the purpose of soliciting qualifying contributions under AS 15.14.050 and for any purpose authorized under AS 15.13. A candidate may not collect or spend seed money contributions after certification as a participating candidate under AS 15.14.060.

(b) Seed money contributions and expenditures made under this section must be reported under AS 15.13.

(c) A participating candidate may not collect more than the following amounts in seed money contributions:

- (1) \$20,000 if the candidate is seeking the office of governor;
- (2) \$10,000 if the candidate is seeking the office of lieutenant governor;
- (3) \$ 2,000 if the candidate is seeking the office of state senator; or



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(4) \$ 1,000 if the candidate is seeking the office of state representative.

(d) A participating candidate who exceeds the applicable limit established in (c) of this section shall return the excess funds to the contributors. The participating candidate may return all or part of a seed money contribution, and the returned amount will not be counted as part of the contribution or counted toward the candidate's seed money limit under (c) of this section. The participating candidate shall refund the contribution within three days after the candidate discovers that the candidate's applicable seed money limit has been exceeded. The candidate shall report the receipt and return of all excess seed money contributions to the commission.

**Sec. 15.14.050. Qualifying contributions.** (a) Except as provided in (d) of this section, a participating candidate shall obtain the following number of contributions of exactly \$5, to be certified under AS 15.14.060:

- (1) contributions from 3,000 registered voters in the state if the candidate is seeking the office of governor;
- (2) contributions from 1,500 registered voters in the state if the candidate is seeking the office of lieutenant governor;
- (3) contributions from 400 registered voters in the candidate's state senate district if the candidate is seeking the office of state senator; and
- (4) contributions from 200 registered voters in the candidate's state house district if the candidate is seeking the office of state representative.

(b) A qualifying contribution must be accompanied by a form prescribed by the commission that includes

- (1) the name and address of the contributor;
- (2) a signed and dated statement by the contributor supporting the candidate's participation in the clean elections program; and
- (3) the amount of the qualifying contribution.

(c) Contributions under this section may be accepted only by the candidate, the candidate's campaign treasurer, or a deputy treasurer of the candidate's campaign. A payment, gift, or anything of value may not be given in exchange for a qualifying contribution. A contribution received in violation of this subsection is not a qualifying contribution and may not be reported or treated by the candidate as a qualifying contribution.

(d) The commission shall adopt regulations providing for a qualifying contribution of less than \$5 from a low-income registered voter, as defined by the commission. The qualifying contribution form adopted by the commission under (b) of this section must allow a registered voter to certify that the voter meets the requirements established under the subsection. A statement supporting a candidate's participation in the clean elections program that is made by a registered voter qualified under this subsection shall be treated as a qualifying contribution under (a) of the section, notwithstanding that the voter did not make a \$5 contribution to the candidate.

(e) In this section, "registered voter" means a person who is a registered voter at the time the person provides a qualifying contribution to the candidate or who becomes a registered voter at least five days before the participating candidate applies to become a certified candidate under AS 15.14.060.

**Sec. 15.14.060. Certification of candidates.**

(a) To become a certified candidate, a participating candidate shall apply for certification on a form prescribed by the commission. The form must

- (1) be filed during the qualifying period under AS 15.14.035;
- (2) be signed by the participating candidate and the participating candidate's treasurer;
- (3) identify the office the participating candidate is seeking;
- (4) identify the participating candidate's party, if any;
- (5) include the participating candidate's declaration that the candidate has abided by and will continue to abide by the requirements of

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this chapter through the election cycle; and

- (6) be accompanied by
  - (A) a campaign finance report as provided in (c) of this section; and
  - (B) the number of qualifying contributions and accompanying voter statements required under AS 15.14.050.

(b) The administrator shall certify a candidate if the administrator determines that the participating candidate has

- (1) signed and filed a declaration of intent under AS 15.14.030;
- (2) collected the required number of qualifying contributions under AS 15.14.050;
- (3) tendered the sum of the qualifying contributions to the commission;
- (4) met all other applicable requirements for participation established under this chapter; and
- (5) agreed to abide by all requirements for participating candidates.

(c) The campaign finance report required under (a)(6)(A) of this section must be in the form required under AS 15.13.040. The report must account for a participating candidate's seed money contributions received and expenditures incurred since the last report filed under AS 15.13.110, or, if no prior report has been filed, the report must account for all seed money contributions received and expenditures incurred through the third day before the date that the report is filed.

(d) A candidate who the commission determines has fewer than the required number of qualifying contributions under AS 15.14.040 may submit additional qualifying contributions during the qualifying period.

(e) In an election year, the administrator shall certify a candidate who complies with the requirements of this section not later than

- (1) five business days after the candidate's submission of the form, campaign finance report, and qualifying contributions required under

(a) of this section if the application is submitted before May 20; and

- (2) 10 business days after the candidate's submission of the form, campaign finance report, and qualifying contributions required under (a) of this section if the application is submitted on or after May 20.

(f) A candidate who is denied certification by the administrator is no longer bound by the provisions of this chapter pertaining to participating candidates. The administrator shall return the qualifying contributions submitted by a candidate who is denied certification.

(g) The director of the division of elections shall assist the administrator in carrying out the commission's duties under this section by

- (1) verifying, within the time period set out in AS 15.14.060(f), that the maker of a qualifying contribution is a registered voter in the electoral district of the candidate who has submitted the qualifying contribution; and
- (2) verifying that the candidate has properly filed for the office the candidate is seeking.

**Sec. 15.14.070. Limits on expenditures.** (a) A certified candidate shall comply with the limits on campaign expenditures set out in this section, as adjusted in accordance with AS 15.14.100, 15.14.130, and 15.14.220.

(b) Total expenditures for participating candidates during the primary election campaign period may not exceed the following amounts:

- (1) \$275,000 for a candidate for the office of governor;
- (2) \$165,000 for a candidate for the office of lieutenant governor;
- (3) \$26,400 for a candidate for the office of a state senator; and
- (4) \$17,600 for a candidate for the office of a state representative.

(c) Total expenditures for certified candidates during the general election period may not exceed the following amounts:

- (1) \$550,000 for candidates in a joint

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campaign for the offices of governor and lieutenant governor;

- (2) \$39,600 for a candidate for the office of state senator; and
- (3) \$26,400 for a candidate for the office of state representative.

**Sec. 15.14.080. Distribution of clean elections program funds to certified candidates.** (a) A candidate certified by the commission is eligible to receive distributions from the fund established under this chapter up to the following amounts:

- (1) funds for certified candidates in the primary election are limited to
  - (A) \$250,000 for a candidate for the office of governor;
  - (B) \$150,000 for a candidate for the office of lieutenant governor;
  - (C) \$ 24,000 for a candidate for the office of state senator; and
  - (D) \$ 16,000 for a candidate for the office of state representative;
- (2) funds for certified candidates in the general election are limited to
  - (A) \$500,000 for candidates in a joint campaign for the offices of governor and lieutenant governor;
  - (B) \$ 36,000 for a candidate for the office of state senator; and
  - (C) \$ 24,000 for a candidate for the office of state representative.

(b) The commission may by regulation establish procedures requiring the use of debit cards by certified candidates for all or part of the funds disbursed under this section. The commission may limit the use of debit cards to those election districts where it determines their use is reasonable.

(c) A candidate who secures the nomination of a political party for an office in a primary election is eligible for funds under this chapter for use in the general election only if the combined votes of all of the party's candidates in the primary election for that office is equal to at least 10 percent of the total number of votes cast for the candidates of all parties in the primary election for that office.

**Sec. 15.14.090. Timing of distributions.** (a) The administrator shall make distributions from the fund to certified candidates as follows:

- (1) 25 percent of the applicable amount provided in AS 15.14.080(a)(1) upon a candidate's certification under AS 15.14.060; and
- (2) An additional 75 percent of the applicable amount provided in AS 15.14.080(a)(1) to each certified candidate with an opponent who will appear on the primary election ballot within two business days after the end of the qualifying period under AS 15.14.035 or upon the candidate's certification, whichever is later.

(b) Within two business days after the director's certification of the results of the primary election, the administrator shall distribute:

- (1) 25 percent of the applicable amount provided in AS 15.14.080(a)(2) to each certified candidate who will appear on the ballot in the general election without an opponent; and
- (2) 100 percent of the applicable amount provided in AS 15.14.080(a)(2) to each certified candidate who will appear on the ballot in the general election with an opponent.

(c) The administrator shall deduct from the amount distributed under (a) of this section the amount of any unspent or unobligated seed money contributions under AS 15.14.040 held by a participating candidate at the time the candidate files an application for certification under AS 15.14.060. The administrator shall deduct from the amounts distributed under (b) of this section:

- (1) the amount of any unspent or unobligated primary election funds held by a certified candidate;
- (2) the amount of any prepaid general election expenses reported by the certified candidate;
- (3) the amount of any prepaid general election expenses reported by a nonparticipating candidate who

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forms a joined campaign subject to this chapter under AS 15.14.160; and

- (4) the amount of any expenditures using private contributions made by a nonparticipating candidate during the general election campaign period and prior to the formation of a joined campaign under AS 15.14.160.

(d) The administrator shall distribute any matching funds under AS 15.14.100 within two business days after the earlier of

- (1) the receipt of a spending limit report by the commission under AS 15.14.095 showing that a nonparticipating opposing candidate has exceeded expenditure limits under AS 15.14.070; or
- (2) a determination by the commission of excess spending on behalf of or by a nonparticipating opposing candidate.

**Sec. 15.14.095. Spending limit reports.** (a) If a nonparticipating candidate in a primary or general election campaign in which there is at least one participating candidate makes an expenditure or incurs an obligation that causes the nonparticipating candidate's total expenses to exceed 90 percent of the applicable expenditure limit for a participating candidate under AS 15.14.070, the nonparticipating candidate shall, in addition to the reports required under AS 15.13.040 and AS 15.13.110, within two days after exceeding that amount, begin filing spending limit reports with the commission.

(b) If a nonparticipating candidate who is conducting a write-in campaign is running against a certified candidate who does not have an opponent on the general election ballot and the nonparticipating candidate makes an expenditure or incurs an obligation that causes the nonparticipating candidate's total expenses to exceed 20 percent of the expenditure limit for the office under AS 15.14.070(c), the nonparticipating candidate shall, in addition to the reports required under AS 15.13.040 and AS 15.13.110,

within two days after exceeding that amount, begin filing spending limit reports with the commission.

(c) If the administrator determines under AS 15.14.097 that a nonparticipating candidate has incurred expenses that exceed 90 percent of the applicable expenditure limit for a participating candidate under AS 15.14.070, after notice, the nonparticipating candidate shall, in addition to the reports required under AS 15.13.040 and AS 15.13.110, begin filing spending limit reports with the commission.

(d) A nonparticipating candidate under (a), (b), or (c) of this section shall file a spending limit report on the Monday of each succeeding week until 14 days before the election and beginning 14 days before the election, every two business days until the day of the election.

(e) A spending limit report under this section must include a statement of the total dollar amount of all expenses incurred through the day before the date of the report.

(f) Spending limit reports shall be filed electronically with the commission.

**Sec. 15.14.097. Determination of excess expenditures by the administrator.** The administrator may, after notice to a nonparticipating candidate and an opportunity for a hearing, make a determination that the nonparticipating candidate has incurred excess expenses based on

- (1) a nonparticipating candidate's report of expenditures;
- (2) a determination regarding independent expenditures under AS 15.14.110; or
- (3) the administrator's own investigation.

**Sec. 15.14.100. Matching funds.** (a) If a nonparticipating candidate files a spending limit report under AS 15.14.095(a) or if the administrator determines under AS 15.14.097 that a nonparticipating candidate has incurred expenses that exceed the expenditure limits for participating candidates set out under AS 15.14.070(b) or (c), the administrator shall, within two business days, distribute to each certified candidate in that

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election contest an amount equal to the amount of the nonparticipating candidate's excess expenses. The expenditure limits set out in AS 15.14.070(b) or (c) for each certified candidate in that election contest shall be increased by the amount distributed to each candidate.

(b) The amounts distributed under (a) of this section shall be limited as follows:

- (1) the total amount of funds distributed to a certified candidate during the primary election campaign, including matching funds distributed under this section, may not exceed three times the primary election expenditure limits under AS 15.14.070(b);
- (2) the total amount of funds distributed to a certified candidate during the general election campaign period, including matching funds distributed under this section, may not exceed three times the general election expenditure limits under AS 15.14.070(c); and
- (3) in an election contest with more than one nonparticipating candidate, each certified candidate shall receive matching funds under this section only up to the amount of the excess expenses made by the nonparticipating candidate having the highest excess expenses.

(c) On receipt of a spending limit report from a nonparticipating candidate under AS 15.14.095(b), the administrator shall disburse to each certified candidate 75 percent of the amount set out in AS 15.14.080(a)(2).

(d) An expenditure limit that is increased under this section is only increased for the current election cycle.

### **Sec. 15.14.110. Independent expenditures.**

(a) Any person or group that makes an independent expenditure under AS 15.13.135 exceeding \$500 during an election cycle involving a participating candidate shall report the expenditure to the commission as provided in (b) of this section. The report shall be filed in addition to any reports

required under AS 15.13.040 and AS 15.13.110. The report must include a signed statement from the person or group making the independent expenditure identifying the candidate or candidates that the independent expenditure is intended to help elect or defeat, if any, and affirming that the expenditure is totally independent and does not involve cooperation or coordination with a candidate or political party.

(b) If an independent expenditure is made 45 days or more before a primary or general election, the report required under (a) of this section must be filed within seven days. If the expenditure is made less than 45 days before a primary or general election, the report must be filed within two days.

(c) A certified candidate may file a complaint with the commission that

- (1) an independent expenditure has not been reported;
- (2) the amount of an independent expenditure has been underreported; or
- (3) the report under (a) of this section does not correctly identify the candidate the expenditure is intended to help elect or defeat.

(d) A complaint under (c) of this section must include a statement of facts supporting the complaint, the name of the candidate the complainant believes the expenditure is intended to help elect or defeat, and, if available to the complainant, a copy of the communication alleged to have been funded by the independent expenditure. The administrator shall give the person or group making the expenditure an opportunity to be heard. Within seven days after the filing of the complaint, the administrator shall decide whether the subject of the complaint is an independent expenditure under this section and, if necessary, whom the expenditure is intended to help elect or defeat. A decision of the administrator under this subsection is valid only for the purpose of determining the appropriate treatment of the expenditure under (e) of this section.

(e) If an independent expenditure is reported under (a) of this section or an expenditure is determined to be an independent expenditure



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under (d) of this section, the administrator, in determining whether a participating candidate is entitled to matching funds under AS 15.14.100, shall

- (1) treat an independent expenditure against a participating candidate as the expenditure of the highest spending nonparticipating candidate in that election contest;
- (2) treat an independent expenditure made in support of a nonparticipating candidate as if it were the expenditure of that candidate;
- (3) in an election contest with more than one participating candidate, treat an independent expenditure made in support of a participating candidate as if it were an excess expenditure of a nonparticipating opposing candidate of any other participating candidate in that election contest;
- (4) in an election contest with more than one participating candidate, treat an independent expenditure against a participating candidate as if it were an excess expenditure of a nonparticipating opposing candidate of the participating candidate.

**Sec. 15.14.120. Permitted use of funds.** (a) A participating candidate may use contributions and clean election funds received under this chapter only for the purposes set out in AS 15.13.112.

(b) If the commission determines that a participating candidate used clean election funds in violation of AS 15.13.112, the commission shall notify the participating candidate, and the candidate shall, after notice and opportunity for hearing, reimburse the clean elections fund the amount determined by the commission.

**Sec. 15.14.130. Contributions by political parties.** A participating candidate may accept contributions from the candidate's political party during the primary and general election campaign

periods if the total amount of contributions received by the candidate does not exceed 10 percent of the clean elections fund disbursement for the office the participating candidate seeks under AS 15.14.080(a)(1) for the primary election or AS 15.14.080(a)(2) for the general election.

**Sec. 15.14.140. Repayment of unused funds.**

(a) Within 14 days after the director's certification of the results of the primary election, a participating candidate who is not successful in the primary election shall return to the commission all clean election funds that were not spent or obligated to be spent during the primary election campaign period.

(b) Within 14 days after the certification of the results of the general election, a participating candidate shall return to the commission all clean election funds that were not spent or obligated to be spent during the general election campaign period.

**Sec. 15.14.150. Candidates by petition.** (a) A candidate who is seeking to be nominated by petition under AS 15.25.140 - 15.25.200 may become a participating certified candidate by complying with the requirements of AS 15.14.020 - 15.14.060. The administrator may not certify a candidate under this subsection until the director of elections has verified that the candidate has qualified for the general election ballot. A candidate nominated by petition is eligible only for funding under AS 15.14.080(a)(2).

(b) A certified candidate who has been nominated by petition may solicit and accept private contributions for the general election if the total amount of the contributions received by the candidate does not exceed 10 percent of the clean elections fund disbursement for the office the candidate seeks under AS 15.14.080(a)(2).

**Sec. 15.14.160. Governor and lieutenant governor joined campaigns.**

(a) If a political party nominates candidates for governor and lieutenant governor who were both participating candidates during the primary election campaign period, the candidates shall form a joined campaign for the general election. The joined cam-

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paign is a “participating candidate” under this chapter and is eligible to receive general election funding under AS 15.14.080(a)(2).

(b) If a political party nominates candidates for governor and lieutenant governor and only one of the candidates was a certified candidate under this chapter during the primary election campaign period, the candidates may form a joined campaign that is eligible to receive general election funding under AS 15.14.080(a)(2) if the nonparticipating candidate complies with the requirements of (d) of this section. The candidates shall notify the commission that they have formed a joined campaign no later than one day after the certification of the primary election.

(c) If a nonparticipating candidate declines to form a joined campaign with a participating candidate subject to this chapter, the candidates shall maintain separate campaign accounts and may not coordinate campaign expenditures. The participating candidate is eligible to receive the amount authorized for a joined campaign under AS 15.14.080(a)(2). An expenditure by the nonparticipating candidate during the general election campaign period and the prepaid general election expenses of the nonparticipating candidate shall be treated as an expenditure of the participating candidate under AS 15.14.110.

(d) If the nonparticipating candidate forms a joined campaign with the participating candidate subject to this chapter, the nonparticipating candidate shall report to the commission all prepaid general election expenses and all expenditures using private contributions made during the general election campaign period before the formation of the joined campaign. The nonparticipating candidate shall also, within five days of the formation of the joined campaign, disburse all remaining unspent or unobligated private contributions in accordance with AS 15.13.116.

(e) If a political party nominates candidates for governor and lieutenant governor and neither candidate was a participating candidate during the primary election period, a joined campaign formed by the two nonparticipating candidates is not eligible for funding under this chapter.

**Sec. 15.14.170. Write-in candidates.** (a) A candidate who is conducting a write-in campaign is not eligible for clean election funds and shall be treated as a nonparticipating candidate under this chapter.

(b) If a candidate who is conducting a write-in campaign is running against a certified candidate who has an opponent on the general ballot, the write-in candidate shall comply with the reporting requirements of AS 15.14.095.

**Sec. 15.14.180. Withdrawal by participating candidate.** (a) A candidate may withdraw from participation as a clean elections candidate at any time within 10 days after the end of the qualifying period under AS 15.14.035 by delivering to the commission a notice of the candidate’s intent to withdraw. The candidate may not accept any private contributions until three days after the notice of the candidate’s intent to withdraw is received by the commission. A candidate who has submitted a notice of the candidate’s intent to withdraw may not receive any further clean elections funds.

(b) A participating candidate who withdraws before submitting qualifying contributions to the commission shall use the candidate’s best efforts to return all qualifying contributions the candidate has collected to the contributors within 30 days after the candidate’s withdrawal. If a contributor cannot be located, the qualifying contributions collected by the candidate shall be remitted to the fund. Any qualifying contributions already submitted by a participating candidate who withdraws shall remain in the fund.

(c) A certified candidate who has already received clean elections funds before filing a notice of intent to withdraw shall immediately stop spending these funds on submission of the notice. The candidate shall return all unspent clean elections funds to the commission within five days after submitting the notice of the candidate’s intent to withdraw. The candidate shall repay to the commission all clean elections funds received and spent by the candidate within 30 days after submitting the notice of the candidate’s intent to withdraw. A candidate who has not repaid all clean election funds within 30 days



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after withdrawing may not spend any private contributions for any purpose until the clean election funds have been repaid.

(d) The commission shall adopt regulations governing the form of a notice of an intent to withdraw.

**Sec. 15.14.190. Insufficient funding.** If, during the election year, the commission determines that there is not enough money appropriated to fully fund all participating candidates, the commission shall issue a declaration of insufficient funding. The commission shall distribute available funds to certified candidates on a prorated basis and authorize participating candidates to solicit and accept private contributions permitted under AS 15.13. If the commission issues a declaration of insufficient funding, a participating candidate may not accept more in private contributions than is authorized under the candidate's spending limit under this chapter.

**Sec. 15.14.200. Civil penalties.** (a) Except as provided in (b) of this section, a person who violates a provision of this chapter or a regulation adopted under this chapter is subject to a civil penalty not to exceed \$5,000. The legislature may appropriate money received to the clean elections fund.

(b) In addition to any other penalty imposed by law, a certified candidate who exceeds the expenditure limits established under this chapter shall pay as a civil penalty to the fund and amount equal to

- (1) the amount by which the certified candidate exceeded the limit if the limit is exceeded by more than one percent but less than three percent;
- (2) three times the amount by which the certified candidate exceeded the limit if the limit is exceeded by more than three percent but less than five percent; or
- (3) five times the amount by which the certified candidate exceeded the limit if the limit is exceeded by more than five percent.

(c) In addition to any other penalty imposed by law, if a nonparticipating candidate fails to file a timely and accurate report under AS 15.14.100 and the failure to do so results in the late payment or nonpayment of matching funds, the nonparticipating candidate shall pay as a civil penalty an amount equal to

- (1) the amount of matching funds not paid or paid late to a single certified candidate running for the same office, if the amount of the matching funds is \$2,000 or less;
- (2) three times the amount of matching funds not paid or paid late to a single certified candidate running for the same office, if the amount of the matching funds is more than \$2,000 but less than \$5,000;
- (3) five times the amount of matching funds not paid or paid late to a single certified candidate running for the same office, if the amount of the matching funds is \$5,000 or more but less than \$10,000; or
- (4) 10 times the amount of matching funds not paid or paid late to a single certified candidate running for the same office, if the amount of the matching funds is \$10,000 or more.

(d) In addition to any other penalty imposed by law, a person or group who makes an independent expenditure under AS 15.14.110(a) and does not file a timely and accurate report under AS 15.14.110 resulting in the late payment or nonpayment of matching funds to a certified candidate, the person or group making the independent expenditure shall pay as a civil penalty an amount equal to

- (1) the amount of matching funds not paid or paid late to a single certified candidate, if the amount of the matching funds is \$2,000 or less;
- (2) three times the amount of matching funds not paid or paid late to a single certified candidate, if the amount of the matching funds is more than \$2,000 but less than \$5,000;

# Ballot Measure 3

## Bill Providing For Public Funding In Campaigns

- (3) five times the amount of matching funds not paid or paid late to a single certified candidate, if the amount of the matching funds is \$5,000 or more but less than \$10,000; or
- (4) 10 times the amount of matching funds not paid or paid late to a single certified candidate, if the amount of the matching funds is \$10,000 or more.

(e) In addition to a fine, the commission may require a certified candidate found to be in violation of this chapter or a regulation adopted under this chapter to repay to the fund all or part of the clean elections funds distributed to the candidate.

**Sec. 15.14.210. Administrative procedure and appeals.** (a) A candidate who has been denied certification under AS 15.14.060, the opponent of a candidate who has been granted certification under AS 15.14.060, or a registered voter residing in the electoral district of a certified candidate may challenge a certification decision under this chapter.

(b) A certification decision may be appealed to the full commission within seven days after the certification decision. The appeal must be in writing and must set out the reasons for the appeal.

(c) Within five days after an appeal is properly made and notice is given to the appellant and any candidate in the electoral district, the commission shall hold a hearing. The appellant has the burden of demonstrating that the administrator's decision was improper. The commission shall rule on the appeal within three days after the completion of the hearing.

(d) A candidate whose certification is revoked on appeal shall return any unspent distributions from the fund.

(e) A decision of the administrator to disburse matching funds under AS 15.14.100 may be appealed to the commission by a candidate in the affected election contest who is opposed to the distribution or by a person or group making the independent expenditure that results in a dis-

tribution of matching funds under AS 15.14.110. A decision by the administrator to disburse matching funds shall be implemented, notwithstanding the filing of an appeal, unless the commission issues a stay of the administrator's decision.

(f) Any other decision of the administrator may be appealed to the commission. The commission shall adopt regulations establishing appeal procedures.

(g) A person or group who believes that a violation of this chapter or a regulation adopted under this chapter has occurred or is occurring may file an administrative complaint with the commission within one year after the date of the alleged violation. The commission may consider a complaint on an expedited basis or a regular basis. The complaint shall be considered in accordance with the procedures set out at AS 15.13.380(b)-(h).

(h) A decision of the commission under (c) of this section may be appealed to the superior court. The appellant may request that the appeal be heard on an expedited basis.

**Sec. 15.14.220. Adjustment for inflation.** Beginning in January 2011 and every four years thereafter, the commission shall modify the dollar values specified in AS 15.14.040, 15.14.070, and 15.14.080 to account for inflation. The commission shall adopt by regulation a method to determine the amount of the adjustment.

**Sec. 15.14.230. Regulations.** The administrator shall adopt regulations to ensure effective administration of this chapter. The regulations must include procedures for obtaining qualifying contributions, certification of candidates, recounts, withdrawal or replacement of candidates, disbursement of clean elections funds, reporting of prepaid general election expenses, return of unspent fund disbursements, processing complaints alleging violations of this chapter, recordkeeping, and compliance with this chapter.

**Sec. 15.14.240. Report to the legislature.** By January 30, 2010, and every four years after that date, the commission shall submit a report to the legislature documenting, evaluating, and making

# Ballot Measure 3

## Bill Providing For Public Funding In Campaigns

recommendations relating to the administration, implementation, and enforcement of this chapter and the clean election fund established in AS 15.14.510.

**Sec. 15.14.400. Definitions.** In this chapter,

- (1) "administrator" means the person appointed by the commission under AS 15.13.030(11);
- (2) "clean elections" means the optional system of contribution and expenditure limits and public campaign financing established under this chapter;
- (3) "commission" means the Alaska Public Offices Commission;
- (4) "contribution" has the meaning given in AS 15.13.400;
- (5) "election cycle," as applied to a candidate for state office, is the period beginning on the 31st day following a general election for that office and ending on the 30th day following the next general election for that office;
- (6) "election year" means the calendar year during which a state general election for a particular office is held;
- (7) "expenditure" has the meaning given in AS 15.13.400;
- (8) "fund" means the clean elections fund established in AS 15.14.010;
- (9) "general election campaign period" means the period beginning the day following the primary election and ending on the day of the general election;
- (10) "independent expenditure" has the meaning given in AS 15.13.400;
- (11) "nonparticipating candidate" means a candidate, as that term is defined in AS 15.13.400, who has not been certified under AS 15.14.060;
- (12) "obligated expenditure" means an expenditure that a candidate is legally obligated to make or has otherwise agreed to make, but has not yet made;
- (13) "participating candidate" means a candidate, as that term is defined in AS 15.13.400, who has agreed to participate in the clean elections program, who has submitted and not withdrawn a declaration of intent, and who has not been denied certification by the commission;
- (14) "prepaid general election expenses" means payments made by a candidate before the end of the primary election campaign period for goods or services that will be delivered or provided during the general election campaign period and includes
  - (A) rental payments;
  - (B) radio, television, newspaper, and other forms of advertising;
  - (C) wages, salaries, and personnel costs;
  - (D) consulting services;
  - (E) other payments defined by the commission by regulation;
- (15) "primary election campaign period" means the period beginning the day following the qualifying period and ending the day of the primary election;
- (16) "qualifying contribution" means an allowable contribution under AS 15.14.050 to a participating candidate that is made after the candidate submits a declaration of intent and before the end of the qualifying period;
- (17) "qualifying period" means the period during which a candidate may collect qualifying contributions for the purpose of becoming a certified candidate; for a candidate for statewide office, the period begins on August 1 of the year preceding a year in which a general election is held and ends on June 1 of the general election year; for a candidate for the legislature, the period begins on October 1 of the year preceding a year in which a gener-

# Ballot Measure 3

## Bill Providing For Public Funding In Campaigns

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- al election is held and ends on June 1 of the general election year;
- (18) “seed money contribution” means a contribution of not more than \$100 from each individual made to a candidate, including a contribution from the candidate or the candidate’s relative;
- (19) “statewide office” means the office of the governor or lieutenant governor.

**\*Sec. 8.** AS 15.56.012(a) is amended to read:

(a) Except as provided in AS 15.56.014 and 15.56.016, a person commits the crime of campaign misconduct in the first degree if the person knowingly engages in conduct that violates a provision of AS 15.13 **or AS 15.14**, or a regulation adopted under authority of AS 15.13 **AS 15.14**.

**\*Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. This Act applies

- (1) immediately to the election cycles, as that term is defined by AS 15.14.400, enacted by sec. 7 of this Act, for the offices of state senator and state representative; and
- (2) after December 31, 2010, for the election cycle, as that term is defined by AS 15.14.400, enacted by sec. 7 of this Act, for the offices of governor and lieutenant governor.

# Ballot Measure 3

## Bill Providing For Public Funding In Campaigns

### STATEMENT IN SUPPORT

**THE ALASKA CLEAN ELECTIONS ACT** enables Alaskans to take back control of our government from big money and special interests. Ongoing FBI investigations and the VECO scandal indicate a serious need to return accountability to our government. Political corruption has cost Alaskans billions in lost revenues, and even more in lost opportunities. Clean Elections effectively removes big money and special interests from Alaska politics and allows critical issues to get the attention they deserve.

**Vote Yes on Measure 3!**

### **WHAT CLEAN ELECTIONS DOES:**

**Clean Elections levels the political playing field** by providing a qualifying candidate enough campaign money to run a competitive race. Spending limits are strictly enforced to keep campaigns honest.

**Clean Elections empowers Alaskans to hold elected leaders more accountable** because Clean Election candidates receive only small \$5 contributions from voters in their district. Once elected, Clean Election legislators are not beholden to any special interest. They are free to make decisions that benefit ALL ALASKANS.

**Clean Elections allows candidates to focus on voters and ideas, instead of lobbyists and big money.** Clean Elections frees elected leaders from a flawed system that values people with money over regular voters.

**Clean Elections eliminates the incentive to give away billions of dollars in tax breaks and political paybacks.** Clean Elections will cost the State less than \$9/person per year. Money saved can go toward critical needs such as schools, affordable energy, roads and our future.

**Clean Elections has proven successful in seven other states.** 4 out of 5 voters support the Clean Elections systems in Arizona and Maine. In 2004 more than 80% of legislative candidates in Maine and 56% of candidates in Arizona ran using Clean Election funds.

### **HOW CLEAN ELECTIONS WORKS:**

Clean Elections is completely voluntary. Candidates must show a broad base of support by collecting a specified number of signatures with \$5 contributions from voters in their district. When they pledge to uphold strict fundraising limits, they qualify for enough money to run a viable campaign. Clean Election candidates also may receive matching funds if outspent by an opponent funded with private contributions

### **ALASKANS MUST DECIDE:**

As long as politicians must raise huge sums of private money to get elected, corruption will continue. Politicians inevitably serve those who finance their campaigns. If we fund elections, they will serve us; if we don't, many will continue to serve special interests. Clean Elections is a proven solution that will better serve all Alaskans for generations. Visit [www.alaskansforcleanelections.org](http://www.alaskansforcleanelections.org) for more information.

The following encourage your YES vote:

**Constitutional father Vic Fischer**  
**Constitutional father George Rogers**  
**Former Governor Walter Hickel**  
**Former Governor Tony Knowles**  
**Former Lt. Governor Lowell Thomas, Jr.**  
**Former State Senator Arliss Sturgulewski**  
**Juneau Mayor and former AG Bruce Botelho**  
**Fairbanks Borough Mayor Jim Whitaker**  
**Former Attorney General John Havelock**  
**AARP**  
**Alaska Women's Political Caucus**  
**Anchorage Municipal Assembly**  
**City & Borough of Sitka**  
**City & Borough of Homer**  
**City of Wrangell**  
**Bristol Bay Borough**  
**Haines Borough**  
**Lake & Peninsula Borough**

Tim June  
Chair, Alaskans for Clean Elections

*The statement printed on this page is the opinion of the author(s) and is presented as submitted to the Division of Elections.*

# Ballot Measure 3

## Bill Providing For Public Funding In Campaigns

### STATEMENT IN OPPOSITION

Alaskans should Vote NO on Measure 3. Taxpayer-funded political campaigns will **not** reduce corruption in Alaska. They will **not** reduce the influence of special interest groups. They will **not** make legislators more accountable to voters. They will **not** produce a single positive change in Alaskan politics or elections.

What they will do is vastly increase the cost of political campaigns—and cost taxpayers millions of additional dollars per year.

High-powered special interest groups actually can increase their aid to candidates under systems of taxpayer-funded campaigns, because they can provide significant assistance in gathering small donations required to qualify for taxpayer funds. Honest, well-intentioned, individual citizens are no match for such a well-oiled, well-organized special interest effort.

This measure is nothing more than an incumbent protection act.

Taxpayer-funded political campaigns will reduce political speech and make it harder for challengers to defeat incumbents. Candidates rely on campaign spending to promote their ideas, experience, and priorities. Challengers—who don't have the benefit of a public forum to speak from—typically need to spend more money to effectively communicate their message. But because taxpayer-funded candidates must agree to limit their spending, incumbents who are already known have an unfair advantage few challengers can overcome.

The fact is experts have consistently found that campaign contributions do not affect legislative votes. The recent VECO scandal clearly demonstrates this—the oil services company was forced to directly bribe legislators to get the vote they desired because campaign contributions failed to have any impact.

In Arizona the experience has been that legislators who relied on voluntary contributions for political campaigns voted no differently than legislators who took taxpayer dollars. In fact, legislators who must rely upon voluntary contributions are far more likely to vote as their constituents want in order to avoid retribution at the polls.

Nor will giving taxpayer dollars to politicians reduce the influence of special interest groups. Lobbyists and representatives from powerful unions, big business, and well-financed trade associations will continue to buttonhole legislators as they have before. But if Measure 3 is enacted, **individual citizens—prevented from supporting the candidates of their choice—have less direct influence than ever.**

On top of all this, providing taxpayer funds to politicians actually limits the types of candidates who get elected to the legislature. Recent research found that the number of legislators from business and law, the traditional backgrounds for legislators, did not change once taxpayers were forced to pick up the bill for political campaigns in Arizona and Maine. The number of new candidates from other professions did not increase at all. **The number of women actually declined in both states.**

Finally, think of the worst wacko you would never want in public office. Your tax dollars will help this wacko try to get elected.

Letting government divvy out tax dollars to the candidates it selects will deepen the problem, not provide a solution. Vote NO on Measure 3 - protect your right to choose. Incumbent politicians don't need protection - citizens and taxpayers do. Vote NO.

Dick Randolph, Chair  
Committee to Stop Corruption

Kenneth Jacobus

*The statement printed on this page is the opinion of the author(s) and is presented as submitted to the Division of Elections.*



# Ballot Measure 4

## Bill Providing For Regulation Of Water Quality

### BALLOT LANGUAGE

This bill imposes two water quality standards on new large scale metallic mineral mining operations in Alaska. The first standard does not allow such a mining operation to release into water a toxic pollutant that will adversely affect human health or the life cycle of salmon. The second standard does not allow such a mining operation to store mining wastes and tailings that could release sulfuric acid, other acids, dissolved metals or other toxic pollutants that could adversely affect water that is used by humans or by salmon. The bill defines a large scale metallic mineral mining operation to mean a metallic mineral mining operation that is in excess of 640 acres in size. The bill defines toxic pollutants to include substances that will cause death and disease in humans and fish, and includes a list of substances identified as toxic pollutants under federal law.

Should this initiative become law?

Yes

No

### LEGISLATIVE AFFAIRS AGENCY SUMMARY

The Act prohibits the state from issuing permits for some mining projects. The Act applies only to mines larger than 640 acres. The Act applies only to mines that have not yet received permits. Permits may not be provided for mines that release pollutants into the water that affect humans or salmon. Permits may not be provided for mines that store or dispose of waste material that could release pollutants into water used by humans or salmon.

### STATEMENT OF COSTS

As required by AS 15.45.090(a)(4), the Alaska Department of Natural Resources has prepared the following statement of costs to the State of implementing the law proposed in Initiative 07WTR3.

This initiative appears to propose language that does not differ significantly from existing water quality standards. Therefore, the department does not foresee any significant impact on the department or on activities on state-owned land. As a result, there will not be significant fiscal impact—either revenues or costs—as a result of this initiative.

### FULL TEXT OF THE PROPOSED LAW

**“An Act to protect Alaska’s clean water.”**

### BE IT ENACTED BY THE PEOPLE OF THE STATE OF ALASKA:

**Section 1.** Purpose. The purpose of this Act is to protect the statewide public interest in water quality by limiting the discharge or release of certain toxic pollutants on the land and waters of the state, and by establishing management standards and other regulatory prescriptions to ensure that Alaska’s waterways, streams, rivers and lakes, an important public asset, are not adversely impacted by new large scale metallic mineral mining operations and that such prospective operations are appropriately regulated to assure no adverse effects on the state’s clean waters.

### Section 2. Regulatory standards affecting streams and waters.

(a) Notwithstanding any other provision of law, approvals, authorizations, licenses and permits for a prospective large scale metallic operation may not be granted or issued to a person or entity to allow activity that directly or indirectly:

- (1) releases or discharges a toxic pollutant or pollutants, in a measurable amount that will effect human health or welfare or any stage of the life cycle of salmon, into, any surface or subsurface water, or tributary there to; or that
- (2) stores or disposes of metallic mineral mining wastes, including overburden, waste rock, and tailings in a way that could result in the

*The text of this bill is presented as submitted by petition sponsors.*

# Ballot Measure 4

## Bill Providing For Regulation Of Water Quality

release or discharge of sulfuric acid, other acids, dissolved metals, toxic pollutants or other compounds thereof that will effect, directly or indirectly, surface or subsurface water or tributaries thereto used for human consumption or salmon spawning, rearing, migration or propagation;

(b) This measure is intended to regulate the operations described herein to prevent the release or discharge of toxic pollutants and other chemicals into the waters of the state. This measure shall not result in the appropriation of lands or waters of the state in any fashion associated with new large scale mining operations. Use of the surface and subsurface waters and the land of the state for a prospective large scale metallic mining operation is not prohibited but is subject to regulation to ensure protection of human health, and welfare and conservation of other state resources which also rely on the waters and land of the state.

**Section 3. Scope.** Section 2 of this Act does not apply to existing large scale metallic mineral mining operations that have received all required federal, state, and local permits, authorizations, licenses, and approvals on or before the effective date of this Act or to future operations of existing facilities at those sites.

**Section 4. Savings Clause.** It is the intention of the people of Alaska that each of the provisions of this Act or any portion thereof shall be independent of each of the others, so that the invalidity of any provision or portion thereof shall not affect the validity of the remaining provisions or portions thereof, and that all valid provisions and portions thereof shall be effective irrespective of the invalidity of any other provision or portion thereof. Upon enactment, the state shall take all actions necessary to ensure the maximum enforceability of this act.

**Section 5. Definitions.**

(a) "large scale metallic mineral mining operation" means a mining operation that extracts

metallic minerals or deposits and utilizes or disturbs in excess of 640 acres of lands or waters, either alone or in combination with adjoining, related or concurrent mining activities or operations. This term includes all components of a mining project, including but not limited to:

- (1) mining, processing, the treatment of ore in preparation for extraction of minerals, and waste or overburden storage or disposal;
- (2) any construction or operation of facilities, roads, transmission lines, pipelines, separation facilities, and other support and ancillary facilities;
- (3) any mining or treatment plant or equipment connected with the project, underground or on the surface, that contributes or may contribute to the extraction or treatment of metallic minerals or other mineral product; and
- (4) any site of tunneling, shaft-sinking, quarrying, or excavation of rock for other purposes, including the construction of water or roadway tunnels, drains or underground sites for the housing of industrial plants or other facilities.

(b) "toxic pollutants" means those substances or substance combinations, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into a human, fish or wildlife organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available, cause death, disease, malignancy, behavioral abnormalities, abnormalities, or malfunctions in growth, development, behavior, or reproduction, cancer, genetic mutations, physiological malfunctions or physical or physiological abnormalities or deformations in such organisms or their offspring; "toxic pollutants" includes the following substances, and any other substance identified as a toxic pollutant under 33 U.S.C. 1317(a):

2-chlorophenol; 2,4-dichlorophenol; 2,4-dimethylphenol; acenaphthene; acrolein;

# Ballot Measure 4

## Bill Providing For Regulation Of Water Quality

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acrylonitrile; Aldrin/Dieldrin; ammonia; antimony; arsenic; asbestos; benzene; benzidine; beryllium; cadmium; carbon tetrachloride; Chlordane; chlorinated benzenes; chlorinated naphthalene; chlorinated ethanes; chlorine; chloroalkyl ethers; chloroform; chlorophenols; chlorophenoxy herbicides; chromium; copper; cyanide; DDT; Demeton; dichlorobenzenes; dichlorobenzidine; dichloroethylenes; dichloropropane; dichloropropene; dinitrotoluene; diphenylhydrazine; Endosulfan; Endrin; ethylbenzene; fluoranthene; Guthion; haloethers; halomethanes; Heptachlor; hexachlorobutadiene; hexachlorocyclohexane; hexachlorocyclopentadiene; isophorone; lead; Lindane; Malathion; mercury; methoxychlor; Mirex; naphthalene; nickel; nitrobenzene; nitrophenols; nitrosamines; p-dioxin; Parathion; PCBs; pentachlorophenol; phenol; phthalate esters; polynuclear aromatic hydrocarbons; selenium; silver; sulfuric acid; tetrachloroethylene; thallium; toluene; Toxaphene; trichloroethylene; vinyl chloride; and zinc;"

# Ballot Measure 4

## Bill Providing For Regulation Of Water Quality

### STATEMENT IN SUPPORT

Alaskans should enthusiastically vote YES on Ballot Measure #4, "An Act protecting Alaska's clean water". Ballot Measure #4 would protect Bristol Bay's commercial, sport and subsistence fisheries from being harmed by a toxic chemical spill at the proposed Pebble Mine.

Every sulfide mine on earth has had toxic discharge. Just one toxic discharge in Bristol Bay would risk more than Alaskans will ever receive from an international mining company that takes the gold, leaves, and only pays 0.1% in taxes to Alaska.

80% of the remaining wild salmon consumed in North America now comes from Alaska, and Bristol Bay is the largest salmon fishery left on earth.

The mining industry says that Pebble would never be developed if salmon are harmed. But their own PR people acknowledge that at least 20% of the Bristol Bay drainage would, in fact, suffer environmental impact.

1. Vote YES on Ballot Measure #4 to protect Alaska's largest employer - the \$250-million-a-year commercial fishing industry. A YES vote on #4 is a vote for 8,000 Alaska jobs that are there year after year..
2. Vote YES on Ballot Measure #4 to protect Alaska's pristine image and wild salmon. One mining accident would cause catastrophic harm to Alaska's largest salmon run and world class rainbow trout fishing. A YES vote on #4 only stops toxic chemical releases that would harm our fish.
3. Vote YES on Ballot Measure #4 to protect the people of Bristol Bay who have subsisted off the fish and wildlife of this region for over 10,000 years. The people of Bristol Bay overwhelmingly support Ballot Measure #4.

4. Vote YES on Ballot Measure #4 because no sulfide mine like Pebble - on the planet earth - has ever been developed without contaminating the streams around it. And no sulfide mine has ever been proposed in a location like Bristol Bay, where it would put a large, existing resource industry at risk.

5. Vote YES on Ballot Measure #4 because wild salmon are disappearing elsewhere. If regulations are as strict as the mining industry claims, why has salmon fishing on the entire West Coast been shut down? It is because their salmon are disappearing.

**6. Vote YES on Ballot Measure #4 because the international mining companies have lied to Alaskans:**

- No existing mine will be shut down by Ballot Measure #4 and no mine expansion will be stopped.
- No mom-and-pop mines will be shut down by Ballot Measure #4.
- No recreational activities will be restricted by Ballot Measure #4.

Here is the exact wording in Ballot Measure #4: "...this Act **does not apply to existing large scale metallic mineral mining operations...or to future operations of existing facilities at those sites.**"

**Ballot Measure #4 simply says that NEW, large metallurgical mines in Alaska cannot release toxic chemicals into salmon spawning waters that will adversely impact those salmon.** It will cost the taxpayers nothing to implement Ballot Measure #4.

**Vote YES on Ballot Measure #4 to protect clean water and wild Alaska salmon.**

Alaskans for Clean Water  
Arthur J. Hackney  
Prime Sponsor of Ballot Measure #4

*The statement printed on this page is the opinion of the author(s) and is presented as submitted to the Division of Elections.*

# Ballot Measure 4

## Bill Providing For Regulation Of Water Quality

### STATEMENT IN OPPOSITION

Don't be deceived by the title of this measure. Ballot Measure 4 is a wolf in sheep's clothing. It is a serious threat to Alaska's economy. If passed, it could:

- result in the loss of thousands of mining and related-industry jobs across Alaska;
- undermine economic opportunity in the rural areas of our state; and
- force the shutdown of existing mines and prevent new mines in the future.

Measure 4 replaces a thorough fact-based regulatory review process with an arbitrary, untested process - Vote NO.

The anti-mining initiatives ignore that the State of Alaska has spent years developing a comprehensive environmental policy. Alaskans agree that protecting our environment should be a top priority. The state and federal review process now in place is based on science and ensures that no permitting decision is made until all the environmental studies are completed and reviewed by independent, qualified professionals. We have strict procedures that ensure air, water, fish, and human health are protected; this process is open, transparent and fair, so that the interests of ALL Alaskans are served. Measure 4 throws all of this out the window.

Measure 4 is a serious threat to Alaska's economy - Vote NO.

Today mining is an important contributor to Alaska's diverse economy and provides needed jobs and opportunity, especially in rural Alaska where jobs are scarce. Mining directly benefits Alaska through:

- over 5,500 direct and indirect jobs
- nearly \$200 million per year in state and local tax revenue
- billions of dollars in income and investment from existing mines and future developments over coming decades.

Measure 4 hurts rural and urban communities - Vote NO.

A damaged mining industry will hit hardest in rural communities where mining brings high-paying jobs and revenue for some of the state's poorest areas, not to mention the significant ripple effects on the overall economy and the many businesses in regional centers providing support services to mining.

Measure 4 is part of a deceptive effort by anti-mining activists to threaten the future of mining in Alaska - Vote NO.

Ballot Measure 4 is a drastic, deceptive and poorly worded initiative. Even as this pamphlet is being written, Ballot Measure 4 is mired in legal challenges before the Alaska Supreme Court and serious questions remain as to what the true effects of the measure will be. At worst, Ballot Measure 4 would cause a mining shutdown which would be felt in homes, businesses and communities across the State. In the alternative, it will generate years of expensive lawsuits, unnecessary red tape, and costly bureaucracy that will threaten a growing industry, and create a cloud of uncertainty over new regulations that will hinder economic growth with little potential benefit. Alaska's regulations already go to great lengths to protect human health and salmon.

### VOTE NO on Measure 4

Please oppose this attack on mining in Alaska and Vote No. This measure is an arbitrary, costly and misguided way to make policies that affect the livelihoods of thousands of Alaskans.

Marie Greene, President of NANA Regional Corporation  
Kotzebue, Alaska

Jim Whitaker, Mayor  
Fairbanks, Alaska

Cynthia Toohey, Chair of Alaskans Against the Mining Shutdown  
Anchorage, Alaska



## State of Alaska

Division of Elections  
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#### **Matanuska-Susitna Elections Office**

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