

# CITY OF THORNE BAY

City Clerk's Office

## Petition Instruction Summary



The steps provided below act as a general guide for petitions. For Recall or Local Option petitions, the requirements for the application content is different.

### Step 1. Application Submission to the City Clerk.

Before circulation of a petition, you must submit an application and the following items to the City Clerk:

- The ordinance or resolution to be initiated or referred.
- The name and address of the primary contact person as well as one other individual who would be willing to receive all correspondence relating to the petition.
- Signatures of at least ten registered municipal voters who will sponsor and circulate the petition booklets. If someone would like to circulate a petition booklet that did not sign the application they should, in writing, submit their name to the clerk as an additional sponsor if the petition has not yet been filed with the clerk.
- You must include the full text of the ordinance or resolution to be initiated or a copy of the adopted ordinance or resolution to be referred.

### Step 2. City Clerk's Determination of Legal Sufficiency.

If all of the above items are completed the clerk will have two weeks from the date the application was submitted to certify the application.

The review process considers the following:

- The application only contains one subject.
- The application for petition relates to legislative matters, not an administrative issue.
- The proposed change would be enforceable as a matter of law.
- The proposed change would not be restricted by AS 29.26.100 Reservation of Powers-
- The powers of initiative and referendum are reserved to the residence of municipalities except the powers restricted by art. XI, Sec. 7 of the State Constitution:
  1. The initiative shall not be used to dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of Courts or prescribe their rules or enact local or special legislation.
  2. The referendum shall not be applied to dedications of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health, or safety.

## Petition Instruction Summary

### Step 3. City Clerk’s Dissemination of Petition Booklets After Legal Sufficiency is met.

- The City Clerk will have two weeks from the date of certification to prepare the petition booklets and contact the primary petition sponsor.
- The primary petition sponsor is responsible for notifying the other sponsors of the petition booklet availability.

### Step 4. Requirements for Circulation of Petition Booklets.

- The sponsors will have 90 days from the day after the clerk certifies/approves the petition to secure the necessary number of signatures from registered voters. The number of signatures required will be provided by the city clerk and vary depending on the type of petition being circulated. If the 90th day falls on a Saturday the clerk will make arrangements with the sponsors to receive the petitions at the clerk’s office at or before 4:30p on that date, if it is on a Sunday or City holiday the sponsors may file the petition no later than 9:00a on the first weekday which is not a holiday.
- The sponsor of the petition booklet must witness each person’s signature in the petition booklet.
- Every petition signature must be in ink and written as their information reads on the voter registration rolls. The information that must be collected from each signer for the signature to be certified include:
  1. Signature
  2. Printed Name (must be legible)
  3. Date of signing
  4. Mailing address
  5. Resident address

<u>Adequate Residence Address</u>	<u>Inadequate Residence Address:</u>
<ul style="list-style-type: none"> <li>• A subdivision name with a lot and block number;</li> <li>• A United States Survey number when the smallest recorded subdivision which is applicable to the property is included;</li> <li>• A milepost when accompanied by a road or highway name;</li> <li>• A boat harbor or marina name when the stall, slip or boat name is also included;</li> <li>• A hotel or motel if the room number is included;</li> <li>• A trailer court if the space number or street name and number within the trailer court is given;</li> <li>• A house number with a street or highway name;</li> <li>• An apartment or condominium name when accompanied by an apartment or unit number.</li> </ul>	<ul style="list-style-type: none"> <li>• A street name without a house number;</li> <li>• A milepost without a highway or road name;</li> <li>• A highway or road name without a milepost or house number;</li> <li>• A rural route box number;</li> <li>• A post office box number;</li> <li>• A Street, highway or road intersection;</li> <li>• Any address which is ambiguous either on its face or becomes ambiguous upon consulting a map or plat to which one would be led from the residence address information;</li> <li>• An illegible address.</li> </ul>

## Petition Instruction Summary

### Step 5. Filing of Petition with the City Clerk.

- The primary sponsor shall gather all of the petition booklets together and submit them to the City Clerk's Office. Please check with the City Clerk's Office for office hours and any holidays to ensure timely submission.
- In the presence of the person submitting the petition booklets, the clerk will go through the petition booklets and reject:
  1. Any which show evidence of being disassembled and reassembled.
  2. Does not contain all of the pages of the ordinance or resolution to be initiated or referred.
  3. Does not contain the fully completed signed and notarized affidavit of the sponsor.
- After the initial review, the City Clerk will have ten days to certify whether the petition is sufficient.
- If the petition is insufficient, the City Clerk shall identify the insufficiency and notify the contact person by certified mail. A signer of the petition may file a protest with the Mayor within seven days after the certification. A protest shall be presented by the mayor to the City Council at the next regular meeting where the City Council shall hear and decide the protest.
- An insufficient petition may not be filed sooner than six months after a petition is rejected if it is on substantially the same matter.

### Step 6. Effects of Certified Petition.

- **Initiative/Referendum Election** - the clerk will submit the matter to the voters at the next regular election or if already scheduled at a special election occurring no sooner than sixty days after certification of the petition.

#### Alcohol Local Option Petition Application

Instead of an ordinance or resolution, an application for an alcohol local option petition must contain the local option question to be presented on a ballot and must at least contain language substantially similar to the questions set out under AS 04.11.491 - 04.11.495. The signature requirements for an alcohol local option petition is 35% of the qualified voters voting at the last regular municipal election.

#### Marijuana Local Option Petition Application

A marijuana local option petition must contain the local option question to be presented on a ballot and must at least contain language substantially similar to the question set out under 3 AAC 306.200. The signature requirements for a marijuana local option petition is 25% of the qualified voters voting at the election.

### Recall Petition Application

Instead of an ordinance or resolution, an application for a recall petition must include a statement in 200 words or less of the grounds for recall stated with particularity. As opposed to 90 days for circulation, signatures must be secured within 60 days after the date the petition is issued.



# CITY OF THORNE BAY

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## Application for Recall Petition Instruction

An official who is elected or appointed to an elective municipal office may be recalled by the voters after the official has served the first 120 days for the term for which elected or appointed.

Requirements for a recall petition can be found under Thorne Bay Municipal Code 7.10.170 and Alaska Statutes Title 29.26.240-2.26.360.

**Alaska Statutes Sec. 29.26.250. Grounds for recall.** Grounds for recall are misconduct in office, incompetence, or failure to perform prescribed duties. (§ 9 ch. 74 SLA 1985)

**Alaska Statutes Sec. 29.26.260. Application for recall petition.** (a) an application for a recall petition shall be filed with the municipal clerk and must contain:

- (1) the signatures and residence addresses of at least **10 municipal voters** who will sponsor the petition;
- (2) the name and address of the contact person and an alternate to whom all correspondence relating to the petition may be sent; and
- (3) a statement in 200 words or less of the grounds for recall stated with particularity. (b) An additional sponsor may be added at any time before the petition is filed by submitting the name of the sponsor to the clerk.



# CITY OF THORNE BAY

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## Application for Recall Petition

**Primary Petition Sponsor (1) Name:** \_\_\_\_\_ **Physical/Mailing Address:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_ **Email Address:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

**Alternate Petition Sponsor (2) Name:** \_\_\_\_\_ **Physical/Mailing Address:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_ **Email Address:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

### Petition Sponsors

	Printed Name	Physical Address	Signature
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

Date Application Received by the City Clerk: \_\_\_\_\_