

# FAIRBANKS NORTH STAR BOROUGH

## Initiative and Referendum Application

### 2022 Informational Packet

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This packet contains the information you will need to initiate or refer an ordinance to the voters of the Fairbanks North Star Borough.

- ❖ The powers of initiative and referendum are reserved to the residents of municipalities, except the powers do not extend to matters restricted by art. XI, sec. 7 of the state constitution.
- ❖ Before circulating a petition, you must submit an application to the Borough Clerk using the enclosed form.
- ❖ The application must contain the name and address of the primary contact person and an alternate person to whom all correspondence relating to the petition may be sent.
- ❖ The application must be signed by at least 10 municipal voters who will sponsor the petition.
- ❖ You must include the full text of the ordinance or resolution to be initiated or the ordinance or resolution to be referred.



**Office of the Borough Clerk  
Fairbanks North Star Borough  
907 Terminal Street  
Fairbanks, Alaska 99701  
(907) 459-1401 Office**

Updated: 12/14/2020

# **FAIRBANKS NORTH STAR BOROUGH**

## **INITIATIVE OR REFERENDUM INFORMATION**

Before circulating a petition for an initiative or referendum, you **MUST**:

### ***APPLY FOR PETITION BY FILING AN APPLICATION WITH THE BOROUGH CLERK***

1. A copy of the ordinance or resolution to be initiated or referred.
2. Names and addresses for primary and alternate contact for the petition.
3. At least 10 municipal voters' signatures who will sponsor the petition to include residence address.

### ***AFTER THE APPLICATION HAS BEEN FILED WITH THE BOROUGH CLERK***

1. Within two weeks the Borough Clerk will certify the application if the clerk finds that it is in proper form and, for an initiative petition, that the matter:
  - a) is not restricted by AS 29.26.100;
  - b) includes only a single subject;
  - c) relates to a legislative rather than to an administrative matter; and
  - d) would be enforceable as a matter of law.
2. A decision by the Borough Clerk on an application for petition is subject to judicial review.

### ***AFTER THE APPLICATION HAS BEEN CERTIFIED***

1. The Borough Clerk shall have two weeks to prepare the petition.
2. The Borough Clerk shall notify the primary contact person in writing when the petition is available.
3. The primary contact person is responsible for notifying sponsors for pick-up.
4. Copies of the petition(s) are issued to each sponsor that comes to the Borough Clerk's Office.
5. At the request of a sponsor, the petition will be mailed.
6. At any time before the petition is filed additional sponsor may be added by coming to the Borough Clerk's Office and signing the sponsor log with the same information as an original sponsor (printed name, signature, resident address, and is a registered voter of the Borough), then a petition(s) will be issued.

## **AFTER THE PETITION HAS BEEN ISSUED**

1. Signatures must be secured within 90 days after the petition is issued.
  2. Signatures must be affixed in the presence of the sponsor.
  3. Signatures must be in ink or indelible pencil.
  4. Signatures of 15% of the voters that voted in the last regular election will be required on the petition.
    - a. 16,053 votes were cast in the October 2021 Election.
    - b. 2,408 signatures will be required on a petition filed with the Borough Clerk.
- (Except as provided in Sec. 29.26.130(e)... if the petition affects only an area that is less than the entire area of a municipality)**
5. The Borough Clerk shall reject illegible signatures unless accompanied by a legible printed name.
  6. Signatures not accompanied by a legible residence address shall be rejected.
  7. A petition signer may withdraw the signer's signature on written application to the Borough Clerk before certification of the petition.
  8. All copies of the petition shall be assembled and filed as a single instrument.

## ***AFTER THE PETITION HAS BEEN FILED***

1. The Borough Clerk shall have 10 days after the date the petition is filed to certify whether it is sufficient.
2. A petition that is insufficient may be supplemented with additional signatures obtained and filed before the 11th day in which the petition is rejected. The Borough Clerk will prepare the supplemental petition.
3. A new petition on substantially the same matter may not be filed sooner than six months after a petition is rejected as insufficient.

## **2022 MUNICIPAL ELECTION DEADLINE INFORMATION**

It is recommended the petition be filed with the Borough Clerk **no later than July 8, 2022** for the Borough Clerk to certify the petition as sufficient and submit the matter before the voters at the October 4, 2022 Municipal Election. **The petition MUST be certified no later than August 5, 2022. (AS 29.26.170(a))**

- The Borough Clerk will have 10 days after the petition is filed to certify the petition as sufficient. (July 9 – July 18)
- A petition that is insufficient and rejected may be supplemented with additional signatures obtained and filed before the 11<sup>th</sup> day after the date the petition was rejected as insufficient. Borough Clerk to prepare supplemental petition.
- Supplemental petition due by July 29. Clerk review of supplemental signatures July 30 - August 4.
- After a supplementary filing the Borough Clerk shall recertify the petition. The petition must be recertified by August 5.

## **ALASKA STATUTES – ARTICLE 2 – Initiative and Referendum**

### **Sec. 29.26.110. Application for petition.**

(a) An initiative or referendum is proposed by filing an application with the municipal clerk containing the ordinance or resolution to be initiated or the ordinance or resolution to be referred and the name and address of a contact person and an alternate to whom all correspondence relating to the petition may be sent. An application shall be signed by at least 10 voters who will sponsor the petition. An additional sponsor may be added at any time before the petition is filed by submitting the name of the sponsor to the clerk. Within two weeks the clerk shall certify the application if the clerk finds that it is in proper form and, for an initiative petition, that the matter

(1) is not restricted by AS 29.26.100 ;

(2) includes only a single subject;

(3) relates to a legislative rather than to an administrative matter; and

(4) would be enforceable as a matter of law.

(b) A decision by the clerk on an application for petition is subject to judicial review.

### **Sec. 29.26.120. Contents of petition.**

(a) Within two weeks after certification of an application for an initiative or referendum petition, a petition shall be prepared by the municipal clerk. Each copy of the petition must contain

(1) a summary of the ordinance or resolution to be initiated or the ordinance or resolution to be referred;

(2) the complete ordinance or resolution sought to be initiated or referred as submitted by the sponsors;

(3) the date on which the petition is issued by the clerk;

(4) notice that signatures must be secured within 90 days after the date the petition is issued;

(5) spaces for each signature, the printed name of each signer, the date each signature is affixed, and the residence and mailing addresses of each signer;

(6) a statement, with space for the sponsor's sworn signature and date of signing, that the sponsor personally circulated the petition, that all signatures were affixed in the presence of the sponsor, and that the sponsor believes the signatures to be those of the persons whose names they purport to be; and

**Sec. 29.26.120. Contents of petition. (continued)**

(7) space for indicating the total number of signatures on the petition.

(b) If a petition consists of more than one page, each page must contain the summary of the ordinance or resolution to be initiated or the ordinance or resolution to be referred.

(c) The clerk shall notify the contact person in writing when the petition is available. The contact person is responsible for notifying sponsors. Copies of the petition shall be provided by the clerk to each sponsor who appears in the clerk's office and requests a petition, and the clerk shall mail the petition to each sponsor who requests that the petition be mailed.

**Sec. 29.26.130. Signature requirements.**

(a) The signatures on an initiative or referendum petition shall be secured within 90 days after the clerk issues the petition. The statement provided under AS 29.26.120 (a)(6) shall be signed and dated by the sponsor. Signatures shall be in ink or indelible pencil.

(b) The clerk shall determine the number of signatures required on a petition and inform the contact person in writing. Except as provided in (e) of this section, a petition shall be signed by a number of voters based on the number of votes cast at the last regular election held before the date written notice is given to the contact person that the petition is available, equal to

- (1) 25 percent of the votes cast if a municipality has fewer than 7,500 persons; or
- (2) 15 percent of the votes cast if a municipality has 7,500 persons or more.

(c) Illegible signatures shall be rejected by the clerk unless accompanied by a legible printed name. Signatures not accompanied by a legible residence address shall be rejected.

(d) A petition signer may withdraw the signer's signature on written application to the clerk before certification of the petition.

(e) If the ordinance or resolution that is the subject of an initiative or referendum petition affects only an area that is less than the entire area of a municipality, only voters residing in the affected area may sign the petition. The clerk shall determine the number of signatures required on the petition and inform the contact person in writing. The petition shall be signed by a number of voters based on the number of votes cast in that area at the last regular election held before the date written notice is given to the contact person that the petition is available equal to

- (1) 25 percent of the votes cast if the area has fewer than 7,500 persons; or
- (2) 15 percent of the votes cast if the area has 7,500 persons or more.

### **Sec. 29.26.140. Sufficiency of petition.**

(a) All copies of an initiative or referendum petition shall be assembled and filed as a single instrument. Within 10 days after the date the petition is filed, the municipal clerk shall

(1) certify on the petition whether it is sufficient; and

(2) if the petition is insufficient, identify the insufficiency and notify the contact person by certified mail.

(b) A petition that is insufficient may be supplemented with additional signatures obtained and filed before the 11th day after the date on which the petition is rejected.

(c) A petition that is insufficient shall be rejected and filed as a public record unless it is supplemented under (b) of this section. Within 10 days after a supplementary filing the clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as a public record.

### **Sec. 29.26.150. Protest.**

If the municipal clerk certifies that an initiative or referendum petition is insufficient, a signer of the petition may file a protest with the mayor within seven days after the certification. The mayor shall present the protest at the next regular meeting of the governing body. The governing body shall hear and decide the protest.

### **Sec. 29.26.160. New petition.**

Failure to secure sufficient signatures does not preclude the filing of a new initiative or referendum petition. However, a new petition on substantially the same matter may not be filed sooner than six months after a petition is rejected as insufficient.

### **Sec. 29.26.170. Initiative election.**

(a) Unless substantially the same measure is adopted, when a petition seeks an initiative vote, the clerk shall submit the matter to the voters at the next regular election or, if already scheduled, special election occurring not sooner than 60 days after certification of the petition. If no election is scheduled or occurs within 75 days after the certification of a petition and the governing body determines it is in the best interest of the municipality, the governing body may by ordinance order a special election to be held on the matter before the next election that is already scheduled, but not sooner than 60 days after certification of the petition.

(b) If the governing body adopts substantially the same measure, the petition is void, and the matter initiated may not be placed before the voters.

(c) The ordinance or resolution initiated shall be published in full in the notice of the election, but may be summarized on the ballot to indicate clearly the proposal submitted.

### **Sec. 29.26.170. Initiative election. (continued)**

(d) If a majority vote favors the ordinance or resolution, it becomes effective upon certification of the election, unless a different effective date is provided in the ordinance or resolution.

**Sec. 29.26.180. Referendum election.**

(a) Unless the ordinance or resolution is repealed, when a petition seeks a referendum vote, the clerk shall submit the matter to the voters at the next regular election, or if already scheduled, special election occurring not sooner than 60 days after certification of the petition. If no election is scheduled to occur within 75 days after certification of a petition and the governing body determines it is in the best interest of the municipality, the governing body may by ordinance order a special election to be held on the matter before the next election that is already scheduled, but not sooner than 60 days after certification of the petition.

(b) If a petition is certified before the effective date of the matter referred, the ordinance or resolution against which the petition is filed shall be suspended pending the referendum vote. During the period of suspension, the governing body may not enact an ordinance or resolution substantially similar to the suspended measure.

(c) If the governing body repeals the ordinance or resolution before the referendum election, the petition is void and the matter referred shall not be placed before the voters.

(d) If a majority vote favors the repeal of the matter referred, it is repealed. Otherwise, the matter referred remains in effect or, if it has been suspended, becomes effective on certification of the election.

**Sec. 29.26.190. Effect.**

(a) The effect of an ordinance or resolution may not be modified or negated within two years after its effective date if adopted in an initiative election or if adopted after a petition that contains substantially the same measure has been filed.

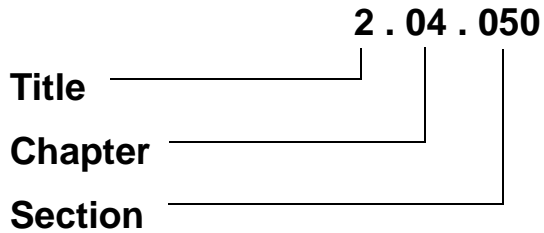
(b) If an ordinance or resolution is repealed in a referendum election or by the governing body after a petition that contains substantially the same measure has been filed, substantially similar legislation may not be enacted by the governing body for a period of two years.

(c) If an initiative or referendum measure fails to receive voter approval, a new petition application for substantially the same measure may not be filed sooner than six months after the election results are certified.

## How to Amend the Code

### Code Structure and Organization

The code is organized using a 3-factor decimal numbering system which allows for additions between sections, chapters, and titles, without disturbing existing numbers.



Typically, there are 9 vacant positions between sections; 4 positions between chapters, and several title numbers are “Reserved” to allow for codification of new material whose subject matter may be related to an existing title.

Ordinances of a general or public nature, or one imposing a fine, penalty or forfeiture, are codifiable. Prior to enacting a codifiable ordinance, ascertain whether the code already contains provisions on the topic.

### Additions

If the proposed ordinance will add material not contained in the code, the ordinance will specify an “addition”; that is, a new chapter (or title) will be added. For example:

**Section 1.** Chapter 5.20, Taxicab Licenses, is added to read as follows:

-or-

**Section 1.** A new title, Title 18, Zoning, is added to read as follows:

A specific subsection can also be added when appropriate:

**Section 2.** Subsection D is added to Section 5.05.070, to read as follows:

### Amendments

If the ordinance amends existing code provisions, specify the affected section or chapter numbers in the ordinance. This kind of amendment typically adds a section to an existing chapter, or amends an existing section. For example:

**Section 1.** Section 5.05.030 is amended to read as follows:

-or-

**Section 1.** Section 5.05.035, Additional fees, is added to Chapter 5.05 to read as follows:

An ordinance can also amend a specific subsection of a code section:

**Section 3.** Subsection B of Section 5.05.070 is amended to read:

### Repeals

Ordinances which repeal codified material should specify the code section number (or chapter number if an entire chapter is being repealed). These section or chapter numbers will be retained in the code, along with their title, as a record of ordinance activity (and as an explanation for gaps in the numbering sequence). The number of the repealed section or chapter number can be reused at a later time when desired. For example:

**Section 2.** Section 5.05.020, License, is repealed.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT

Text to be added is underlined

Text to be deleted is [BRACKETED, CAPITALIZED]





**OCTOBER 4, 2022 MUNICIPAL ELECTION  
BALLOT INITIATIVE / REFERENDUM STATEMENT  
AUTHORSHIP FORM  
FAIRBANKS NORTH STAR BOROUGH  
BOROUGH CLERK'S OFFICE**

907 Terminal Street  
PO Box 71267  
Fairbanks, Alaska 99701 (99707)

Phone: (907) 459-1401  
Fax: (907) 459-1224  
Email: clerks@fnsb.us

*Check Appropriate Box*

**Advocating Voter Approval:**

- Sponsor(s) of the initiative or referendum.
- APOC-registered Person or Organization with the identified purpose of supporting the initiative or referendum.
- Individual or Organization with a publicly stated interest in supporting the initiative or referendum. Please attach proof of your publicly stated interest.

**Advocating Voter Rejection:**

- APOC-registered Person or Organization with the identified purpose of opposing the initiative or referendum.
- Individual or organization with a publicly stated interest in opposing the initiative or referendum. Please attach proof of your publicly stated interest.

**Ballot Initiative/Referendum Title :** \_\_\_\_\_

Author(s) names (No more than three):

	Author No. 1	Author No. 2	Author No. 3
Name			
Address			
City, State, Zip			
Phone			
Email			

*I/We, the undersigned, declare that I/we have participated in the drafting of the attached statement:*

\_\_\_\_\_  
Author No. 1 signature Date

\_\_\_\_\_  
Author No. 2 signature Date

\_\_\_\_\_  
Author No. 3 signature Date

Signatures (If authors are not in same locale, each author may sign a separate form and send to the Fairbanks North Star Borough Clerk's Office.):

**Statement submitted under this section may not exceed 500 words. Articles such as "a," "an," and "the" will be counted as a word. Statement submitted under this section must include a signer bloc located at the bottom of the statement. The signer bloc must include no more than three signers. Any signers more than the allotted three will be considered endorsements and included in the text of the statement and counted against the 500-word limit. Signers must include the signers' full names and organizations, if any.**

Deadline to submit statement is **Thursday, August 25, 2022** by 5:00 p.m.

**FNSB Code 5.16.050 Informational insert for initiatives and referendums.**

- A. At least 15 days prior to each regular election or special election the borough clerk shall publish an insert in the Fairbanks Daily News-Miner containing information approved by the assembly of a strictly factual nature pertaining to each initiative or referendum on the ballot, except as provided below in this section. Sample ballots may also be included in the insert. All information published will be displayed on the public borough website.
- B. Statements advocating voter approval or rejection of initiatives or referendums may be included in the informational insert in accordance with this subsection.
  - 1. The clerk may include statements advocating voter approval and rejection of initiatives or referendums in the election insert. The clerk shall offer authorship of the statement advocating voter approval of an initiative or referendum in the following order: to the sponsors, to an APOC-registered person or organization with the identified purpose of supporting the initiative or referendum, an individual or organization with a publicly stated interest in supporting the initiative or referendum. The clerk shall offer authorship of the statement advocating voter rejection of an initiative or referendum first to an APOC-registered person or organization with the identified purpose of opposing the initiative or referendum, then to an individual or organization with a publicly stated interest in opposing the initiative or referendum. To the extent more than one person or organization meets the criteria for authorship, preference should be given in the following order: first an APOC-registered local organization, then an APOC-registered local person, then an Alaskan organization, then an Alaskan individual.
  - 2. The clerk will establish a deadline for the submission of a statement under this section. A statement advocating voter approval and rejection must be received by the clerk by the established deadline date.
  - 3. A statement submitted under this section may not exceed 500 words. Articles such as “a,” “an,” and “the” will be counted as a word.
  - 4. A statement submitted under this section must include a signer bloc located at the bottom of the statement. The signer bloc must include no more than three signers. Any signers more than the allotted three will be considered endorsements and included in the text of the statement and counted against the 500-word limit. Signers must include the signers’ full names and organizations, if any.
  - 5. Signers shall sign a form prepared by the clerk indicating that the signers participated in the drafting of the statement.
  - 6. **The clerk will not release statements until all statements regarding the question have been received in final form and have gone to the printer.**
  - 7. The clerk may appoint a coordinator for the drafting of statements under this section.
  - 8. Statements must be accepted by the clerk in order to be published.
  - 9. The clerk will add a disclaimer to each initiative or referendum noting the text of the ballot proposition is presented as submitted by the petition sponsors. The clerk will add a disclaimer to each statement noting the information is the opinion of the author(s) and has been reproduced as submitted, without any changes to grammar, spelling or punctuation.

The presentation order for each initiative or referendum shall be:

    - a. Text of the ballot proposition or sample ballot;
    - b. Proposition summary approved by the assembly of a strictly factual nature;
    - c. A statement advocating voter approval; and
    - d. A statement advocating voter rejection.
  - 10. Each statement accepted under this section shall appear in the insert with a title identifying it either as a statement advocating voter approval or a statement advocating voter rejection. If a statement is not timely submitted or accepted by the clerk then the insert shall indicate under the statement title that no eligible statement advocating that position was submitted. (Ord. 2015-59 § 2, 2015; Ord. 2015-35 § 2, 2015; Ord. 2013-55 § 3, 2013)

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**IMPORTANT – PLEASE READ THE ABOVE FNSB CODE AND  
VERIFY THE FOLLOWING PRIOR TO TURNING IN YOUR STATEMENT**

**Deadline to submit statement is Thursday, August 25, 2022 by 5:00 p.m.**

- ( ) Did you count the number of words in your statement (not to exceed 500)? How many words? \_\_\_\_\_
- ( ) Did all author(s) sign their full name at the bottom of the statement as required?  
*(Any signers more than the allotted three (3) will be counted against the 500-word limit. See paragraph B(4) above.)*
- ( ) Did you include the organization name at the bottom of the statement, if applicable?

# Initiative / Referendum Petition Sponsorship Application

FAIRBANKS NORTH STAR BOROUGH  
Office of the Borough Clerk

907 Terminal Street  
Fairbanks, Alaska 99701

Phone: (907) 459-1401  
[clerks@fnbsb.us](mailto:clerks@fnbsb.us)

**Attach required Ordinance or Resolution to be Initiated/Reenacted or Repealed**

SPONSORS OF THIS APPLICATION ARE: (At least 10 borough voters must be listed as sponsors)

**FOR OFFICIAL USE ONLY**

#	Sponsor Signature	Printed Name	Residence Address (no PO Box #'s)	Contact Number	Identifier for verifying voter registration (DOB, last 4 SSN or Voter #)
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					

ALL CORRESPONDENCE RELATING TO THIS APPLICATION/PETITION SHOULD BE SENT TO:

PRIMARY CONTACT PERSON & SPONSOR

Print Name \_\_\_\_\_ /Signature \_\_\_\_\_  
Mailing Address \_\_\_\_\_ Residence Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_ Cell Phone Number \_\_\_\_\_  
Email address \_\_\_\_\_

\_\_\_\_\_  
Identifier for verifying voter registration (DOB, last 4 SSN or Voter #)

ALTERNATE CONTACT PERSON & SPONSOR

Print Name \_\_\_\_\_ /Signature \_\_\_\_\_  
Mailing Address \_\_\_\_\_ Residence Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_ Cell Phone Number \_\_\_\_\_  
Email address \_\_\_\_\_

\_\_\_\_\_  
Identifier for verifying voter registration (DOB, last 4 SSN or Voter #)

ACKNOWLEDGEMENT OF RECEIPT

This application has been received in the Borough Clerk's Office this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

X \_\_\_\_\_  
Borough Clerk's Office Staff

CERTIFICATION OF APPLICATION

This application is in proper form, has met the state statute and regulation requirements and is hereby certified on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

X \_\_\_\_\_  
April Trickey, CMC, Fairbanks North Star Borough Clerk