



**OFFICE OF THE MUNICIPAL CLERK/
ELECTION OFFICIAL**

City and Borough of Juneau (CBJ)
155 Heritage Way, Room 215
Juneau, Alaska 99801-1397
Phone: (907)586-5278 x4175 Fax: (907)586-4552
email: CBJ.Elections@juneau.gov

April 30, 2024

Karla Hart (*via mail & hand delivery*)
4950 Wren Drive
Juneau, AK 99801

Re: Response to Petitioner Committee re: “Ship Free Saturday” Initiative Petition Affidavit

Dear Ms. Hart,

CBJ Law and Clerk staff has reviewed the Affidavit of Petitioners Committee “Ship Free Saturdays” submitted on April 9, 2024. In light of the following statement in your April 25, 2024 email:

“If you believe that stating that specifying that the waterfront parking on Saturdays be free (though all public parking downtown is presently free on weekends and evenings) is an appropriation and creates constitutional conflicts, we are willing to have you strike Section 2 of the initiative.”

the Law Department has provided the legal review as found in the accompanying April 30, 2024 memo. As such, I have approved the petitioner committees’ affidavit to begin the petition process for the initiative, with section 2 deleted and renumbering section 3 to 2 as follows:

INITIATIVE SHORT TITLE: SHIP FREE SATURDAYS

Shall the City and Borough of Juneau Code be amended as follows:

Section 1. Title 20, Business Regulations, is amended to create a new chapter entitled CBJ 20.50 Cruise Ships, with a new section to read as follows:

20.50.010. No cruise ship with a capacity of 250 passengers or more shall be allowed to dock, moor, or disembark passengers within the City and Borough of Juneau boundaries on any Saturday or July 4.

Section 2. Effective Date. This initiative shall be effective 30 days after the election is certified.

In addition to an impartial summary on the front of the petition cover, the inside pages of the petition books will include the “Whereas” clauses as provided on your initial affidavit along with the above text and the ballot question. (see attached draft petition book for full details).

I would strongly encourage you and the circulators to fully read and understand the applicable CBJ Charter/Code provisions governing the initiative process and am attaching copies CBJ Charter and Code sections related to this process.

We will be issuing you sixty (60) bound petition booklets to circulate for your initiative petition. Each booklet contains five pages with room for 10 signatures per page, for a possible total of 50 signatures per booklet. This provides signature space for 3000 signatures total.

CBJ Charter 7.3 states in part: “A petition for initiative or referendum shall be filed in proper form with the clerk **within thirty days** after the date of issuance of petition pages. The petition shall

be signed by a number of qualified municipal voters equal to at least twenty-five percent of the votes cast in the municipality at the preceding regular municipal election.” The number of votes cast at the 2023 Regular Municipal Election was 9,435 so **you will need a minimum of 2,359 valid signatures** of qualified Juneau voters. We strongly recommend you collect additional signatures.

You must assign each booklet to a circulator whose name must be printed on the front cover of the assigned booklet. Circulators must be: (1) a citizen, (2) 18 years of age or older, and (3) a resident of the state. Once that name is printed on a booklet, that booklet may not be swapped between circulators. The circulator is required to sign and attest each page with signatures in the booklet – they are verifying the number of signatures collected on that page, which they will also record in the certification section. After all signatures for that booklet have been secured, the last page of the booklet contains a certification affidavit which must be completed by the circulator and notarized before the booklet can be turned in. Each signature page of the booklet does not have to be completed in full but once the certification affidavit is signed by the circulator and notarized, no new signatures may be collected in that booklet. **Petition booklets may not be left unattended and must remain in the circulator’s custody at all times.**

As we discussed on the phone this morning, petition booklets should be ready for you to pick up by 4:00p.m. today. We will meet with you and any of your circulators who may be available at that time in the City Hall Conference Room 224 to go over the instructions/process and answer any questions you may have.

Per CBJ Code 29.10.060, all petition booklets and copies of booklets must be surrendered to the election official within 60 days of issuance.

If you have any questions regarding this matter, please contact our office at 907-586-5278.

Sincerely,



Elizabeth “Beth” McEwen, MMC
CBJ Municipal Clerk/Election Official

Attachments: Affidavit of Petitioners Committee “Ship Free Saturday” Initiative
April 30, 2024 Legal Review Memo from CBJ Law Department
April 25, 2024 Email from Karla Hart to Robert Palmer
DRAFT Referendum Petition Booklet Ship Free Saturday
CBJ Charter Article VII and CBJ Code 29.10
Initiative/Referendum Petition Flow Chart

cc: City Attorney Robert Palmer

**INITIATIVE AFFIDAVIT OF PETITIONERS COMMITTEE
CITY & BOROUGH OF JUNEAU, ALASKA**

APR 09 2024

Reference: CBJ Charter Articles VI, VII, VIII & XIV and CBJ Code 29.10 Initiative and Petition

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Initiative Short Title: **Ship Free Saturdays**

WHEREAS, the Juneau “cruise season” adversely impacts Juneau residents’ health and quality of life; and

WHEREAS, the cruise industry has created a Juneau “cruise season” this year, 2024, of 195 days to run from from April 9-October 24, and without pause for 142 days, from May 2-September 27; and

WHEREAS, a majority of Juneau residents think that our local government is not doing enough to manage cruise tourism; and

WHEREAS, city leaders and industry have had decades to act and have failed to balance the economic benefits to some against the economic and other harms of the many imposed by the cruise tourism industry; and

WHEREAS, residents are displaced by cruise industry overtourism from downtown, the Mendenhall Glacier Recreation Area, and recreation and food harvesting on area lands and waters; and

WHEREAS, excess human presence and human-driven noise from overtourism sullies the sentient, sacred, divine, and living ancestral natural environment necessary for cultural and spiritual health and growth; and

WHEREAS, health, learning, productivity, and enjoyment are diminished by air pollution, noise, light pollution, and traffic from cruise ships, tour buses, helicopters, floatplanes, and boats; and

WHEREAS, Ship Free Saturdays would provide one day per week, in a consistent and predictable manner, for rest, recovery, recreation, fishing, gathering, and events and activities at home, downtown, and elsewhere in the community; and

WHEREAS, Ship Free Saturdays would give businesses providing cruise industry services one predictable day per week to schedule maintenance and time off. This pause could result in safer, cleaner, and better operations and happier employees; and

WHEREAS, Ship Free Saturdays would enhance the experiences of independent visitors; and

WHEREAS, the Fourth of July is a day of community celebration and festivity that extends along our waterfront and through our narrow downtown streets. Making July Fourth cruise ship free opens possibilities for additional community use and enjoyment of our downtown and harbor throughout the entire day.

SHALL THE CITY AND BOROUGH OF JUNEAU CODE BE AMENDED AS FOLLOWS:

Section 1. Title 20, Business Regulations, is amended to create a new chapter entitled CBJ 20.50 Cruise Ships, with a new section to read as follows:

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20.50.010. No cruise ship with a capacity of 250 passengers or more shall be allowed to dock, moor, or disembark passengers within the City and Borough of Juneau boundaries on any Saturday or July 4.

Section 2. CBJ 85.10.050 (k), Harbor Administration, Parking, is amended to add as follows:

(7) All downtown waterfront parking restricted for commercial vehicle use relating to cruise tourism shall be available and posted for free public parking on Saturdays and July 4.

Section 3. Effective Date. This initiative shall be effective 30 days after the election is certified.

The following qualified voters and residents of the City and Borough of Juneau, Alaska, state under oath that they constitute the petitioners committee for the above referenced initiative. The coalition has been formed and will be responsible for circulating booklets for voter signatures.

All notices should be mailed to:

Name: Karla Hart

Address: 4950 Wren Drive, Juneau, Alaska 99801

Phone: 907-957-6723

Email address: karlahart@gmail.com

DATED this 9th day of April, 2024.

Please Print: Legal Names and Mailing Addresses of each Member of the Petitioner's Committee:

1. Karla J. Hart, 4950 Wren Drive, Juneau, AK 99801.
2. Kimberly Metcalfe Helmar, 730 Gold Street, Juneau, AK 99801
3. Linda Blefgen, 11435 Glacier Highway, 2A, Juneau, AK 99801
4. Stacy A. Eldemar, 9057 Ninnis Drive, Juneau, AK 99801
5. Steven Krall, 875 Basin Road, Juneau, AK 99801

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AFFIDAVIT OF PETITIONERS COMMITTEE

Initiative Short Title: Ship Free Saturdays

Karla J. Hart (Signature of Petitioner)

Printed Legal Name of Petitioner: Karla J. Hart

Residence and Mailing Addresses: 4950 Wren Drive, Juneau, Alaska 99801

and Date of Birth: [REDACTED]

Kimberly Metcalfe Helmar (Signature of Petitioner)

Printed Legal Name of Petitioner: Kimberly Metcalfe Helmar

Residence and Mailing Addresses: 730 Gold Street, Juneau, AK 99801

Date of Birth: [REDACTED]

Linda M. Blefgen (Signature of Petitioner)

Printed Legal Name of Petitioner: Linda Blefgen

Residence and Mailing Addresses: 11435 Glacier Highway, 2A, Juneau, AK 99801

and Date of Birth: [REDACTED]

Stacy A. Eldemar (Signature of Petitioner)

Printed Legal Name of Petitioner: Stacy A. Eldemar

Residence and Mailing Addresses: 9057 Ninnis Drive, Juneau, AK 99801

and Date of Birth: [REDACTED]

Steven Krall (Signature of Petitioner)

Printed Legal Name of Petitioner: Steven Krall

Residence and Mailing Addresses: 875 Basin Road, Juneau, AK 99801

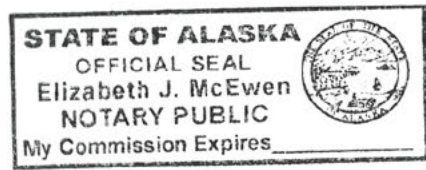
and Date of Birth: [REDACTED]

State of Alaska
Judicial District First SS

On this 9th day of April in the year 2024 before me, the undersigned notary public, personally appeared: Karla J. Hart, Kimberly Metcalfe Helmar, Linda Blefgen, Stacy A. Eldemar, and Steven Krall known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Elizabeth J. McEwen SEAL:
Notary Public (Signature)



(Notary's printed name)
My commission expires 5/10/2026



MEMORANDUM

DATE: April 30, 2024
TO: Beth McEwen, CBJ Municipal Clerk
FROM: Robert Palmer, CBJ Municipal Attorney
SUBJECT: Certification of 2024 Ship Free Saturdays initiative

You asked whether the proposed initiative related to cruise ship free Saturdays should be certified for signature collection. For the following reasons, I recommend you certify Section 1 and strike/sever Section 2.

On April 9, 2024, a petitioner's committee submitted an initiative to prohibit cruise ships on Saturdays and July 4th, to re-designate certain downtown parking spaces on Saturdays and July 4th, and to make the re-designated parking free on Saturdays and July 4th. While the petition includes multiple descriptive whereas clauses, it contains two substantive sections:

Section 1. Title 20, Business Regulations, is amended to create a new chapter entitled CBJ 20.50 Cruise Ships, with a new section to read as follows:

20.50.010 No cruise ship with a capacity of 250 passengers or more shall be allowed to dock, moor, or disembark passengers within the City and Borough of Juneau boundaries on any Saturday or July 4.

Section 2. CBJ 85.10.050(k) Harbor Administration, Parking is amended to add as follows:

(7) All downtown waterfront parking restricted for commercial vehicle use relating to cruise tourism shall be available and posted for free public parking on Saturdays and July 4.

On April 25, 2024, the Petitioner's Committee offered to strike Section 2 if it was determined to be infirm, due to being an impermissible appropriation or if it was clearly unconstitutional.

You are empowered to make the certification decision.¹ The following is offered to aid in your decision.

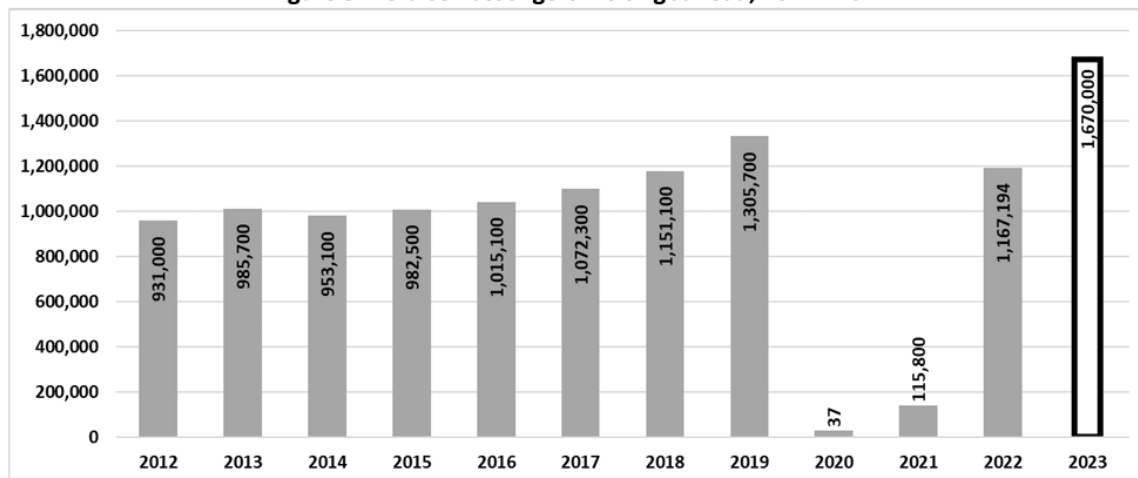
¹ *Alaska Action Ctr., Inc. v. Municipality of Anchorage*, 84 P.3d 989, 992 (Alaska 2004) (concluding the Municipal Clerk has discretion to reject an initiative if it violates any of the restrictions on an initiative).

I. Analysis.

While the City and Borough of Juneau contains vast areas covered by saltwater and while there are multiple small boat harbors in the borough, nearly every cruise ship that visits Juneau uses the port facilities in downtown Juneau to embark and disembark passengers (Gastineau Channel between downtown Douglas and the Juneau-Douglas Bridge). Currently, there are two privately-owned docks designed for cruise ships and two publicly-owned (CBJ) docks designed for cruise ships. The two CBJ docks are encumbered with revenue bond conditions until the debt is satisfied. Ordinance 2014-01. There is a fifth dock that has been permitted, but that permit decision is pending appeal.²

Alaska’s annual cruise season typically extends from spring to fall. Juneau’s cruise ship visitation has grown over the last decade, except for 2020 and 2021. See JEDC “Figure 52” below.³ Notably, federal laws (i.e. Centers for Disease Control and Prevention sailing orders and the Passenger Vessel Services Act) prohibited large cruise ships from traveling to Alaska in 2020 and the bulk of 2021 to protect public health during the COVID-19 pandemic.⁴ However, large cruise ships traveled back to Alaska in 2022, and visitation rebounded in 2022 and 2023 to pre-pandemic levels.⁵

Figure 52: Cruise Passengers Visiting Juneau, 2012 - 2022



Sources: Cruise Line Agencies of Alaska, McDowell Group, and CBJ Docks & Harbors

² *Hart v. Planning Commission & Huna Totem Corporation*, APL 2023-AA01 (pending final decision by Hearing Officer for referral back to the CBJ Assembly).

³ Juneau and Southeast Alaska Economic Indicators and Outlook, vol. 2023, Juneau Economic Development Council, at 59, available at <https://www.jedc.org/economic-indicators/>.

⁴ State of Alaska Motion to Intervene, *State of Florida v. Xavier Becerra et al.*, No. 8:21-CV-839-SDM-AAS (D. Fla. April 20, 2021); *Key W. Bar Pilots Ass'n v. Griffin*, No. 4:20-CV-10076-JLK, 2020 WL 4813241, at *1 (S.D. Fla. Aug. 18, 2020).

⁵ *Supra* n. 3.

The lack of large cruise ship visitation to Juneau in 2020 and in the spring of 2021, due to prohibitive federal laws, was an extremely relevant fact to my 2021 certification opinion for a similar initiative because the initiative's restrictions would not have altered the then non-existent cruise ship visitations.⁶ Cruise ship visitation circumstances have changed in the last three years, which makes the legal analysis more complicated this time.

Alaska courts generally do not review initiative challenges unless and until it is approved by the voters.⁷ "However, exceptions to this rule exist where the proposed legislation is challenged on the basis that it does not comply with the constitutional and statutory provisions regulating initiatives and referendums, or where it is challenged as clearly unconstitutional or unlawful."⁸ "In matters of initiative and referendum, we have previously recognized that the people are exercising a power reserved to them by the constitution and the laws of the state, and that the constitutional and statutory provisions under which they proceed should be liberally construed."⁹

The Alaska Constitution and CBJ Charter provide citizens the right to propose initiatives.¹⁰ Incorporating the initiative restrictions of CBJ Charter and the Alaska Constitution, CBJC 29.10.025 provide the legal requirements for certification of an initiative:

- **Affidavit form.** Certification shall be denied if the affidavit is not substantially in the required form.¹¹

⁶ Compare CBJ Municipal Election News 2021: Initiative Petitions in Process (May 4, 2021) citing to Memorandum from Municipal Attorney Palmer to Municipal Clerk McEwen, Certification of the Charter Amendments regarding limiting cruise ships (April 30, 2021) available at <https://juneau.org/departments/clerk/cbj-municipal-election-news-2021-initiative-petitions-in-process/05/04/2021> with Alaska Tourism Recovery Act, Public Law 117-14, H.R. 1318 (enacted May 24, 2021).

⁷ *Price v. Kenai Peninsula Borough*, 331 P.3d 356, 359 (Alaska 2014); *Municipality of Anchorage v. Holleman*, 321 P.3d 378, 382 (Alaska 2014).

⁸ *Id.*; *Anchorage Citizens for Taxi Reform v. Municipality of Anchorage*, 151 P.3d 418, 422 (Alaska 2006) ("In matters involving initiatives, we "construe voter initiatives broadly so as to preserve them whenever possible. However, initiatives touching upon the allocation of public revenues and assets require careful consideration because the constitutional right of direct legislation is limited by the Alaska Constitution").

⁹ *Price*, 331 P.3d at 359; *Kodiak Island Borough v. Mahoney*, 71 P.3d 896, 898 (Alaska 2003).

¹⁰ Alaska Constitution, Article XI, Section 1; CBJ Charter Article 7; *Anchorage Citizens for Taxi Reform v. Municipality of Anchorage* ("*Anchorage Citizens*"), 151 P.3d 418, 422 (Alaska 2006) (applying the Alaska Constitution initiative provisions to a unified/home rule municipality).

¹¹ CBJC 29.10.025(b)(2).

- **Proposed measure form.** Certification shall be denied if the proposed measure to be initiated is not in the required form:
 - (i) The measure shall be confined to one subject; and
 - (ii) The measure may not include subjects restricted by Charter section 7.1 or article XI, section 7 of the Alaska Constitution.¹²
- **Petitioner’s committee.** There are fewer than five qualified members on the committee.¹³

Because I understand the Clerk’s Office is reviewing the initiative for sufficiency of the affidavit and the petitioner’s committee, I will focus my analysis on the form of the proposed measures.

A. One subject.

Reasonable minds will disagree whether the proposed measure is limited to one subject. On one hand, a reasonable person could summarize the initiative subject as cruise ship tourism because section 1 restricts cruise ships and section 2 restricts waterfront parking related to cruise tourism.¹⁴ On the other hand, a reasonable person could also distinguish the sections because section 1 restricts cruise ships and section 2 restricts the Docks and Harbors Department by mandating waterfront commercial parking spots must be open to the general public and free on Saturdays and the Fourth of July.¹⁵ While there could be a logical connection between the two provisions, the addition of the re-designated and free parking condition could also tip section 2 into a separate subject by impermissibly logrolling a “free parking” provision to the measure’s odds of passage.¹⁶ However, Alaska Supreme Court review of this topic has

¹² CBJC 29.10.025(b)(2) and (c); *see* A.S. 29.26.110(a) (requiring initiatives for non-home rule municipalities so satisfy similar requirements).

¹³ CBJC 29.10.025(b)(3); *see* A.S. 29.26.110(a).

¹⁴ *Meyer v. Alaskans for Better Elections*, 465 P.3d 477, 484 (Alaska 2020) (citing to *Gellert v. State* for articulating the germaneness test that the topics need to be logically related).

¹⁵ *E.g.*, *Meyer*, 465 P.3d at 487-489 (summarizing *State v. First National Bank of Anchorage* and *Croft v. Parnell* as cases in which the Alaska Supreme Court did not fully embrace the issue as satisfying the one subject rule).

¹⁶ *Meyer*, 465 P.3d at 482:

The one-subject rule's origins lie with the Roman Empire. The *Lex Caecilia Didia*, enacted in 98 B.C., was a legislative procedural law prohibiting unrelated provisions being combined within one bill (*lex satuta*). The one-subject rule has been used over the centuries to maintain clarity and transparency in law-making and to eliminate logrolling and riders. “Log[]rolling consists of deliberately inserting in one bill several dissimilar or incongruous subjects in order to secure the necessary support for passage of the measure.” “Riders” are provisions often “unrelated to the main purpose of the

not been favorable to one subject challenges, and it only held the one subject issue was violated once in past fifty years.¹⁷ Like the conclusion in *State v. First Nat. Bank of Anchorage*¹⁸, the one subject issue in this initiative “is indeed close,” and the Alaska Supreme Court clearly recognizes a deference to allow voters to decide issues instead of pre-election litigation.

B. Offer to Strike/Sever.

While this initiative may violate the one subject rule, Section 2 of the initiative presents additional challenging constitutional issues, especially related to “appropriations” and the Petitioner’s have offered to have Section 2 severed.¹⁹ As described below, an appropriation exists when a public asset is set aside for a specific use, which would occur here because Section 2 gives away paid downtown parking spots and fully strips the legislative bodies of redesignating those parking spots especially for revenue purposes.²⁰ The Alaska Supreme Court allows impermissible portions of an initiative to be excised and the remainder validated when three factors are satisfied (1) the remaining provision can be given legal effect, (2) deleting the impermissible portion would not substantially change the spirit of the measure, and (3) the sponsor would prefer the measure to stand as altered rather than to be invalidated in its

bill” that are “attached to bills that are popular and so certain of adoption that the rider will secure adoption not on its own merits, but on the merits of the measure to which it is attached.”

¹⁷ *Meyer*, 465 P.3d 477 (Alaska 2020) (including *Meyers*, the Alaska Supreme Court only held the one subject rule was violated in *Croft v. Parnell*).

¹⁸ *State v. First Nat. Bank of Anchorage*, 660 P.2d 406, 415 (Alaska 1982):

Were we writing on a clean slate, we would be inclined to find this subject impermissibly broad. Permitting such breadth under the one-subject rule could conceivably be misconstrued as a sanction for legislation embracing “the whole body of the law.” *Trumble v. Trumble*, 37 Neb. 340, 55 N.W. 869, 870 (Neb.1893). Nevertheless, while the issue is indeed close, we are unable to say that the legislature has transgressed the limits of article II, section 13 established by prior decisions of this court.

¹⁹ Email from Karla Hart to Municipal Attorney Palmer (April 25, 2024).

²⁰ See *McAlpine v. Univ. of Alaska*, 762 P.2d 81, 89 (Alaska 1988)(“We conclude that the constitutional prohibition against appropriations by initiative applies to appropriations of state assets, regardless of whether the initiative would enact a give-away program or simply designate the use of the assets.”); *Thomas v. Bailey*, 595 P.2d 1, 9 (Alaska 1979) (affirming invalidation of an initiative that would have disposed of public land as an appropriation).

entirety.²¹ Here, Section 1 is the primary provision of this initiative, deleting Section 2 actually makes Section 1 conform to the title of the initiative, and the sponsors made this request, which was greatly appreciated. Thus, I recommend that Section 2 be severed to eliminate the one subject and appropriation problems.

C. Charter section 7.1 or article XI, section 7 of the Alaska Constitution.

Assuming Section 2 is severed, the analysis will focus only on Section 1, which provides:

No cruise ship with a capacity of 250 passengers or more shall be allowed to dock, moor, or disembark passengers within the City and Borough of Juneau boundaries on any Saturday or July 4.

CBJ Charter section 7.1²² and article XI, section 7 of the Alaska Constitution²³ have similar restrictions, relevant here, related to “appropriations.” Additionally, courts have also included a clearly unconstitutional or clearly illegal restriction.²⁴

1. Appropriation.

While appropriations are commonly understood in the context of a legislative body authorizing the expenditure of public money for a public purpose, setting aside public resources can also be an appropriation:

²¹ *Mallott v. Stand for Salmon*, 431 P.3d 159, 171 (Alaska 2018).

²² CBJ Charter Section 7.1. - Reservation of powers.

The powers of the initiative and referendum are reserved to the people of the municipality with reference to all legislative authority which the assembly may exercise except that the powers of initiative and referendum shall not apply to ordinances establishing budgets, fixing mill levies, or to ordinances or other measures appropriating funds, provided, however, that this limitation on the powers of initiative and referendum shall not be construed to limit the power of the people to approve pursuant to Section 9.7 of this Charter a millage rate in excess of that otherwise imposed thereby.

²³ Alaska Const. art. XI, § 7, Restrictions (“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.”).

²⁴ *Alaska Action Ctr., Inc.*, 84 P.3d at 992 (“The executive officer may only reject the measure if ‘controlling authority’ leaves no room for argument about its unconstitutionality. The initiative's substance must be on the order of a proposal that would ‘mandate local school segregation based on race’ in violation of *Brown v. Board of Education* before the clerk may reject it on constitutional grounds”).

We employ a two-part inquiry to determine whether an initiative makes an appropriation of state assets in violation of article XI, section 7. First we must determine “whether the initiative deals with a public asset.” Second, if the initiative deals with a public asset, then we must determine “whether the initiative would appropriate that asset.”...

In evaluating whether an initiative that deals with a state asset appropriates that asset, we look to “two core objectives” of the prohibition against appropriation by initiative. Those objectives are (1) “to prevent give-away programs that appeal to the self-interest of voters and endanger the state treasury,” and (2) “to preserve legislative discretion by ensuring that the legislature, and *only* the legislature, retains control over the allocation of state assets among competing needs.”²⁵

Because the two public docks are public assets, the analysis would normally focus exclusively on the two core objectives. Under the first prong, the initiative is not a give-away program because it does not set aside the public docks for a specific use as the docks would still be publicly owned and available for other uses (i.e. transient large yacht or commercial fishing vessel moorage, which also occur).²⁶ Also, while the loss of cruise ship use on Saturdays will have some fiscal impact, it will not endanger the treasury because alternative dock use is not restricted and expected cruise ship visitation numbers on every other day of the week are not expected to substantially change. Thus, any negative fiscal impact is too speculative now. Under the second prong, there is a legitimate issue whether the initiative allocates the public docks and if that allocation is too restrictive on the legislative bodies.²⁷ However, because the initiative is more like a regulation—instead of an allocation—and keeps open sufficient other legislative

²⁵ *Hughes v. Treadwell*, 341 P.3d 1121, 1125–26 (Alaska 2015).

²⁶ *E.g.*, *City of Fairbanks v. Fairbanks Convention & Visitors Bureau*, 818 P.2d 1153, 1157 (Alaska 1991) (“First, the initiative is not a give-away program. No particular group or person or entity is targeted to receive state money or property, nor is there any indication that by passing this initiative, the voters would be voting themselves money.”).

²⁷ *Hughes*, 341 P.3d at 1126 (“an initiative narrows the legislature's range of freedom to make allocation decisions in a manner sufficient to render the initiative an appropriation when the initiative would set aside a certain specified amount of money or property for a specific purpose or object in such a manner that is executable, mandatory, and reasonably definite with no further legislative action.” (internal quotations omitted)); *Pullen v. Ulmer*, 923 P.2d 54, 63 (Alaska 1996) (concluding a proposed initiative that significantly reduced the legislature’s control of a public asset between competing needs was a prohibited appropriation).

discretion for use of the docks, the initiative does not likely violate the second prong.²⁸ Importantly, upon enactment, the initiative would still allow the municipal legislative bodies (Assembly and Docks and Harbor Board) to control the public docks.²⁹ Thus, the initiative does not likely result in a prohibitive appropriation.

That conclusion is buttressed by the fact the initiative would equally apply to the private docks. Because there are currently two public docks and two private docks that would be regulated by this initiative, that fact suggests this initiative is more like a regulation than an appropriation, which is not generally prohibited by initiative.

In summary, the Ship Free Saturday initiative is not likely an appropriation because it governs public and private docks equally, the public docks remain in public control, the legislative bodies have sufficient discretion over use and control of the docks after enactment, and there is insufficient evidence the lack of cruise ships one day a week (plus July 4th) would endanger the municipal treasury.

2. Clearly unconstitutional or illegal.

While the initiative may not be a prohibited appropriation because it is a regulation, regulations can present substantive constitutional problems. However, most substantive constitutional challenges are generally not ripe until after voter enactment unless the initiative is clearly unconstitutional or illegal.³⁰

The Alaska Supreme Court has invalidated an initiative—post-enactment—that amended the City of Homer zoning code without Homer Advisory Planning Commission review.³¹ The *Griswold* decision occurred in a non-home rule city in a borough with delegated zoning power from the borough, and that governance structure was determinative for the

²⁸ *Hughes*, 341 P.3d at 1131 (concluding that only when an initiative exerts too much control of a public asset does it usurp the legislature’s resource allocation role, and an initiative that still allows for sufficient legislative discretion is not an appropriation).

²⁹ *Stand for Salmon*, 431 P.3d at 166.

³⁰ CBJC 29.10.025(b)(2) & (c)(2); *Price*, 331 P.3d at 359; *Anchorage Citizens*, 151 P.3d at 422 n. 2 (“The municipal clerk may not reject the measure on other constitutional grounds unless controlling authority leaves no room for argument about its unconstitutionality.”); *Mahoney*, 71 P.3d at 899-900; *Carmony v. McKechnie*, 217 P.3d 818, 820 (Alaska 2009) (stating that a court may review a challenged initiative under a “clearly unconstitutional or clearly unlawful” standard pre-enactment).

³¹ *Griswold v. City of Homer*, 186 P.3d 558, 560 (Alaska 2008); see also *Carmony*, 217 P.3d at 821 (invalidating an automatic sunseting “zoning” initiative for a second class borough premised on the *Griswold* analysis).

court.³² Similarly, the initiative at issue in *Griswold* was governed by AS 29.26.100, which does not apply to a home rule municipality.³³ Unlike the City of Homer, the City and Borough of Juneau is a home rule municipality and is not required to have a planning commission due to AS 29.40.020. Additionally, CBJ Charter 3.16(c) gives the CBJ Assembly authority to bypass the CBJ Planning Commission's review of legislation.³⁴ Even assuming the Ship Free Saturday initiative was a land use regulation, the *Griswold* decision is not controlling because AS 29.26.100 does not apply, AS 29.40.020 does not apply, the CBJ is a home rule municipality, and the CBJ initiative limitations do not facially require CBJ Planning Commission review. Moreover, the Ship Free Saturday initiative would not amend the CBJ zoning code (Title 49) but instead amend the CBJ business regulations (Title 20), which are not under the purview of the CBJ Planning Commission or any other CBJ board. Thus, the Ship Free Saturday initiative is not clearly illegal in light of *Griswold* and its progeny.

If enacted by the voters, this initiative could raise takings challenges because it is regulating private docks/property. However, the Alaska Supreme Court has explicitly stated that takings challenges become ripe post-enactment.³⁵

Similarly, there is a fascinating issue regarding federal primacy and local government control related to cruise ship tourism. Three years ago, I recommended certification for a similar initiative because there was no clearly controlling authority amongst other reasons. There is now some authority. In addition to Juneau, there have been local efforts to regulate cruise ship visitation in other communities in the United State like Sitka, Alaska; Key West, Florida; and Bar Harbor, Maine. Just a few months ago, the Federal District Court in Maine issued a decision in a case of first impression nationally, which generally concluded an initiative can be used to restrict

³² *Id.* at 563 (“A borough or a city, having the power possessed by the City of Homer, cannot pass or amend a zoning ordinance without involving its planning commission in reviewing that ordinance. AS 29.40.020”).

³³ Compare *Id.* at 563 with AS 29.10.030; AS 29.10.200; AS 29.26.100-190; and CBJ Charter article 7.

³⁴ CBJC 49.10.170(d) (“Development code amendments. The [planning] commission shall make recommendations to the assembly on all proposed amendments to this title, zonings and rezonings, indicating compliance with the provisions of this title and the comprehensive plan.”); CBJ Charter Section 3.16. (“Other boards. ... (c)All questions presented to the assembly concerning any subject which has been delegated to a board shall be submitted first to the board for consideration unless the assembly shall otherwise determine.”).

³⁵ *Anchorage Citizens*, 151 P.3d at 421 (“...any constitutional takings discussion here would be premature and could unduly affect the initiative process”).

cruise ship visitation despite a plethora of federal primacy challenges.³⁶ Because there is some highly relevant persuasive authority now upholding local control of cruise ship visitation, this Ship Free Saturday initiative is not clearly illegal even if it is different than the underlying initiative in Bar Harbor. Further, any challenge would again become ripe post-enactment.

Although the Alaska Supreme Court has entertained pre-enactment challenges in certain circumstances related to appropriations or if clearly illegal, the Alaska Supreme Court also recognizes a strong non-intervention doctrine until the voters approve of the initiative. Construing Section 1 of the Ship Free Saturday initiative broadly to preserve it whenever possible and the lack of clearly controlling adverse authority to reject certification, I recommend you certify Section 1 and issue signature collection books.

³⁶ *Ass'n to Pres. & Protect Loc. Livelihoods v. Town of Bar Harbor*, No. 1:22-CV-00416-LEW, 2024 WL 952418, at *1 (D. Me. Mar. 1, 2024).

**CITY AND BOROUGH OF JUNEAU CHARTER & CODE EXCERPTS
RE: INITIATIVE AND REFERENDUM [As of April 24, 2024]**

PART I - HOME RULE CHARTER
ARTICLE VII. INITIATIVE AND REFERENDUM

ARTICLE VII. INITIATIVE AND REFERENDUM¹

Section 7.1. Reservation of powers.

The powers of the initiative and referendum are reserved to the people of the municipality with reference to all legislative authority which the assembly may exercise except that the powers of initiative and referendum shall not apply to ordinances establishing budgets, fixing mill levies, or to ordinances or other measures appropriating funds, provided, however, that this limitation on the powers of initiative and referendum shall not be construed to limit the power of the people to approve pursuant to Section 9.7 of this Charter a millage rate in excess of that otherwise imposed thereby.

(Adopted by the voters on October 3, 1995, regular election.)

Section 7.2. Commencement of proceedings.

- (a) Any five qualified municipal voters may commence initiative or referendum proceedings by filing with the clerk an affidavit stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form. The affidavit shall include the names and addresses of the members of the petitioners committee and shall specify the address to which all notices to the committee shall be sent. The affidavit shall set out in full the proposed initiative ordinance, resolution, or other measure; or cite the ordinance, resolution, or other measure to be referred.
- (b) Promptly after the filing of a proper affidavit, the clerk shall issue the appropriate petition pages to the petitioners committee.

Section 7.3. Petition.

A petition for initiative or referendum shall be filed in proper form with the clerk within thirty days after the date of issuance of petition pages. The petition shall be signed by a number of qualified municipal voters equal to at least twenty-five percent of the votes cast in the municipality at the preceding regular municipal election. If the subject matter of the petition relates only to a service area, the petition shall be signed by a number of qualified voters residing within the service area equal to at least twenty-five percent of the votes cast in the service area at the preceding regular municipal election. A petition shall be limited to one ordinance, resolution, or other measures.

Section 7.4. Form of petition.

- (a) All pages of a petition shall be uniform in size and style. They shall be assembled as one instrument for filing. Each signature shall be executed in ink, and shall be followed by the residence address of the person signing.

¹State law reference(s)—Charter must contain provision for initiative and referendum, AS 29.06.320; initiative and referendum, AS 29.10.030; prohibited subjects, AK. Const. art. XI, § 7.

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- (b) Petitions shall contain or have attached to them throughout their circulation the full text of the proposed initiative or referred measure.

Section 7.5. Affidavit of circulator.

When filed each page of a petition shall have attached to it an affidavit executed by the circulator of the petition. The affidavit shall state the number of signatures on the page, that the circulator personally circulated the page, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be, that each signer had an opportunity before signing to read the full text of the proposed initiative or referred measure, and that the circulator believes each signer to be a qualified municipal voter.

(Serial No. 90-30, § 8, 1990/10-2-1990)

Section 7.6. Examination for sufficiency.

Within ten days following the date on which the petition is filed in proper form, the clerk shall certify the petition if it bears the required number of signatures. The clerk shall send a copy of the certification to the petitioners committee by certified mail, return receipt requested.

(Serial No. 90-30, § 8, 1990)

Section 7.7. Supplemental petition.

If the petition is determined to be insufficient, the clerk shall send notice of insufficiency to the petitioners committee by certified mail, return receipt requested. The petition may be supplemented by additional signatures within ten days following the date of receipt of the notice. Within ten days following the date of supplementary filing in proper form, the clerk shall certify the petition if it is sufficient. Otherwise, the petition shall be rejected and filed as a public record.

Section 7.8. New petition.

Failure to secure sufficient signatures shall not preclude the filing of a new initiative or referendum petition, except that a new petition shall not be filed sooner than six months after a petition which was diligently pursued is rejected on the same or substantially the same matter.

Section 7.9. Withdrawal of signature.

A person who has signed an initiative or referendum petition may withdraw the signature at any time prior to the date of filing of the petition or the required supplementary petition by filing with the clerk a signed statement requesting withdrawal.

(Serial No. 90-30, § 8, 1990)

Section 7.10. Action on petitions.

- (a) When an initiative or referendum petition has been determined sufficient, the clerk immediately shall submit it to the assembly. If the assembly fails to adopt a proposed initiative measure without any change in substance within forty-five days or fails to repeal the referred measure within thirty days after the date the petition was determined sufficient, it shall submit the proposed initiative or referred measure to the

electorate of the municipality. If the subject matter of the proposed initiative or referred measure relates only to a service area, the measure shall be submitted only to the electorate of the service area.

- (b) The election on a proposed initiative or referred measure shall be held at the next regular election, or, if already scheduled, a special election occurring not sooner than 90 days from the last day on which the assembly action may be completed on the proposed initiative or referred measure. If no regular election is scheduled to occur within 75 days after the certification of a petition and the Assembly determines it is in the best interest of the municipality, the Assembly may, by ordinance, order a special election to be held on the matter before the next scheduled election. The notice of election shall contain at least a summary of the proposed initiative or referred measure.
- (c) Copies of the proposed initiative or referred measure shall be available for distribution to the public at the office of the clerk within a reasonable time before the initiative or referendum election and shall be available for distribution to the voters at the polls.

(Serial No. 2005-18(am), § 3, 2005/10-4-2005)

Section 7.11. Results of election.

If a majority of the qualified voters voting on a proposed initiative measure vote in its favor, it shall be adopted upon certification of the election and shall be treated in all respects in the same manner as if adopted by the assembly. If a majority of the qualified voters voting on a referred measure vote for repeal, it shall be considered repealed upon certification of the election. If conflicting measures are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail.

Section 7.12. Suspension of referred measures.

- (a) When a referred measure has not taken effect, it shall be suspended upon the taking out of a petition by the petitioners committee. The suspension shall terminate when there is a final determination of insufficiency of the petition, no petition is filed within thirty days after the issuance of petition papers, or a majority vote against repeal of a referred measure has been certified.
- (b) The provisions of (a) of this section do not apply to emergency measures enacted to meet a public emergency.

Section 7.13. Effect of election.

- (a) The assembly shall not, within one year of certification of the election, act in any way to modify or negate the effect of an initiative or referred measure.
- (b) An election on an initiative or referred measure shall preclude the filing of a new initiative or referendum petition on the same or substantially the same matter sooner than one year after voter approval or disapproval of the initiative or referendum.

Chapter 29.10 INITIATIVE AND REFERENDUM²

29.10.010 Purpose.

It is the purpose of this chapter to define and clarify the procedures to be followed in initiative and referendum proceedings authorized under article 7 of the Charter of the City and Borough of Juneau. The initiative and referendum are forms of direct democracy and as such their availability to, and utilization by, the public must be facilitated while, at the same time, the integrity of the procedures must be maintained through mechanisms which discourage, reduce, and prevent both the occurrence and appearance of fraud. Further, in order to ensure clear, fixed and reliable standards, it is necessary that citizens and those officials charged with the validation of petitions be able to rely on designated official, published maps, plats and records of the municipality and on the published voter registration records of the state.

(Serial No. 78-3, § 2, 1978)

29.10.020 Attorney assistance on initiative petitions.

- (a) The five qualified municipal voters who desire to commence initiative proceedings under Section 7.2 of the Charter may, prior to submission of their affidavit to the election official, submit a copy of the affidavit and the proposed ordinance, resolution or other measure to be initiated to the City and Borough attorney with a request that it be reviewed by the attorney. The attorney may refuse the request for review, but shall do so immediately upon receipt of the request and shall notify the petitioners' committee of the refusal at the address set forth in its affidavit. The notice of refusal shall contain the reason the attorney is unable to review the initiative. Such reasons include insufficient time to accomplish an immediate review and a conflict of interest.
- (b) If the attorney accepts the request for review, the review shall be accomplished as rapidly as possible. The attorney shall review the proposed measure for form, content and conflict with existing law, ordinances, resolutions and other measures. The attorney shall suggest language changes deemed appropriate and shall provide an explanation of the basis for the suggested changes and the effect of such changes. The attorney shall have no authority to rewrite or require the rewriting of any part of a proposed measure.
- (c) Immediately upon completion of review of the measure to be initiated, the attorney shall provide the committee with a copy of the comments and suggested changes.
- (d) If the committee makes any changes to the proposed measure subsequent to receipt of the attorney's comments, it may again submit the measure to the attorney for review and comment.
- (e) It is the purpose of this section to authorize minimum, corrective legal assistance in order to make groups desiring to initiate measures aware of legal problem areas which may arise if a proposed initiative is adopted in a particular form.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, § 28, 1998; Serial No. 2001-28, § 2, 6-4-2001)

²Charter reference(s)—Initiative and referendum, art. VII.

Cross reference(s)—Ordinances, CBJ Code ch. 01.20.

29.10.025 Certification of petitioners' committee affidavit.

- (a) The committee shall submit the affidavit to the election official who shall within 15 working days either certify it or notify the initiative committee of the grounds for denial.
- (b) Certification shall be denied if:
 - (1) The affidavit is not substantially in the required form;
 - (2) The proposed measure to be initiated is not in the required form; or
 - (3) There are fewer than five qualified members on the committee.
- (c) The proposed measure to be initiated shall be in the following form:
 - (1) The measure shall be confined to one subject;
 - (2) The measure may not include subjects restricted by Charter section 7.1 or article XI, section 7 of the Alaska Constitution.

(Serial No. 2000-10, § 3, 5-15-2000)

29.10.030 Petition format.

- (a) The petition form prepared by the election official for issuance to the petitioners' committee shall be in substantial compliance with this section.
- (b) The front of the cover page of the petition shall provide a space for the name of the person who is circulating the petition and shall contain a statement in bold type identifying the petition as a referendum or initiative petition as appropriate, the initiative or referendum request, a space for an impartial summary of the ordinance to be initiated or referred, a statement in bold type that a notice to petition signers is on the back of the cover sheet and that the ordinance to be initiated or referred is inside the first page of the petition, and a petition booklet number. On the back of the cover sheet, the election official shall cause to have printed a notice to the petition signers that signatures must be in ink, the residence address, mailing address, and printed name must be legible, that the signer must be a registered voter and have been a resident of the City and Borough for the immediately preceding 30 days, and the acceptable and unacceptable forms of residence address which appear in subsections 29.10.090(b) and (c).
- (c) The second and such subsequent pages as are necessary shall contain a space for the full text of the ordinance to be initiated or referred.
- (d) Following the full text of the ordinance shall be not less than five nor more than ten signature pages. Qualified voters signing the petition shall provide their printed name, signature, residence address, and one personal identifier—which can be the last four digits of the voter's registration identification number, the last four digits of the voter's driver's license or state identification number, the last four digits of the voter's Social Security number, or the voter's year of birth, mailing address and zip code, length of residence in City and Borough, and date signed. The election official shall number each signature page serially in a sequence of numbers which shall be continuous through all booklets issued. Above the column titles shall be the petition request, which shall make reference to the ordinance or measure to be initiated or referred and its location in the booklet. At the bottom of each signature page shall be a statement that to be valid, the signature must be in ink, the name as printed and signed must be in the same form as the name appears on the state voter registration rolls, the printed name, personal identifier, and residence address must be legible and the signer must indicate his or her length of address in the City and Borough immediately preceding signing the petition.

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- (e) The signature page shall contain the affidavit of the circulator as required by section 7.5 of the Charter.
 - (f) Each booklet shall be assembled by the election official and all pages within each booklet shall be stapled or otherwise fastened together.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, §§ 29, 30, 31, 32, 1998; Serial No. 2001-28, § 2, 6-4-2001; Serial No. 2014-37(c), § 6, 6-30-2014, eff. 7-31-2014 ; Serial No. 2022-24(am) , § 21, 6-13-2022, eff. 7-13-2022)

29.10.040 Instructions to petitioners.

The election official shall issue written instructions to the petitioners' committee setting forth the requirement that to be valid the signature line must contain the signature in ink, the legible printed name, the legible residence address of the municipal voter signing the petition, one personal identifier, and the length of residence in the City and Borough. The instructions shall also include the types of addresses which are and are not acceptable as residence addresses.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, § 33, 1998; Serial No. 2022-24(am) , § 22, 6-13-2022, eff. 7-13-2022)

Charter reference(s)—Signatory requirements, § 7.5.

29.10.050 Objection to petition form or instructions.

- (a) Objections to the form of the petition or the instructions issued by the election official shall be made in writing by the petitioners' committee prior to the expiration of the third working day of the 30-day petition period. The election official shall immediately consider timely filed objections and take such action as appropriate. If it is necessary, in the election official's judgment, to make a change in the petition form as issued, the election official shall issue new petitions.
- (b) If the election official issues new petitions under this section, the 30-day period for the collection of signatures shall be counted from the date the election official issues the corrected petitions to the petitioners' committee. Signatures gathered on the first-issued petitions shall be invalid regardless of the date upon which signatures are obtained.
- (c) Objections not filed with the election official as provided in this section shall be deemed waived for all purposes.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, § 34, 1998)

29.10.060 Submission and receipt of petitions.

- (a) The petitioners' committee shall file the petitions as a single instrument. After the filing, no additional petition booklets may be received by the election official for validation whether such additional booklets are submitted before or after the expiration of the petition period. Such late booklets shall be received only for the purpose of preservation for the record.
- (b) Filing shall be done during municipal business hours. If the last day of the period falls on a Saturday which is not a City and Borough holiday, the election official shall make arrangements with the petitioners' committee to receive the petitions at the election official's office at or before 4:30 p.m. on that Saturday. If the last day of the period falls on a Sunday or other City and Borough holiday, the petitioners' committee may file the petition not later than 9:00 a.m. on the first weekday which is not a holiday.

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- (c) Immediately upon receipt of the petition, and in the presence of the person submitting the petition, the election official shall check each booklet and shall mark as rejected on its face, and the reason for rejection, any petition booklet which:
 - (1) Shows evidence of having been disassembled and reassembled;
 - (2) Does not contain all pages of the ordinance to be initiated or referred;
 - (3) Does not contain the fully completed, signed and notarized affidavit of the circulator.
 - (d) Due to potential confidential voter information contained in petition booklets, all petition booklets and copies of booklets must be surrendered to the election official within 60 days of issuance.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, § 35, 1998; Serial No. 2022-24(am) , § 23, 6-13-2022, eff. 7-13-2022)

29.10.070 Supplemental petition.

- (a) If the election official determines that there is an insufficient number of valid signatures on the petitions filed during the 30-day period, the election official shall send notice of the insufficiency to the petitioners' committee by certified mail, return receipt requested. The petitioners' committee shall have an additional ten days from receipt of the notice to gather additional signatures on petitions supplied to the committee by the election official for that purpose. The petitions supplied by the election official for the supplemental period shall be in the format specified in section 29.10.030, except that the signature page numbering shall not duplicate that used for the 30-day period.
- (b) Petitions shall be submitted and received in the manner provided in section 29.10.060.
- (c) No signatures obtained on booklets issued during the first 30-day period shall be valid if submitted with the supplemental petition.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, § 36, 1998)

Charter reference(s)—Supplemental petition, § 7.7.

29.10.080 Validation of signatures.

- (a) The election official shall reject the signature of any person whose name does not appear on the voter registration list available from the state elections office and who is determined by the state elections office to be a person who is not registered on the day the election official requests state verification of the voter status of the person.
- (b) The election official shall reject the signature of any person whose signed and printed name are so illegible that the election official cannot identify the name; provided, however, the election official may accept an otherwise illegible name if the voter has provided adequate personal identifying information and the legible address information given by the person corresponds to voter registration information of the person registered to the personally identifying information given.
- (c) The election official shall reject all but one signature of any person who has signed his or her name two or more times to petition booklets.
- (d) The election official shall reject the signature of any person whose signature is not executed in ink.
- (e) The election official shall reject the signature of any person who had not been a resident of Juneau for the 30 days immediately preceding the date the person signed the petition.

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- (f) The election official shall reject the signature of any person who fails to provide a legible and adequate residence address as provided in section 29.10.090.
 - (g) The election official shall reject the signature of any person whose petition signature and printed name are not the form in which the person is registered to vote unless the election official is able to determine from the voter's personal identifying information or the address information from the state elections office that the signature is that of a registered voter.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, § 37, 1998; Serial No. 2014-37(c), § 7, 6-30-2014, eff. 7-31-2014 ; Serial No. 2022-24(am) , § 24, 6-13-2022, eff. 7-13-2022)

29.10.090 Residence address requirements.

- (a) A residence address for the purpose of initiative and referendum petition requirements is a locatable address where the person lives. A residence address is adequate only if it contains sufficient information to permit the person's place of residence to be found by an ordinary person with no particular knowledge of the City and Borough of Juneau area if such person is given the residence address information which appears on the petition, the official map of the City and Borough of Juneau, the approved house numbering maps of the City and Borough of Juneau, and relevant approved plan maps.
- (b) Notwithstanding the general definition provided in subsection (a) of this section, the following shall be deemed to be adequate residence addresses.
 - (1) A subdivision name with a lot and block number;
 - (2) A United States survey number when the smallest recorded subdivision which is applicable to the property is included;
 - (3) A milepost when accompanied by a road or highway name;
 - (4) A boat harbor or marina name when the stall, slip, or boat name is also included;
 - (5) A hotel or motel if the room number is numbered;
 - (6) A trailer court if the space number or street name and number within the trailer court is given;
 - (7) A house number with a street or highway name;
 - (8) An apartment or condominium name when accompanied by an apartment or unit number.
- (c) The following types of addresses are inadequate as a residence address:
 - (1) A street name without a house number;
 - (2) A milepost without a highway or road name;
 - (3) A highway or road name without a milepost or house number;
 - (4) Alaska, Juneau, Douglas, Auke Bay, Vanderbilt Hill, Pinewood Park, Mendenhaven, Back Loop or any other similar designation by a geographic area or subdivision only;
 - (5) A rural route box number;
 - (6) A post office box number;
 - (7) A street, highway or road intersection;
 - (8) 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;
 - (9) An illegible address.

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- (d) If there is a dispute as to the adequacy of a residence address given by a person whose name has been rejected by the election official, the name shall be rejected if it is determined that a house number has been assigned to the place of residence of the person whose name has been rejected unless the assigned street name and house number or an accurate legal description of the property has been used on the petition.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, § 38, 1998; Serial No. 2001-28, § 2, 6-4-2001)

29.10.100 Petition and signature rejection for other reasons.

- (a) If any allegation of fraud or misconduct is filed with the election official prior to the certification or notice of insufficiency of the petitions, the election official shall immediately investigate such allegations and reject the challenged petitions or signatures if such investigation reveals fraud or other irregularities which warrant rejection.
- (b) Any allegation of fraud or misconduct filed after certification of the petition which would or may result in the invalidation of a sufficient number of signatures to cause a petition to be insufficient shall be referred immediately to the assembly. The assembly shall schedule a hearing on the matter and take such action as it deems appropriate with respect to signatures or petitions which are affected by any fraud or misconduct it finds.
- (c) It shall be fraud sufficient to reject an entire petition booklet if it is shown that a petition circulator has either failed to do any act or had no reasonable basis for a belief to which the petition circulator is required to swear under section 7.5 of the Charter.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, §§ 39, 40, 1998)

State law reference(s)—Petition offenses, AS 15.56.090.

29.10.110 Termination of suspension of ordinance effective date.

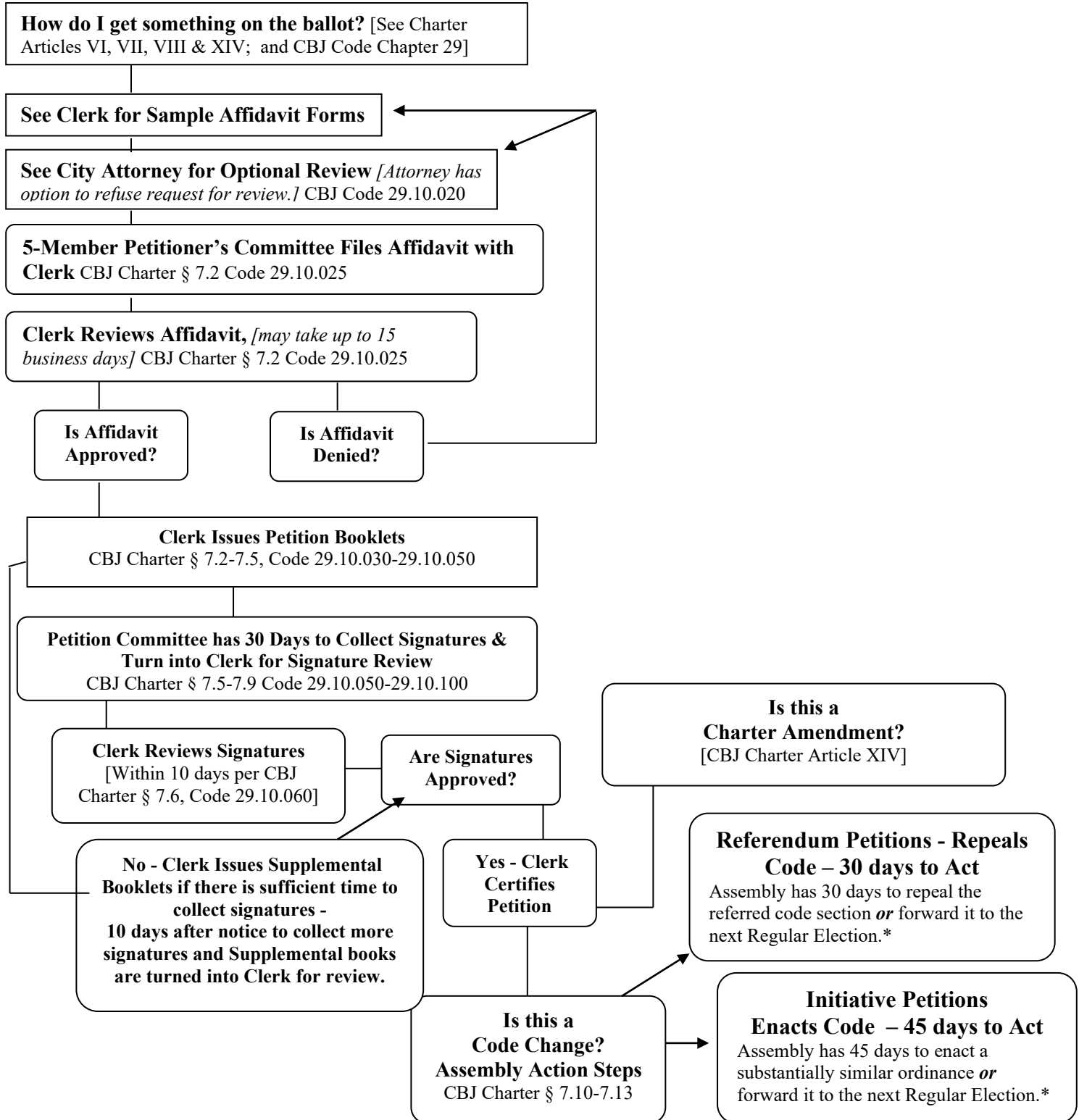
An ordinance which has been suspended by the operation of section 7.12 of the Charter shall become effective five working days after notice of insufficiency has been delivered to the petitioners' committee unless an appeal of the municipal clerk's decision is filed within that time.

(Serial No. 78-3, § 2, 1978).

Charter reference(s)—Suspension of referred measures, § 7.12.

**City & Borough of Juneau
Municipal Elections Petition Process**

[As outlined in the CBJ Charter and Code – Flow Chart Updated April 24, 2024]
Some of the charter & code sections may be paraphrased or abbreviated for sake of brevity.
Please refer to the Charter or Code section referred to for the full text.
https://library.municode.com/ak/juneau/codes/code_of_ordinances



*Charter § 7.10(b) provides, in part, for a proposed initiative or referred measure to be placed on the next regular election, or, if already scheduled, at a special election if one is scheduled no sooner than 90 days from the last day of Assembly action. If there is no regular election scheduled within 75 days after the petition is certified, the Assembly may choose to order a special election on the matter prior to the next regular election.