



**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 Fax: (907)586-4552
email: CBJ.Elections@juneau.gov

April 28, 2025

Affordable Juneau Coalition
Attn: Joseph W. Geldhof (*via e-mail and USPS*)

[REDACTED]
2 Marine Way, Suite #207
Juneau, AK 99801

Re: Response to Petitioner Committee re: Three Petitions

Dear Mr. Geldhof and Affordable Juneau Coalition,

On April 10, 2025, the Affordable Juneau Coalition submitted affidavits for three separate petitions. Those petition affidavits are referenced below under their "Short Titles" as follows:

- **Mill Rate Cap Amendment** (Charter Amendment)
- **Sales Tax Exemptions** (Initiative)
- **Poll-Based Elections** (Initiative)

All dates referenced in this letter refer to the 2025 calendar year, unless otherwise noted.

Review of Petitions as to Form - Eligibility Issues Resolved

The initial affidavit, submitted on April 10, for the Poll-Based petition contained conflicting language referencing it is as both an initiative petition and a referendum petition. After I pointed those out to the petitioner's committee, a replacement affidavit was submitted, on April 14, clarifying that it was in fact an initiative petition rather than a referendum petition. In keeping with our discussions when you submitted the replacement affidavit, we are honoring the initial submission date of April 10 for process counting purposes for that petition.

The other concern identified in my initial response to your committee was that each of the affidavits that Affordable Juneau Coalition submitted contained the names and information of five signers. While we could determine the eligibility of four out of five of the signers, the name of 'Mac Meiners' did not appear in the voter database. However, we were able to obtain Mr. Meiner's legal name of 'Herman Meiners' and personal identification from the information he provided to our Notary Public when he was signing the affidavit so were able to determine his eligibility as a signer for the petitions. All five signatories have now been verified as Juneau registered voters who are eligible to submit these petitions.

The City Attorney has provided her legal review as found in the accompanying April 28 memo. I have reviewed the affidavits with respect to CBJ Code 29.10 as to form. **Please note that our "review as to form" process does not include confirmation of alleged facts or validation of the statements made in the "Whereas" clauses included on the affidavits as these are subjective in nature and are not part of the questions as they may appear on the ballot.** With resolution of the concerns noted above and the legal opinion provided by the City Attorney,

I have approved the petition committee's affidavits "as to form" and will issue petition booklets for the signature gathering next steps to begin.

Format of the Charter Amendment vs. Initiative Petition Books

As noted in the Law Department memo, CBJ Charter Sections 7 and 14 govern the Charter Amendment and the provisions of CBJ Code Chapter 29.10 provide the framework for the Initiative Petitions. The main difference between the two types of petitions is that for initiatives, CBJ Code 29.10.120 provides for an impartial summary to be drafted by the City Attorney and the Charter Amendment does not include an impartial summary. Any "Whereas" clauses or intent language, while included in the petition books, will be excluded from the ballot. Therefore, each of the petition books are formatted as shown on the following pages.

Short Title: Mill Rate Cap Amendment (Charter Amendment)

The front cover of petition book reads as shown below. The inside pages of the petition book will include the "Whereas" clauses but only the following ballot question will appear on the ballot, should it proceed to that stage.

SHALL THE CITY AND BOROUGH OF JUNEAU CHARTER SEC. 9.7 BE AMENDED AS FOLLOWS: Section 1.

... (c)Except as provided in this section, the assembly shall not levy on real or personal property any tax exceeding the total of 9 mills ~~12 mills~~ plus that additional millage required to service general obligation indebtedness. The assembly may levy a tax exceeding this total only after seeking and securing voter approval by a majority of those voting on the question at a general or special election.

Section 2. Effective Date. This measure shall be effective 30 days after enactment.

The full text of the Charter Amendment is found on the inside pages.

Short Title: Sales Tax Exemptions (Initiative Petition)

IMPARTIAL SUMMARY

This initiative petition proposes to amend the City and Borough of Juneau (CBJ) Code 69.45.040 to create a new section which would exempt essential food and non-commercial utilities from CBJ sales tax for residents within the City and Borough.

The full text of the initiative is found on the inside pages.

The outside cover of the petition books contain the above impartial summary. The inside pages of the petition book will include the "Whereas" clauses followed by the ballot question as outlined below. The "Whereas" clauses will not be included on the ballot, should it proceed to that stage.

INITIATIVE SHORT TITLE: SALES TAX EXEMPTIONS

**SHALL THE CITY AND BOROUGH OF JUNEAU CODE BE AMENDED
TO INCLUDE A NEW CODE SECTION AS FOLLOWS:**

Section 1. A new subsection (44) is added to Section 69.05.040-Exemptions of the Code of the City and Borough of Juneau to read as follows:

(44) Sales of essential food. As used in this section, "essential food" means: Sales of essential food as defined by the Food and Nutrition Act of 2008, 7 USC § 2012(c).

Section 2. A new subsection (45) is added to Section 69.05.040-Exemptions of the Code of the City and Borough of Juneau to read as follows:

(45) Sales of essential utilities to individuals that are solely for non-commercial use within the City and Borough of Juneau. As used in this section, "essential utilities" means:

(a) Sales of electricity by a utility for non-commercial use at a City and Borough resident's principal place of abode.

(b) Sales of heating fuel, including wood, wood pellets, and fuel oil, for non-commercial use at a City and Borough resident's principal place of abode.

(c) Sales of water and wastewater service by the City and Borough for service at a City and Borough of Juneau resident's principal place of abode.

(d) Sale of residential curbside refuse and recycling collection at a City and Borough resident's principal place of abode and the non-commercial use of landfill facilities by a City and Borough resident.

Section 3. Effective Date. This initiative shall be effective 30 days after enactment.

Sales Tax Exemptions Yes ☐

Sales Tax Exemptions. No ☐

Short Title: Poll-Based Elections (Initiative Petition)

IMPARTIAL SUMMARY

This initiative petition proposes to amend the City and Borough of Juneau (CBJ) Code 29.07.010(a) to establish that poll-based elections will be the primary voting system for City and Borough of Juneau elections.

The full text of the initiative is found on the inside pages.

The outside cover of the petition books contain the above impartial summary. The inside pages of the petition book will include the "Whereas" clauses followed by the ballot question as outlined below. The "Whereas" clauses will not be included on the ballot, should it proceed to that stage.

INITIATIVE SHORT TITLE: POLL-BASED ELECTIONS

**SHALL ORDINANCE SEC. 29.07.010(a) ESTABLISHING THE PRIMARY METHOD
OF ELECTIONS BE AMENDED AS FOLLOWS:**

Section 1. 29.07.010(a) - Election Method. The Election Official will conduct all elections ~~by mail~~ as poll-based, unless otherwise directed by the Assembly.

Section 2. Effective Date. This measure shall be effective 30 days after enactment.

Poll-Based Elections. Yes ☐

Poll-Based Elections. No ☐

Petition Book Signature Collection & Petition Submission Process

I would strongly encourage you and the circulators to fully read and understand the applicable CBJ Charter/Code provisions governing the charter amendment and initiative petition processes and am attaching copies of the relevant CBJ Charter and Code sections.

We will issue you seventy-five (75) bound petition booklets for each of the three petitions. Each set of 75 books constitutes one petition instrument. 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 **3,750** signatures total for each petition instrument.

CBJ Charter 7.3, which applies to all three petition types, 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 2024 Regular Municipal Election was 10,880 so **you will need a minimum of 2,720 valid signatures** of qualified Juneau voters for each of the three petitions. We strongly recommend you collect additional signatures.

Each booklet is to be assigned 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.**

Petition circulators are strongly encouraged to double-check the back inside cover of each book to ensure their affidavit is completed in accordance with CBJ Charter 7.5. Petition books with missing or incomplete circulator affidavits will be deemed ineligible for counting.

Petition booklets will be ready for your group to pick up by 2:00p.m., Wednesday, April 30, 2025. By issuing the books on April 30, the 30-day collection period ends on Friday, May 30. The petition books must be filed, as one instrument, in our office no later than **Friday, May 30 at 3:30p.m.** so we have enough time to review and check in each book and petition instrument.

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,

A handwritten signature in black ink, appearing to read "Elizabeth McEwen", written in a cursive style.

Elizabeth "Beth" McEwen, MMC
CBJ Municipal Clerk/Election Official

Attachments:

Mill Rate Cap Amendment Petition Affidavit (received 4/10/2025)
Sales Tax Exemptions Petition Affidavit (received 4/10/2025)
Poll-Based Elections Petition Affidavit (received 4/14/2025)
April 28, 2025, Legal Review Memo from City Attorney Emily Wright
CBJ Charter Article VII and CBJ Code 29.10 (including Ord. 2025-14am)
Initiative/Referendum Petition Flow Chart

cc: City Attorney Emily Wright

**AFFIDAVIT OF PETITIONER'S COMMITTEE
CITY & BOROUGH OF JUNEAU, ALASKA**

**Proposing enactment of an amendment to the City and Borough of Juneau,
Alaska Charter to lower the property tax millage rate in the City and Borough
of Juneau.**

Reference: CBJ Charter Article XIV, Section 14.3.

WHEREAS, the cost of living in the City and Borough of Juneau, Alaska is considerably higher than many other communities of a similar size in America; and,

WHEREAS, property taxes have a significant impact on the cost of living for renters and property owners in the City and Borough of Juneau, Alaska; and,

WHEREAS, reducing property taxes will constrain or reduce the cost of living for residents of the City and Borough of Juneau,

NOW THEREFORE, the citizens of Juneau propose enactment of the following amendment to the Charter of the City and Borough of Juneau, Alaska:

**SHALL THE CITY AND BOROUGH OF JUNEAU CHARTER SEC.
9.7 BE AMENDED AS FOLLOWS:**

*** Section 1.**

... (c) Except as provided in this section, the assembly shall not levy on real or personal property any tax exceeding the total of 9 mills ~~12 mills~~ plus that additional millage required to service general obligation indebtedness. The assembly may levy a tax exceeding this total only after seeking and securing voter approval by a majority of those voting on the question at a general or special election.

*** Section 2. Effective Date.** This measure shall be effective 30 days after enactment.

CBJ CLERK
APR 10 2025
RECEIVED

APR 10 2025

RECEIVED

Signatures, Names and Addresses for Petitioners Committee

The following qualified voters and residents of the City and Borough of Juneau, Alaska, affirm on their oath that they constitute the petitioners committee for the measure set forth above and that they have formed an association for the purposed of circulating initiative booklets necessary to acquire voter signatures.

First Judicial District }
 } ss.
State of Alaska }

DATED this 10th day of April 2025 at Juneau, Alaska.

1. 

Joe Geldhof, 2 Marine Way, Suite # 207, Juneau, Alaska 99801

DATED this 10th day of April 2025 at Juneau, Alaska.

2. 

Angela Rodell, 316 Distin Avenue, Juneau, Alaska 99801

DATED this 10 day of April 2025 at Juneau, Alaska.

3. 

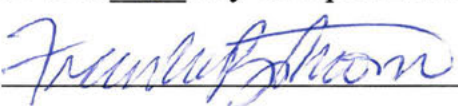
Mac Meiners 420 Mendenhall Peninsula Road, Juneau, Alaska 99801

DATED this 10 day of April 2025 at Juneau, Alaska.

4. 

David Hannah, 11495 Mendenhall Loop Rd., Juneau, Alaska 99801

DATED this 10 day of April 2025 at Juneau, Alaska

5. 

Frank Bergstrom, 7630 Glacier Highway., Juneau, Alaka 99801

[NOTARIZATION OF SIGNATURES FOLLOWS ON SUBSEQUENT PAGE]

THIS CERTIFIES that on this 10 day of April, 2025, before me, the undersigned, a notary public in the State of Alaska, personally appeared **Joseph W. Geldhof, Angela Rodell, Mac Meinerss, David Hannah**, and **Frank Bergstrom**, individuals known to me and having the respective addresses listed above, who executed this petition freely and voluntarily, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year first above written.



Patricia Everson
Notary Public for Alaska
My Commission Expires: 11/10/2026

All notices regarding this petition and subsequent inquiries related to the circulation of booklets should be mailed to:

Joe Geldhof
2 Marine Way,
Suite # 207
Juneau, Alaska
99801

Phone: [REDACTED]

CBJ CLERK
APR 10 2025
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APR 10 2025

RECEIVED

**AFFIDAVIT OF PETITIONER'S COMMITTEE
CITY & BOROUGH OF JUNEAU, ALASKA**

**Proposing enactment of an amendment to the City and Borough of Juneau,
Alaska Code exempting food and utilities from sales taxes in the City and
Borough of Juneau.**

Reference: CBJ Charter Articles VII & XIV and CBJ Code 69.45.040.

WHEREAS, the cost of living in the City and Borough of Juneau, Alaska is considerably higher than many other communities of a similar size in America; and,

WHEREAS, sales taxes have a significant impact on the cost of living in the City and Borough of Juneau, Alaska; and,

WHEREAS, extending the current senior citizen sales tax exemption to all age groups will reduce the cost of living for families and all residents of the City and Borough of Juneau,

NOW THEREFORE, the citizens of Juneau propose enactment of the following addition to the Code of the City and Borough of Juneau, Alaska:

**SHALL THE CITY AND BOROUGH OF JUNEAU CODE BE
AMENDED TO INCLUDE A NEW CODE SECTION AS FOLLOWS:**

*** Section 1.** A new subsection (44) is added to Section 69.05.040 – Exemptions of the Code of the City and Borough of Juneau to read as follows:

(44) Sales of essential food. As used in this section, "essential food" means: Sales of essential food as defined by the Food and Nutrition Act of 2008, 7 USC § 2012(c).

*** Section 2.** A new subsection (45) is added to Section 69.05.040 – Exemptions of the Code of the City and Borough of Juneau to read as follows:

(45) Sales of essential utilities to individuals that are solely for non-commercial

use within the City and Borough of Juneau. As used in this section, "essential utilities" means:

(a) Sales of electricity by a utility for non-commercial use at a City and Borough resident's principal place of abode.

(b) Sales of heating fuel, including wood, wood pellets, and fuel oil, for non-commercial use at a City and Borough resident's principal place of abode.

(c) Sales of water and wastewater service by the City and Borough for service at a City and Borough of Juneau resident's principal place of abode.

(d) Sale of residential curbside refuse and recycling collection at a City and Borough resident's principal place of abode and the non-commercial use of landfill facilities by a City and Borough resident.

* **Section 3. Effective Date.** This initiative shall be effective 30 days after enactment.

Signatures, Names and Addresses for Petitioners Committee

The following qualified voters and residents of the City and Borough of Juneau, Alaska, affirm on their oath that they constitute the petitioners committee for the measure set forth above and that they have formed an association for the purposed of circulating initiative booklets necessary to acquire voter signatures.

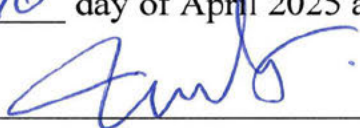
First Judicial District }
 } ss.
State of Alaska }

CBJ CLERK

APR 10 2025

RECEIVED

DATED this 10th day of April 2025 at Juneau, Alaska.

1. 
Joe Geldhof, 2 Marine Way, Suite # 207, Juneau, Alaska 99801

DATED this 10th day of April 2025 at Juneau, Alaska.

2. 
Angela Rodell, 316 Distin Avenue, Juneau, Alaska 99801

DATED this 10 day of April 2025 at Juneau, Alaska.

3. *Mac Meiners*

Mac Meiners, 420 Mendenhall Peninsula Road, Juneau, Alaska 99801

DATED this 10 day of April 2025 at Juneau, Alaska.

4. *David Hannah*

David Hannah, 11495 Mendenhall Loop Road, Juneau, Alaska 99801

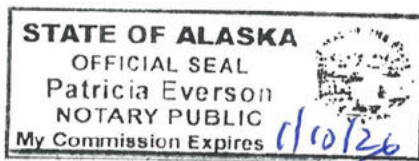
DATED this 10 day of April 2025 at Juneau, Alaska

5. *Frank Bergstrom*

Frank Bergstrom, Address: 7630 Glacier Hwy., Juneau, AK 99801

THIS CERTIFIES that on this 10 day of April, 2025, before me, the undersigned, a notary public in the State of Alaska, personally appeared Joseph W. Geldhof, Angela Rodell, Mac Meiners, David Hannah, and Frank Bergstrom, individuals known to me and having the respective addresses listed above, who executed this petition freely and voluntarily, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year first above written.



Patricia Everson
Notary Public for Alaska
My Commission Expires: 11/10/26

All notices regarding this petition and subsequent inquiries related to the circulation of booklets should be mailed to:

Joseph W. Geldhof
2 Marine Way, Suite # 207
Juneau, Alaska 99801
Phone: [REDACTED]
E-mail: [REDACTED]

CBJ CLERK
APR 10 2025
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APR 14 2025

**AFFIDAVIT OF PETITIONER'S COMMITTEE
CITY & BOROUGH OF JUNEAU, ALASKA**

RECEIVED *Edm*
Replacing 4/10/2025
Submission
Keeping
Original
Submission
date.
B. McLean
Edm

Proposing enactment of an amendment to the City and Borough of Juneau ordinances to amend the ordinance requiring that mail-in voting take priority over in-person voting in the City and Borough of Juneau.

Reference: CBJ Charter Articles VII and CBJ Code 29.07.010(a).

WHEREAS, the adoption by the City and Borough of Juneau Assembly of a new voting system that prioritized mail-in voting over the old in-person voting system has increased costs to conduct elections; and,

WHEREAS, the mail-in voting system adopted by the City and Borough of Juneau Assembly results in significantly slower election results; and,

WHEREAS, the mail-in voting system adopted by the City and Borough of Juneau Assembly decreased civic involvement and eroded participation that was characteristic of the old in-person voting system used in the City and Borough of Juneau,

NOW THEREFORE, the citizens of Juneau propose by petition the repeal of the new, expensive and inefficient voting procedures that characterize mail-in voting, that made in-person voting more difficult, resulted in more expenses for the public and caused delay in counting election ballots of the City and Borough of Juneau, Alaska:

SHALL ORDINANCE SEC. 29.07.010(a) ESTABLISHING THE PRIMARY METHOD OF ELECTIONS BE AMENDED AS FOLLOWS:

- * **Section 1. 29.07.010(a) - Election Method.** The Election Official will conduct all elections ~~by mail~~ as poll based, unless otherwise directed by the Assembly.
- * **Section 2. Effective Date.** This measure shall be effective 30 days after enactment.

APR 14 2025

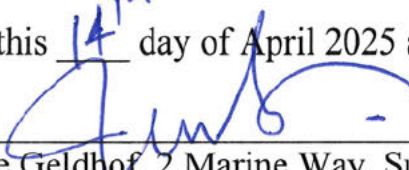
RECEIVED

Signatures, Names and Addresses for Petitioners Committee

The following qualified voters and residents of the City and Borough of Juneau, Alaska, affirm on their oath that they constitute the petitioners committee for the measure set forth above and that they have formed an association for the purposed of circulating booklets necessary to acquire voter signatures.

First Judicial District }
 } ss.
State of Alaska }


DATED this 14th day of April 2025 at Juneau, Alaska.

1. 
Joe Geldhof, 2 Marine Way, Suite # 207, Juneau, Alaska 99801

DATED this 14th day of April 2025 at Juneau, Alaska.

2. 
Angela Rodell, 316 Distin Avenue, Juneau, Alaska 99801

DATED this 14 day of April 2025 at Juneau, Alaska.

3. 
Herman M. "Mac" Meiners, 1120 Mendenhall Peninsula Road, Juneau, Alaska 99801

DATED this 14th day of April 2025 at Juneau, Alaska.

4. 
David Hannan, 11495 Mendenhall Loop Road, Juneau, Alaska 99801

DATED this 14 day of April 2025 at Juneau, Alaska

5. 
Frank Bergstrom, Address: 7630 Glacier Highway, Juneau, AK 99801

[NOTARIZATION OF SIGNATURES FOLLOWS ON SUBSEQUENT PAGE]

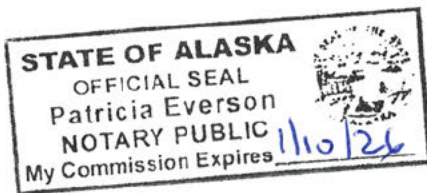
CBJ CLERK

APR 14 2025

RECEIVED

THIS CERTIFIES that on this 14 day of April, 2025, before me, the undersigned, a notary public in the State of Alaska, personally appeared **Joseph W. Geldhof, Angela Rodell, Herman M. "Mac" Meiners, Dave Hannah**, and **Frank Bergstrom**, individuals known to me and having the respective addresses listed above, who executed this petition freely and voluntarily, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year first above written.



Patricia Everson
Notary Public for Alaska
My Commission Expires: 11/10/2026

All notices regarding this petition and subsequent inquiries related to the circulation of booklets should be mailed to:

Molly Duvall

Phone: [REDACTED]

-or-

c/o Joe Geldhof
2 Marine Way,
Suite # 207
Juneau, Alaska
99801

Phone: [REDACTED]
E-mail: [REDACTED]

MEMORANDUM

DATE: April 28, 2025
TO: Beth McEwen, CBJ Municipal Clerk
FROM: Emily Wright, CBJ Municipal Attorney
SUBJECT: Certification of Petitions by Affordable Juneau Coalition



**LAW
DEPARTMENT**
155 Heritage Way
Juneau, AK 99801
Ph: (907) 586-5242
Fax: (907) 586-4567

I. Introduction

The Affordable Juneau Coalition has submitted two initiatives and one charter amendment for consideration by the voters this fall. As the City Clerk, you are empowered to make the final certification decision.¹ The following is offered to aid in your analysis and conclusion.

II. Legal Background

The Alaska Constitution Article XI, the City and Borough of Juneau (CBJ) Charter Sections 7 and 14, and the provisions of CBJ Code Chapter 29.10 provide the framework for petitions submitted by citizens of Juneau.² CBJ Charter provision 7.1 sets out the parameters for an initiative (or referendum) and 7.2 sets forth the requirements to commence the initiative (or referendum). Charter Amendments are governed by Article 14 of the CBJ Charter. Charter Provision 14.3 indicates that voters may propose a Charter amendment to the voters by following the provision laid out in Charter sections 7.2-7.9 (Initiative and Referendum).

7.1 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.

7.2 (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.

Chapter 29.10 provides further guidance regarding the review and certification of an affidavit:

(b) Certification shall be denied if:

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).

² *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).

- (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.

III. Review

The use of the initiative process for the people to propose legislation was a subject of long and healthy debate during the constitutional convention. Ultimately, the framers decided that the people, with some restrictions, must have the ability to legislate when they believe that their elected officials are not. Judicial review, with rare exceptions, will not occur until after certification and a vote of the people. The analysis before you is one of form only. With that in mind, below is a review of each proposal.

Short Title: Mill Rate Cap Amendment (Charter Amendment)

In 1995, Gary Jenkins proposed, and the voters ratified, the charter language we have today, establishing a 12 mill cap. At the time, the City Attorney, John Corso, flagged that similar charter amendments were being proposed and ratified throughout the state. He expressed some concern that the Alaska Supreme Court in *Whitson v. Anchorage*, 608 P.2d 759 (Alaska 1980), had opened the door to legal challenges to charter amendments dealing with tax levies. However, as Mr. Corso pointed out, the facts in *Whitson* were distinguishable from Mr. Jenkin's proposal, and similarly, they are distinguishable from the Affordable Juneau Coalition proposal. I provide this history only to indicate that there has been past review and a flag that a charter amendment having to do with tax levies may be vulnerable to lawsuits. It appears that since 1995 no such lawsuit has been filed.

The charter amendment presented by Affordable Juneau Coalition meets the requirements to form. It is limited to one subject (mill rate), it is not clearly unconstitutional, and it does not involve a restricted subject. With regards to the restricted subject, charter amendments are specifically not subject to the limitations set forth in Charter Section 7.1. Therefore, the setting of a mill rate is a proper topic to be provided to the voters.

Short Title: Sales Tax Exemptions

This initiative seeks to expand the current senior tax exemptions to all age groups and residents of the City and Borough. We have seen sales tax exemptions or similar property tax exemptions presented to the voters most recently in Skagway (2022) and Haines (2024).

This initiative is subject to the restrictions of Charter 7.1 which discusses the limitations on subjects that may be brought forth by petition, stating, in relevant, part "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." While the initiative touches on funds that are collected by the CBJ, it does not improperly appropriate those funds, rather it simply provides for an exemption to taxation of essential food and utilities.

The ballot initiative proposed expands provisions found in CBJ code 69.05.045 and complies with all requirements of AS 29.45.650. The initiative is limited to one subject and does not contain restricted or unconstitutional subjects.

Short Title: Poll Based Elections

Last year, a similar petition was presented and certified by the Clerk's office. However, the proponents failed to get the required number of signatures, therefore the issue was not placed on the ballot.

CBJ Charter section 7.13 states:

(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.

The relevant language is "one year after voter approval or disapproval." As the prior petition did not make it past the signature gathering stage, the current petition is not precluded from moving forward. As determined last year, the question of whether to move back to in-person voting as the primary manner of voting in Juneau meets the one subject rule, and is neither a restricted subject nor clearly unconstitutional.

IV. Conclusion

I recommend that you verify that there are five qualified names presented on each petition. If the appropriate names are presented, I recommend you certify and issue signature booklets.

V. Suggested Impartial Summary for initiative petitions

Short Title: Sales Tax Exemptions

This initiative petition proposes to amend the City and Borough of Juneau (CBJ) Code 69.45.040 to create a new section which would exempt essential food and non-commercial utilities from CBJ sales tax for residents within the City and Borough.

Short Title: Poll Based Elections

This initiative petition proposes to amend the City and Borough of Juneau (CBJ) Code 29.07.010(a) to establish that poll based elections will be the primary voting system for City and Borough of Juneau elections.