

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Loren Leman
Lieutenant Governor

Date: June 10, 2003

From: Sarah J. Felix
Assistant Attorney General
Labor and State Affairs – Juneau

File No.: 663-03-0169

Tel. No.: 465-3600

Re: Review of Initiative
Application 03 INDP, on
Alaska Becoming an
Independent Nation

You have asked us to review an application for an initiative petition entitled “an initiative requiring the State of Alaska to vote on obtaining Alaskan independence, if legally possible, or to seek changes in existing law and constitutional provisions to authorize, and then obtain, independence.” We have previously considered a similar initiative in our review memorandum dated March 2, 1999, file number 663-99-0151, a copy of which is attached. In our earlier review memorandum we recommended that you deny certification of the initiative application. We similarly recommend that you deny certification of the current initiative application.

The current initiative application, 03 INDP, is somewhat different from the earlier initiative application on Alaska becoming an independent nation, 98 INDP. However, the differences between the two initiative applications are not significant for purposes of our review. The same considerations set out in our earlier review memorandum apply to the current initiative. The subject of the initiative remains secession from the union, and this is not a proper subject for initiative, as we explained in our earlier review memorandum.

The principle difference between the current initiative application, 03 INDP, and the prior initiative application, 98 INDP, is that 03 INDP adds a provision to “seek changes in existing law and Constitutional provisions.” The initiative would require the State of Alaska to seek these changes if “independence is not legally possible under present law.” The initiative may not be used to propose amendments to the Alaska State Constitution. *See Starr v. Hagglund*, 374 P.2d 316, 317 n. 2 (Alaska 1962). We have also advised in the past that initiatives seeking to amend the federal constitution are not a proper subject for initiative. *See* 1979 Inf.Op.Att'y Gen. (Feb. 13; 663-79-0474), copy attached.

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Therefore, we recommend that you deny certification of the initiative application for 03 INDP. Please contact me if I can be of further assistance to you on this matter.

SJF/sro

cc: Laura Glaiser, Director, (w/attachments)
Division of Elections
Office of the Lieutenant Governor

attachments