

Bill established procedures for alcohol ban in villages

By CAROLE A. BAEKEY
Alaska Legal Services
Special to the Tundra Times

A state bill which gives Alaska villages the option of deciding if they will allow alcohol, sales and consumption among residents has been signed by Gov. Jay Hammond.

The bill, Senate Bill 65, was signed June 19, and allows each village in the state to begin the process of holding local option elections to do something on a local level about alcohol use and abuse.

The law expands a 1980 law which provided that communities may vote to take one of four actions concerning sale of liquor; forbid the sale of liquor; have a community-approved liquor license; have a community-approved liquor store; or forbid the sale and importation of liquor in a village community.

That 1980 law, however, did not provide the procedure to hold a local option election to vote on the four alternatives.

The procedure for voting on the alternatives varies depending on the type of community. Communities in Alaska are either municipalities which in rural areas means second-class cities, or established or traditional villages.

In a municipality, a petition stating that the community wishes to vote on one of the four choices must be circulated. The petition will state what choices the community wishes to vote on.

Anyone in the community may start the petition but for a petition to be valid, at least 35 percent of the number of registered voters voting in the last regular election must sign the

petition.

The people signing the petition also must be registered to vote before they sign. Any person may register to vote and then sign the petition. The petition has a "life" of 90 days which means that from the date of the first signature until the petition is filed with the community city clerk, not more than 90 days can have passed.

The City Clerk then reviews the petition and submits the certified petition to the city council. The council then has to schedule an election. If the petition is filed 90 days before the annual "regular" election, the question can be put on a separate ballot and voted on at the same time as the general election. A special edition also can be scheduled to vote on the petition.

The procedure is generally the same for an established or traditional village wanting to have an alcohol local option election. Again, anyone can start a petition and again, it takes 35 percent of the registered voters of the community must sign up.

The difference comes because the petitions should then be sent to the state director of Elections, Patty Ann Polley, Division of Elections, Pouch AF, Juneau, AK 99811. She will assign someone from her office to go to the community to conduct the election.

For both the municipality and established village, more than one-half of the people voting must vote for the choice.

For both the municipality and established village, the wishes of majority of the voters rule. For example, if 97 people vote in the election and 49 vote

to ban alcohol, that is the choice. If 49 vote to keep liquor sales, that is the choice and is enforced.

The community must notify the department of law and the department of public safety of the results of the election.

Once the will of the village is known, the Alaska State Troopers assume responsibility for enforcing any violations of the village choice.

Anyone who violates the decision of the village vote is thereby violating the law and has committed a crime. People wishing to report the crime should call the state troopers.

Conviction on a first violation will be classed as a misdemeanor. The second violation is a felony and that person, on a second conviction by a court, will face a jail sentence.

Penalty for the misdemeanor conviction is from 10 days to

one year in jail and a \$500 fine. For a felony conviction, the maximum penalty is up to five years in jail and a \$50,000 fine.

The local option process is only for communities which want it. It is not for everyone and people in the community must support the community choice for it to work and must understand the purpose of the vote and what can happen to someone who breaks the law after a community has held an election.

One thing that should be remembered is that communities which, more than 90 days ago, gathered signatures on petitions seeking to outlaw alcohol must gather signatures again because the petition's "life" has gone beyond the legal limit.

In closing, many people worked on Senate Bill 65, which makes this process possible. Many communities wrote to the

Alaska State Legislature and legislators read their words. A few people called.

Samuel Smith of Mekoryuk, Mayor Pat Phillips of Alakanuk, Max Lestenkof of St. Paul, Ethel Adcox of Iliamna and others testified on the need for the local option process before the committees on the Alaska Senate and House of Representatives. These people writing and talking to the Legislature are fighters who want to make the election process work in rural Alaska and deserve congratulations.

If you or your village have any questions or if you want assistance or someone to come to your community to work on the alcohol local option process, please write Carole A. Baekey, Alaska Legal Services Corporation, 615 "H" Street, Anchorage, Alaska 99501 or call her at 272-9431.