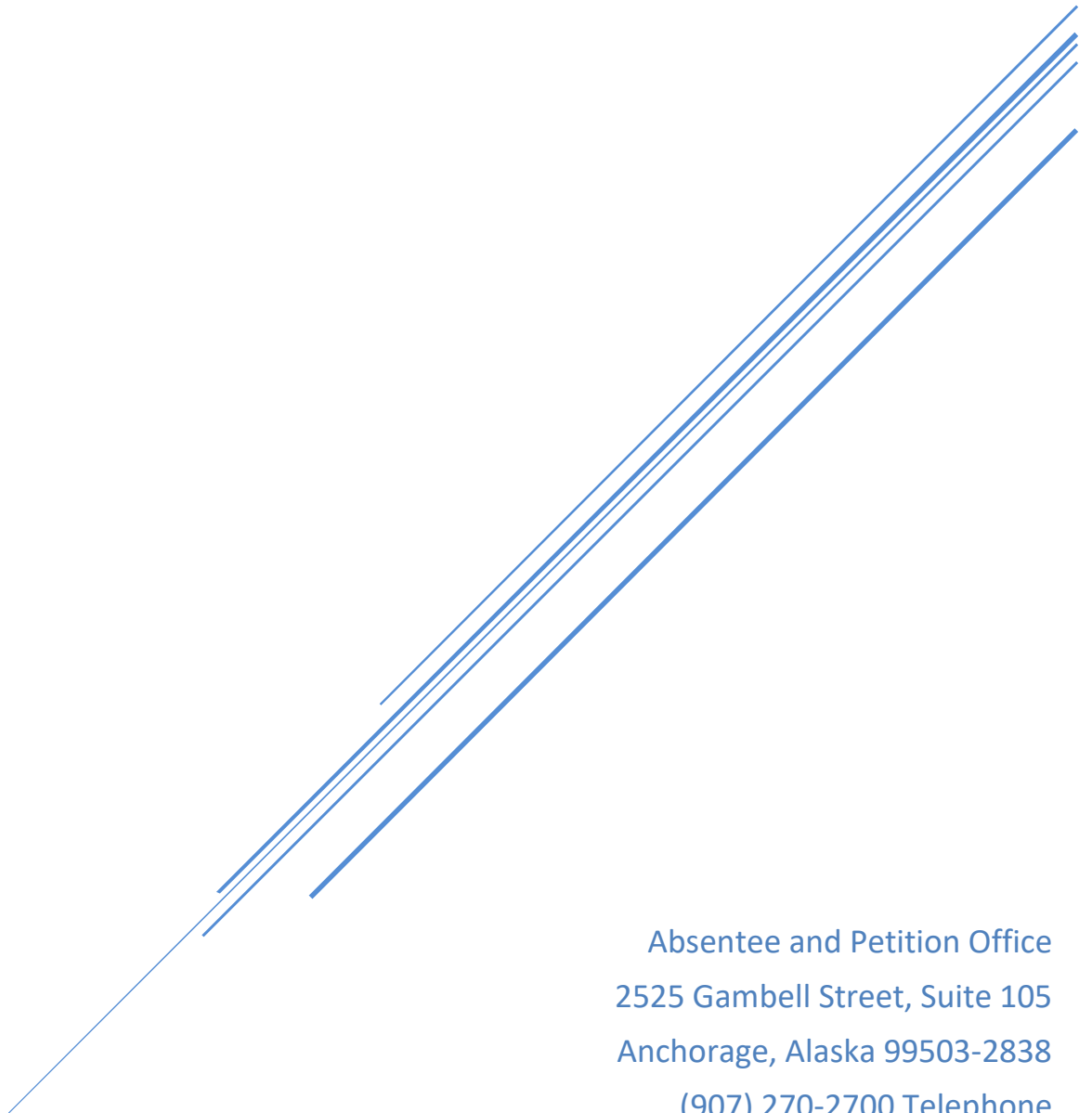


State of Alaska

Division of Elections

Initiative Petition Training Handbook



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Anchorage, Alaska 99503-2838
(907) 270-2700 Telephone
(877) 375-6508 Toll Free in U.S.
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DIVISION OF ELECTION DIRECTORY

Director of Elections

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Toll Free: 1-866-952-8683
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Region I Elections Office

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Juneau, Alaska 99811-0018

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Region III Elections Office

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Nome, Alaska 99762-0577

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GENERAL INFORMATION

STATUTORY REFERENCES

Initiative petition procedures appear in Alaska Constitution Article XI, Alaska Statutes 15.45.010 through 15.45.245 and Title 6 Alaska Administrative Code 25.240 and are available online at the State of Alaska legislative website at <http://www.akleg.gov/basis/statutes.asp#15.45.010> and <http://www.akleg.gov/basis/aac.asp#6.25.240>.

Information in these instructions summarizes the constitution, statutes, and regulations and does not replace the requirements of the Alaska Constitution, Alaska Statutes, and Alaska Administrative Code. It is recommended that the Initiative Committee (committee) and/or designee review the above reflected laws.

DESIGNEE

The committee may designate a designee in writing to the Division of Elections (division). A designee may perform the following duties:

- Attend training in place of the committee and receive training materials.
- Receive petition booklets and sign the acknowledgement of receipt.
- Distribute petition booklets to circulators.
- Have additional booklets printed, if more booklets are needed than the initial booklets provided by the division.
- File the petition with the division.

Correspondence or specific questions regarding the petition are to be received from and will be directed to the committee by the division. Basic circulation questions can be directed to the division by the designee.

BOOKLETS

After receiving notification from the Lieutenant Governor's office that a petition application has been certified, the division prepares sequentially numbered petition booklets for circulation.

The booklets are made available to the committee or designee upon completion of training and the signing of the acknowledgment of receipt.

The committee or designee is responsible for training petition circulators to adhere to procedures required by law. Circulators should contact the committee or designee with any questions regarding the circulation of booklets or the filing of the petition.

ADDITIONAL BOOKLETS

The committee or designee may have additional booklets printed. The division will provide the name of the printer who printed the initial booklets and who has all the needed files. If a different printer is to be used, upon request, the division will provide printer specifications and printer ready files to the printer.

The committee must pay the cost of printing additional booklets. The division is to receive the first sequentially numbered booklet from each additional printings for record keeping prior to the printing of the additional booklets.

THE CIRCULATOR

REQUIREMENTS TO BE A CIRCULATOR

The committee or designee is responsible to determine if a person is eligible to circulate a booklet. By law, circulators of a petition must meet the citizenship and age requirements of Alaska Statute 15.45.105. **The Alaska Supreme Court has invalidated the requirement that a circulator must be an Alaska resident.** Circulators must be:

- A United States Citizen.
- 18 Years of Age.

Circulators are not required to be qualified registered voters.

PAYMENT OF CIRCULATORS

A circulator may receive payment for signatures as set out in Alaska Statute 15.45.110. **The Alaska Supreme Court has invalidated AS 15.45.110(c), so initiative petition circulators may be paid more than \$1 per signature.**

Sec. 15.45.110. Circulation of petition; prohibitions and penalty.

- (a) The petitions may be circulated throughout the state only in person.
- (b) *[Repealed, Sec. 92 ch 82 SLA 2000].*
- (c) A circulator may not receive payment or agree to receive payment that is greater than \$1 a signature, and a person or an organization may not pay or agree to pay an amount that is greater than \$1 a signature, for the collection of signatures on a petition.
- (d) A person or organization may not knowingly pay, offer to pay, or cause to be paid money or other valuable thing to a person to sign or refrain from signing a petition.
- (e) A person or organization that violates (c) or (d) of this section is guilty of a class B misdemeanor.
- (f) In this section,
 - (1) "organization" has the meaning given in AS 11.81.900;
 - (2) "other valuable thing" has the meaning given in AS 15.56.030 (d);
 - (3) "person" has the meaning given in AS 11.81.900.

CIRCULATORS RESPONSIBILITIES

Circulators are to review the instructions located in the front of each booklet to ensure they understand the requirements for circulating a booklet.

- Booklets must be circulated in person and must be signed in the circulator's presence. Booklets cannot be left unattended in public areas, businesses, etc. for signing.
- The circulator is to call to each signer's attention the warning notice printed on the front cover of the booklet. In addition, the circulator is to allow an opportunity for each signer to review the ballot title and summary language with the statement of approval or rejection, the statement of costs and the full text of the proposed bill contained in the booklet.
- Only one person may circulate an individual petition booklet. It cannot be transferred to another circulator once signatures have been collected in the book. This means, if a circulator returns an unused booklet (no signatures) to the committee, it can be issued to another circulator. However, if the circulator obtains one signature, that booklet cannot be given to another circulator for distribution. If it appears that more than one person has circulated a book, it will be rejected.
- The booklet cannot be dismantled, copies may not be made of the signature pages, and personal identifying information provided in the booklets should not be collected.

THE SIGNERS

Only qualified registered Alaskan voters may sign the petition and they must be qualified and registered on or before the date they sign the petition booklet. The below reflects the required information that must be provided by each signer:

| | |
|----------------------|---|
| PRINTED NAME | Their printed name as listed on their voter registration record. |
| ADDRESS | An address, residence, or mailing, including city, state, and zip. |
| NUMERICAL IDENTIFIER | A numerical identifier such as: <ul style="list-style-type: none">▪ Alaska voter identification number.▪ Alaska driver's license number.▪ Alaska state identification number.▪ Date of birth.▪ Social Security Number or last four of the Social Security Number. |
| SIGNATURE | Signature, in addition to printed name, must be included. |
| DATE SIGNED | Date they signed the petition. |

NOTICE: The signer is required to complete the required information needed as a signer in the booklet. The circulator should NOT be completing the information on behalf of the voter UNLESS, the voter needs assistance due to a disability. This includes date of signature.

REGISTRAR TRAINING

Signers must be qualified registered Alaskan voters at the time they sign the petition. If a circulator is a qualified registered voter, it is recommended that they become a registrar.

Registrars are qualified voters authorized by the division to assist with the completion, verification of an applicant's identity and the submission of registration forms to the division.

The effective date of a voter registration form completed in front of a registrar is the day it was signed versus the date received by the division. This becomes very important in regard to the date a person signs the petition and the date a person is registered to vote. The date the person is registered must be on or before the date the person signs the petition.

Registrar classes are held in each of the regional offices. To contact a regional office for a class schedule, see the Division Directory located at the front of this booklet.

HOW A SIGNER CAN WITHDRAW THEIR SIGNATURE

Signers may withdraw their name from a petition. They must do so in a written notice to the Lieutenant Governor on or before the date the petition is filed. A PDF form is available on the division's website at <https://www.elections.alaska.gov/petitions-and-ballot-measures/#petitions> that a signer may print, complete and submit to the division. The signer will need to provide the following:

- Printed name.
- Statement requesting their name be removed with the name of the petition.
- An identifier such as their voter number, Alaska driver's license number or state identification number, date of birth, or last four of Social Security Number.
- Signature and date.

CROSSING NAMES OFF IN A BOOKLET

Once a signer signs in a booklet, a committee member, designee, or circulator **MUST NOT** cross off any signer's information. If a person wishes to remove their signature, they must follow the above process.

If a committee member, designee, or circulator determine a person has signed more than once, the signer should not be crossed off. The division will record the signature as a duplicate when processing.

COMPLETING THE CERTIFICATION AFFIDAVIT

Once a booklet is complete, or a circulator decides to turn in a booklet and not collect any additional signatures, the circulator must complete the certification affidavit on the back cover. Each circulator must print their name in the certification affidavit and indicate if they will or will not be paid as follows:

- By checking the 'Yes' box, this indicates the circulator is being paid and they must write in the name of the person or organization providing payment on the line provided.

- By checking the 'No' box, this indicates that the circulator is not being paid and nothing needs to be entered on the 'Name or Organization' line.

The circulator is to review the certification affidavit that states:

- (1) I am a citizen of the United States and I am 18 years of age or older;
- (2) I am the only one who circulated this booklet;
- (3) The signatures appearing herein were made in my actual presence;
- (4) To the best of my knowledge they are the signatures of the persons whose names they purport to be;
- (5) To the best of my knowledge the signatures are of persons who were qualified voters on the date of the signature;
- (6) I have not violated AS 15.45.110(d) with respect to this petition;
- (7) I have indicated whether or not I have received payment or agreed to receive payment for the collection of signatures on this petition and, if so, I have provided the name of each person or organization that has paid or agreed to pay me for collecting signatures on this petition.

After review of the certification affidavit, the circulator must:

- Sign the statement.
- Although optional, the circulator is asked to provide an identifier such as voter number, date of birth, Alaska identification number or last four of Social Security Number to determine if they are a registered voter for booklet tracking purposes only.
- To have their signature witnessed before a Notary Public or other official authorized to administer an oath.
- Or, if no Notary Public or authorized official is reasonably available, to self-certify the certification affidavit.

Failure to complete the certification affidavit will invalidate the booklet and the signatures will not be counted in determining the sufficiency of the petition. No additional signatures may be obtained in the booklet once the certification affidavit has been completed.

Circulators turn in completed booklets to the committee or designee. If a circulator delivers a booklet to the division, the circulator will be instructed to turn in the booklet to the committee or designee.

If the circulator did not complete the certification affidavit on a petition booklet, the booklet should be returned to the circulator for completion. If there isn't time to return the booklet back to the circulator, a copy of the certification affidavit can be sent electronically to the circulator for completion. The completed copy of the certification affidavit is to be submitted to the committee or designee by the circulator and then attached to the back of the appropriate book.

After the booklets have been filed with the division, if it is discovered during the division's review that a certification affidavit is incomplete, the division will notify the committee or designee. The committee or designee can then have the booklet corrected and returned to the division so long as it is received before the division completes its review of signatures.

PETITION FILING

FILING THE PETITION

The petition is filed in accordance with Alaska Statute 15.45.140:

Sec. 15.45.140. Filing of petition.

(a) The sponsors must file the initiative petition within one year from the time the sponsors received notice from the lieutenant governor that the petitions were ready for delivery to them. The petition may be filed with the lieutenant governor only if it meets all the following requirements: it is signed by qualified voters

(1) equal in number to 10 percent of those who voted in the preceding general election;

(2) resident in at least three-fourths of the house districts of the state; and

(3) who, in each of the house districts described in (2) of this subsection, are equal in number to at least seven percent of those who voted in the preceding general election in the house district.

(b) If the petition is not filed within the one-year period provided for in (a) of this section, the petition has no force or effect.

If the deadline for filing the petition falls on a weekend or state holiday, the deadline is moved to the close of business on the next regular business day for the division.

The division does not conduct any 'pre-review' or 'pre-count' of collected signatures. Signatures are only reviewed and counted once the petition has been filed. The committee or designee is responsible for tracking and determining if the petition contains enough signatures to meet all requirements. An electronic statewide voter list may be purchased through any division office.

It is strongly recommended that the committee or designee collect signatures well OVER the required amount to account for duplicate signatures and signatures that cannot be counted. How many additional signatures to be collected is at the discretion of the committee or designee.

HOW TO FILE THE PETITION WITH THE DIVISION

All petition booklets must be filed together as a single instrument and must be accompanied by a written statement signed by the submitting committee member or designee acknowledging the number of booklets included in the submission as required in 6 AAC 25.240(c).

The petition may be filed at any division office. The committee or designee are asked to contact the Absentee and Petition Office to schedule a filing date, time, and location at least two weeks prior to the anticipated delivery date.

Upon delivery of petition booklets to a division office, the office will perform a rough count of the signatures. This is to confirm that there are at least enough signatures to meet the 10 percent requirement of those who voted in the preceding general election. When delivering a petition, plan on a

one to two hour wait period while staff performs a rough count of the signatures. Petition booklets will be handled as follows:

- If the petition is filed on the one-year deadline and does not have enough signatures, the petition will be denied, and the committee will not have an opportunity to correct the deficiency.

Example: The committee or designee files the petition on the one-year deadline and the rough count of signatures in booklets, that potentially can be counted, is one signature less than the total number of required signatures. The petition will be rejected.

To ensure the confidentiality of identifying information provided by the signers, the division will keep the booklets for destruction purposes.

- If the petition is filed before the one-year deadline and does not have enough signatures, the petition will be returned to the committee or designee and the petition may be re-submitted with additional signatures on or before the one-year deadline.

Example: The committee or designee files the petition before the one-year deadline and the rough count of signatures in booklets, that potentially can be counted, is one signature less than the total number of required signatures. The petition will be returned to the committee or designee to collect additional signatures and re-file on or before the one-year deadline.

- If the petition contains exactly the required amount or more signatures, the petition will be accepted.

Example: The committee or designee files the petition prior to the one-year deadline and the rough count of signatures in booklets, that potentially can be counted, is exactly the total number of required signatures. This petition will be received, and the division will begin signature verification. However, 100% of the submitted signatures for this petition would have to qualify during verification.

- If the committee decides to withdraw the petition after gathering signatures, the division will request the committee or designee return the booklets to the division to secure. This is to ensure the confidentiality of identifying information provided by the signers in the booklets. The division will keep the booklets until the 365-day circulation deadline has passed and then will have the booklets destroyed.

SIGNATURE REVIEW

Signatures in a petition booklet will not be counted if the person who circulated the petition did not complete the certification affidavit as required by Alaska Statutes 15.45.130 and it is not corrected by the committee by the conclusion of the division's signature review process. Individual signatures in a petition booklet will not be counted if the signer:

- Is not a qualified registered Alaskan voter.
- Does not provide an identifier such as voter number, last 4 of SSN, date of birth or Alaska driver's license number.
- Does not sign or make a mark.
- Does not date their signature.
- Does not provide an address (residence or mailing) or provides an incomplete address.
- Cannot be identified as a registered voter with the information provided.
- Was not registered to vote in Alaska at the time they signed the petition.
- Unknowingly signs the petition more than one time; any additional signature will not be counted.
- If the division cannot read the signers information.

NOTIFICATION OF REVIEW OF PETITION

From the date a petition is filed with the division, the division will begin verifying signers. Daily, the division will post the results of signature review on the division's website.

Within 60 days of filing a petition, the Lieutenant Governor is required to notify the committee if the petition was properly or improperly filed. If properly filed, the Lieutenant Governor will inform the committee of which election the proposition will appear on the ballot.

If improperly filed, the Lieutenant Governor will inform the committee the reason the petition failed in accordance with Alaska Statutes 15.45.160:

Sec. 15.45.160. Bases for determining the petition was improperly filed.

The lieutenant governor shall notify the committee that the petition was improperly filed upon determining that

- (1) there is an insufficient number of qualified subscribers;
- (2) the subscribers were not resident in at least three-fourths of the house districts of the state; or
- (3) there is an insufficient number of qualified subscribers from each of the house districts described in (2) of this section.

PROPOSITION ON THE BALLOT, ADOPTION AND EFFECTIVE DATE

BALLOT TITLE AND PROPOSITION

In accordance with Alaska Statute 15.45.180, the lieutenant governor, with the assistance of the attorney general, will prepare the ballot title and proposition if the petition is properly filed. Typically, the ballot title and proposition are prepared during the application review period by the attorney general. The ballot title and proposition are part of the petition booklet.

Sec. 15.45.180. Preparation of ballot title and proposition.

(a) If the petition is properly filed, the lieutenant governor, with the assistance of the attorney general, shall prepare a ballot title and proposition. The ballot title shall, in not more than 25 words, indicate the general subject of the proposition. The proposition shall give a true and impartial summary of the proposed law. The total number of words used in the summary may not exceed the product of the number of sections in the proposed law multiplied by 50. In this subsection, “section” means a provision of the proposed law that is distinct from other provisions in purpose or subject matter.

(b) The proposition prepared under (a) of this section shall comply with AS 15.80.005 and shall be worded so that a “Yes” vote on the proposition is a vote to enact the proposed law.

THE ELECTION

The title and proposition will be placed on the ballot in accordance with Alaska Statutes 15.45.190:

Sec. 15.45.190. Placing proposition on ballot.

The lieutenant governor shall direct the director to place the ballot title and proposition on the election ballot of the first statewide general, special, special primary, or primary election that is held after

- (1) the petition has been filed;
- (2) a legislative session has convened and adjourned; and
- (3) a period of 120 days has expired since the adjournment of the legislative session.

Typically, the ballot proposition will be on either the primary or general election. If the legislature adjourns at the 90-day legislative session, the proposition will most likely be on the primary election. If the legislature adjourns after the 90-day legislative session, each day that passes after the 90th day will determine the election.

If the lieutenant governor, with the formal concurrence of the attorney general, determines that an act of the legislature substantially the same as the proposed law was enacted after the petition was filed, and before the date of the election, the petition is void. The committee will be notified, and the title and proposition will not be on any ballot.

PRIMARY BALLOT MEASURES PAMPHLET OR OFFICIAL ELECTION PAMPHLET

The division will prepare and publish for distribution the below information about the proposition in an election pamphlet.

- Sample of the ballot proposition
- The proposed bill
- Pro statement
- Con statement
- Neutral summary of the proposition prepared by the Legislative Affairs Agency
- Statement of costs

PUBLIC HEARINGS

At least 30 days prior to the election that the proposition is to appear on the ballot, the lieutenant governor's office will hold two or more public hearings in each judicial district of the state. Each hearing will include the written or oral testimony of one supporter and one opponent of the proposition.

ADOPTION AND EFFECTIVE DATE OF PROPOSED LAW

When a majority of votes cast for the proposition favor its adoption, the proposed law is enacted and certified. The act becomes effective 90 days after certification.

FREQUENTLY ASKED QUESTIONS

FAQ

- Q: Can the address where the circulators are to return completed booklets be stamped on the back cover?
- A. *Yes. The address information may be placed in an area where it will not obscure any existing information on the booklet.*
- Q: May a stamp be used to complete the circulator payment line in the certification affidavit?
- A. *Yes. A stamp may be used to fill in the payment information, but it must state the full name of the organization or person making payment. An acronym cannot be used.*
- Q: If 'Yes' for payment is checked for payment in the certification affidavit, but the organization or person is not indicated in the paid by line will the booklet be rejected?
- A. *Yes. However, if the booklets have been filed, and it is discovered during the division's review that the certification affidavit is incomplete, the division will notify the committee or designee and the committee or designee can have the booklet corrected and returned to the division so long as it is received before the division completes its review of the signatures.*
- Q: If 'No' for payment is checked in the certification affidavit but the organization or person who is making payment is inadvertently entered on the paid by line, will the booklet be rejected?
- A. *No.*
- Q: If the payment section in the certification affidavit is not completed at all, will the booklet be rejected?
- A. *Yes. However, if the booklets have been filed, and it is discovered during the division's review that the certification affidavit is incomplete, the division will notify the committee or designee and the committee or designee can have the booklet corrected and returned to the division so long as it is received before the division completes its review of the signatures.*
- Q: Can the committee, designee or circulator highlight areas of the petition booklet?
- A. *No.*
- Q: Can a person convicted of a felony circulate a petition?
- A. *Yes. So long as the circulator is a citizen of the United States and 18 years of age or older, they may circulate a petition.*

- Q: Can a person who is not a qualified registered voter in Alaska circulate a petition?
- A. *Yes. So long as the circulator is a citizen of the United States and 18 years of age or older, they may circulate a petition.*
- Q: Where can a circulator go to gather signatures?
- A. *There are no restrictions currently in statute or regulation where signatures may be gathered. It is the committee, designee, or circulator's responsibility to check with the individual owner of a facility or location for approval. The Division of Elections does not get involved in the approval of gathering signatures at a location.*
- Q: When should a circulator use the self-certification when completing the certification affidavit of a booklet?
- A. *Self-certification can be performed when a Notary Public or other authorized official is not reasonably available.*
- Q: Who are other authorized officials besides a Notary Public that may administer the oath for the certification affidavit?
- A. *Other authorized officials are:*
- *Justice, judge, or magistrate of a court*
 - *Clerk or deputy clerk of a court*
 - *United States postmaster*
 - *A commissioned officer*
 - *City or borough clerk*
- Q: What should the committee or designee do if a booklet is received, and the circulator did not complete the certification affidavit?
- A. *If the circulator did not complete the certification affidavit for a petition booklet, the booklet should be returned to the circulator for completion.*
- If there isn't enough time to return the booklet back to the circulator, a copy of the certification affidavit can be sent electronically to the circulator for completion. The completed copy of the certification affidavit is to be submitted to the committee or designee by the circulator and then attached to the back of the appropriate book.*
- If the booklets have been filed, and it is discovered during the division's review that the certification affidavit is incomplete, the division will notify the committee or designee and the committee or designee can have the booklet corrected and returned to the division so long as it is received before the division completes its review of signatures.*

- Q: Will the Division of Elections perform a random sampling of the signatures prior to the committee or designee submitting the booklets?
- A. *No. If the committee or designee would like to conduct their own verification of signatures, they may purchase an electronic statewide voter list from any division office to perform a signature check.*
- Q: Is a signer required to provide an address?
- A. *Yes. A signer must provide an address (including city and zip code information).*
- Q: If it is discovered, after the fact, that a signer did not provide an address but provided other identifying information, will that signature be counted?
- A. *No. Law requires the signer to provide an address.*
- Q: Would a signer be rejected if they moved but decline to update their registration record, but signed the petition anyway and provided all required information?
- A. *No. If the voter provided all the required information (printed name, address, identifier, signature, and date signed) and the signer could be verified as a qualified registered voter, the signature would not be rejected. However, the signature will be tabulated for the house district in which the voter is registered in the voter registration database and not the new address provided by the voter in the petition booklet.*
- Q: Would a signer be rejected if they signed in the field where they are directed to print their name and printed their name in the signature field?
- A. *No. So long as the voter has provided all the required information (printed name, address, identifier, signature, and date signed) and the signer could be verified as a qualified registered voter, the signature would not be rejected.*
- Q: Would a signer be rejected if their printed name is illegible, but the signed name can be read?
- A. *No. So long as the voter has provided all the required information (printed name, address, identifier, signature, and date signed) and the signer could be verified as a qualified registered voter, the signature would not be rejected.*
- Q: Would a signer be rejected if they did not provide the signature date?
- A. *Yes. A signer must provide the date that they signed the petition.*
- Q: Would a signer be rejected if they did not provide an identifier?
- A. *Yes. A signer must provide one identifier.*

Q: Would a signer be rejected if they did not provide their signature but provided a printed name?

A. *Yes. A signer must sign the petition.*

Q: Would a signer be rejected if a signer signed the petition on one day and then initially registered to vote after the date they signed the petition?

A. *Yes. At the time a person signs the petition, they must be a qualified registered voter.*

Q: Would a signer be rejected if they signed petition and then later passed away?

A. *No. So long as the signer was a qualified registered voter at the time of signing, their signature will be counted.*