THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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October 3, 2025

The Honorable Nancy Dahlstrom
Lieutenant Governor
P.O. Box 110015
Juneau, AK 99811-0015

Re: *25USCV Ballot Measure Application Review*
AGO No. 2025103188

Dear Lieutenant Governor Dahlstrom:

You asked us to review an initiative application for a proposed bill entitled:

An Act requiring that only United States citizens may be qualified to vote in Alaska elections.

We review initiatives to ensure they meet constitutional and statutory requirements, without considering the merits of any initiative. This application is in the proper form, and the proposed bill and application fulfill the constitutional and statutory provisions governing initiatives. We recommend that you certify this application.

I. The proposed bill

The bill proposed by this initiative has one section that amends AS 15.05.010, the statute that prescribes voter qualifications. It currently provides:

> A person may vote at any election who
> (1) is a citizen of the United States;
> (2) is 18 years of age or older;
> (3) has been a resident of the state and of the house district in which the person seeks to vote for at least 30 days just before the election; and
> (4) has registered before the election as required under AS 15.07 and is not registered to vote in another jurisdiction.

While it does not use the usual format for proposed legislation, the proposed bill would amend this statute to begin with "Only a person who . . . " and end with "may vote at any election."

II. Analysis

Under AS 15.45.070, the lieutenant governor must review an initiative application within 60 calendar days of receipt and "certify it or notify the initiative committee of the grounds for denial." The Division of Elections received the application for 25USCV on September 9, 2025. Sixty calendar days later is November 8, 2025.

In evaluating an initiative application, the lieutenant governor must determine whether it is in the "proper form."[1] Under AS 15.45.080, the lieutenant governor must deny certification if "(1) the proposed bill to be initiated is not confined to one subject or is otherwise not in the required form; (2) the application is not substantially in the required form; or (3) there is an insufficient number of qualified sponsors." This means the lieutenant governor must decide whether the application complies with "the legal procedures for placing an initiative on the ballot, and whether the initiative contains statutorily or constitutionally prohibited subjects which should not reach the ballot."[2] This requires consideration of both the form of the application and the form of the proposed bill.

A. Form of the application

The form of an initiative application is prescribed by AS 15.45.030, which requires that an application include the

(1) proposed bill;

(2) printed name, the signature, the address, and a numerical identifier of not fewer than 100 qualified voters who will serve as sponsors; each signature page must include a statement that the sponsors are qualified voters who signed the application with the proposed bill attached; and

(3) designation of an initiative committee consisting of three of the sponsors who subscribed to the application and represent all sponsors and subscribers in matters relating to the initiative; the designation must include the name, mailing address, and signature of each committee member.

The 25USCV application includes the proposed bill and the requisite statement on each signature page. It also designates an initiative committee of three sponsors, who provided their information. We understand the Division of Elections has reviewed the sponsor signatures and determined that the application contains the signatures and addresses of 138 qualified voters, satisfying the 100-sponsor requirement.

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1 Alaska Const. art. XI, § 2.

2 *McAlpine v. Univ. of Alaska*, 762 P.2d 81, 87 n.7 (Alaska 1988).

B. Form of the proposed bill

The form of a proposed bill is prescribed by AS 15.45.040, which requires that (1) the bill be confined to one subject; (2) the subject be expressed in the title; (3) the bill contain an enacting clause that states, "Be it enacted by the People of the State of Alaska"; and (4) the bill include no prohibited subjects.[3] The lieutenant governor may deny certification if a proposed bill does not meet these requirements or if "controlling authority establishes its unconstitutionality."[4]

The bill proposed by 25USCV meets these requirements. The bill is confined not just to a single subject but a single statute addressing voter qualification, which is not a prohibited subject for initiatives. This subject is expressed in the title and the bill includes the requisite enacting language.

The proposed bill's requirement that only qualified people—in particular, only United States citizens—vote in elections is also constitutional. Indeed, the Alaska Constitution and current statute dictate that only United States citizens may vote in Alaska's elections. The constitution provides that "Every citizen of the United States . . . may vote in any state or local election."[5] The Alaska Supreme Court has affirmed that "[t]he plain meaning of this language limits the voting privilege to citizens of the United States."[6] Grammatically, the existing language in AS 15.05.010, which states, "A person may vote at any election who . . . is a citizen of the United States," means that a person who is *not* a United States citizen may *not* vote.[7] Thus, the bill proposed by 25USCV would not change the qualifications to vote.

III. Proposed ballot title and summary

We have prepared a ballot title and summary to assist you in complying with AS 15.45.090 and AS 15.45.180, as is this office's standard practice. Under AS 15.45.090(a)(2), petitions for a certified initiative must include "an impartial summary of the subject matter of the bill." Under AS 15.45.180(a), the lieutenant governor may also have to prepare a ballot proposition, including a "true and impartial

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3 Under article XI, section 7 of the Alaska Constitution and AS 15.45.010, a proposed bill may not dedicate revenue; make or repeal appropriations; create courts, define their jurisdiction, or prescribe their rules; or enact local or special legislation.

4 *Kohlhaas v. State*, 147 P.3d 714, 717 (Alaska 2006) (*quoting Kodiak Island Borough v. Mahoney*, 71 P.3d 896, 900 (Alaska 2003)); *State v. Vote Yes for Alaska's Fair Share*, 478 P.3d 679, 690 n.58 (Alaska 2021).

5 Alaska Const. art. V, § 1.

6 *Park v. State*, 528 P.2d 785, 786 (Alaska 1974).

7 *See id.* (interpreting AS 15.05.010 to exclude non-citizens from voting).

summary of the proposed law," and a ballot title. The ballot title must "indicate the general subject of the proposition" in 25 words or less, and the word count of the summary must be less than 50 times the number of sections in the proposed bill.[8] The proposition must adhere to the readability policy described in AS 15.80.005 and ask whether the proposed bill should become law.[9]

The bill proposed by 25USCV has one section, which would allow a ballot summary of up to 50 words. Below is a ballot title with five words and a ballot summary with 45 words. Using the readability formula described in AS 15.80.005(c), the summary has a score of 63.77, which exceeds the target score of 60. We submit this ballot title and summary for your consideration:

An Act Addressing Voter Qualification

> Alaska law requires that someone must be a United States citizen and meet other requirements to vote. This act would specify that only those who are United States citizens and meet the other requirements may vote. This act would not change the requirements to vote.

IV. Conclusion

This initiative application is in the proper form and meets the applicable constitutional and statutory requirements. We recommend that you certify the application and notify the sponsors of your decision. You may then begin to prepare a petition under AS 15.45.090.

Please contact us if we can further assist you on this matter.

Sincerely,

STEPHEN J. COX
ATTORNEY GENERAL

By: _____
Claire C. Keneally
Assistant Attorney General

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8 AS 15.45.180(a). "Section" here means "a provision of the proposed law that is distinct from other provisions in purpose or subject matter." *Id.*

9 AS 15.45.180(b).