

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 44(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 5/6/98

Referred: Finance

Sponsor(s): REPRESENTATIVES PORTER AND MULDER, Dyson, Green, Rokeberg

A RESOLUTION

1 **Proposing amendments to the Constitution of the State of Alaska relating to**
2 **redistricting and reapportionment of the legislature; repealing obsolete language**
3 **setting out the apportionment schedule used to elect members of the first state**
4 **legislature.**

5 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 *** Section 1.** Article VI, sec. 1, Constitution of the State of Alaska, is amended to read:

7 **Section 1. House [ELECTION] Districts.** Members of the house of
8 representatives shall be elected by the qualified voters of the respective **house**
9 **[ELECTION] districts. The boundaries of the house districts shall be set under this**
10 **article following the official reporting of each decennial census of the United**
11 **States** [UNTIL REAPPORTIONMENT, ELECTION DISTRICTS AND THE
12 NUMBER OF REPRESENTATIVES TO BE ELECTED FROM EACH DISTRICT
13 SHALL BE AS SET FORTH IN SECTION 1 OF ARTICLE XIV].

14 *** Sec. 2.** Article VI, sec. 2, Constitution of the State of Alaska, is amended to read:

15 **Section 2. Senate Districts.** Members of the senate shall be elected by the
16 qualified voters of the respective senate districts. **The boundaries of the senate**

districts shall be set under this article following the official reporting of each decennial census of the United States [SENATE DISTRICTS SHALL BE AS SET FORTH IN SECTION 2 OF ARTICLE XIV, SUBJECT TO CHANGES AUTHORIZED IN THIS ARTICLE].

* **Sec. 3.** Article VI, sec. 3, Constitution of the State of Alaska, is amended to read:

Section 3. Reapportionment of House and Senate. The Redistricting Board [GOVERNOR] shall reapportion the house of representatives and the senate immediately following the official reporting of each decennial census of the United States. Reapportionment shall be based upon the [CIVILIAN] population within each house and senate [ELECTION] district as reported by the official decennial census of the United States.

* **Sec. 4.** Article VI, sec. 4, Constitution of the State of Alaska, is amended to read:

Section 4. Method of Redistricting. The Redistricting Board shall establish forty house districts, with each house district to elect one member of the house of representatives. The board shall establish twenty senate districts, each composed of two house districts, with each senate district to elect one senator [REAPPORTIONMENT SHALL BE BY THE METHOD OF EQUAL PROPORTIONS, EXCEPT THAT EACH ELECTION DISTRICT HAVING THE MAJOR FRACTION OF THE QUOTIENT OBTAINED BY DIVIDING TOTAL CIVILIAN POPULATION BY FORTY SHALL HAVE ONE REPRESENTATIVE].

* **Sec. 5.** Article VI, sec. 6, Constitution of the State of Alaska, is amended to read:

Section 6. District Boundaries [REDISTRICTING]. The Redistricting Board shall establish [GOVERNOR MAY FURTHER REDISTRIBUTE BY CHANGING] the size and area of house [ELECTION] districts, subject to the limitations of this article. Each house [NEW] district [SO CREATED] shall be formed of contiguous and compact territory containing as nearly as practicable a relatively integrated socio-economic area. Each shall contain a population as near as practicable [AT LEAST EQUAL] to the quotient obtained by dividing the [TOTAL CIVILIAN] population of the state by forty. Each senate district shall be composed as near as practicable of two contiguous house districts. Consideration may be given to local government boundaries. Drainage and other geographic features shall

1 be used in describing boundaries wherever possible.

2 * **Sec. 6.** Article VI, sec. 8, Constitution of the State of Alaska, is amended to read:

3 **Section 8. Redistricting [REAPPORTIONMENT] Board.** (a) **There [THE**
 4 **GOVERNOR]** shall **be a redistricting [APPOINT A REAPPORTIONMENT]** board
 5 **[TO ACT IN AN ADVISORY CAPACITY TO HIM].** It shall consist of five
 6 members, **all of whom shall be residents of the state for at least one year and** none
 7 of whom may be public employees or officials **at the time of or during the tenure**
 8 **of appointment** [. AT LEAST ONE MEMBER EACH SHALL BE APPOINTED
 9 FROM THE SOUTHEASTERN, SOUTHCENTRAL, CENTRAL, AND
 10 NORTHWESTERN SENATE DISTRICTS]. Appointments shall be made without
 11 regard to political affiliation. Board members shall be compensated.

12 **(b) Members of the Redistricting Board shall be appointed in the year in**
 13 **which an official decennial census of the United States is taken and by**
 14 **September 1 of that year. The governor shall appoint two members of the board.**
 15 **The presiding officer of the senate, the presiding officer of the house of**
 16 **representatives, and the chief justice of the supreme court shall each appoint one**
 17 **member of the board. The appointments to the board shall be made in the order**
 18 **listed in this subsection. At least one board member shall be a resident of each**
 19 **judicial district that existed on January 1, 1999. Board members serve until a**
 20 **final plan for redistricting and proclamation of redistricting has been adopted and**
 21 **all challenges to it brought under Section 11 of this article have been resolved**
 22 **after final remand or affirmation.**

23 **(c) A person who was a member of the Redistricting Board at any time**
 24 **during the process leading to final adoption of a redistricting plan under Section**
 25 **10 of this article may not be a candidate for the legislature in the general election**
 26 **following the adoption of the final redistricting plan.**

27 * **Sec. 7.** Article VI, sec. 9, Constitution of the State of Alaska, is amended to read:

28 **Section 9. Board Actions [ORGANIZATION].** The board shall elect one
 29 of its members chairman and may employ temporary assistants. Concurrence of three
 30 members **of the Redistricting Board** is required for **actions of the board** [A
 31 RULING OR DETERMINATION], but a lesser number may conduct hearings [OR

OTHERWISE ACT FOR THE BOARD]. The board shall employ or contract for services of independent legal counsel.

* Sec. 8. Article VI, sec. 10, Constitution of the State of Alaska, is amended to read:

Section 10. Redistricting [REAPPORTIONMENT] Plan and Proclamation.

(a) Within thirty days after the official reporting of the decennial census of the United States or thirty days after being duly appointed, whichever occurs last, the board shall adopt one or more proposed redistricting plans. The board shall hold public hearings on the proposed plan, or, if no single proposed plan is agreed on, on all plans proposed by the board. No later than ninety days after the board has been appointed and the official reporting of the decennial census of the United States, the board shall adopt a final redistricting plan and [WITHIN NINETY DAYS FOLLOWING THE OFFICIAL REPORTING OF EACH DECENNIAL CENSUS, THE BOARD SHALL SUBMIT TO THE GOVERNOR A PLAN FOR REAPPORTIONMENT AND REDISTRICTING AS PROVIDED IN THIS ARTICLE. WITHIN NINETY DAYS AFTER RECEIPT OF THE PLAN, THE GOVERNOR SHALL] issue a proclamation of [REAPPORTIONMENT AND] redistricting. [AN ACCOMPANYING STATEMENT SHALL EXPLAIN ANY CHANGE FROM THE PLAN OF THE BOARD.] The final plan shall set out boundaries of house and senate districts and [REAPPORTIONMENT AND REDISTRICTING] shall be effective for the election of members of the legislature until after the official reporting of the next decennial census of the United States.

(b) Adoption of a final redistricting plan shall require the affirmative votes of three members of the Redistricting Board.

* Sec. 9. Article VI, sec. 11, Constitution of the State of Alaska, is amended to read:

Section 11. Enforcement. Any qualified voter may apply to the superior court to compel the Redistricting Board [GOVERNOR], by mandamus or otherwise, to perform its [HIS REAPPORTIONMENT] duties under this article or to correct any error in redistricting [OR REAPPORTIONMENT]. Application to compel the board [THE GOVERNOR] to perform [HIS REAPPORTIONMENT DUTIES] must be filed not later than [WITHIN] thirty days following [OF] the expiration of the ninety-day period specified in [EXPIRATION OF EITHER OF THE TWO NINETY-DAY

PERIODS SPECIFIED IN] this article. Application to compel correction of any error in redistricting [OR REAPPORTIONMENT] must be filed within thirty days following the **adoption of the final redistricting plan and proclamation by the board** [PROCLAMATION]. Original jurisdiction in these matters is [HEREBY] vested in the superior court. On appeal **from the superior court**, the cause shall be reviewed by the supreme court **on** [UPON] the law and the facts. **Notwithstanding Section 15 of Article IV, all dispositions by the superior court and the supreme court under this section shall be expedited and shall have priority over all other matters pending before the respective court. Upon a final judicial decision that a plan is invalid, the matter shall be returned to the board for correction and development of a new plan. If that new plan is declared invalid, the matter may be referred again to the board.**

* **Sec. 10.** Article XI, sec. 3, Constitution of the State of Alaska, is amended to read:

Section 3. Petition. After certification of the application, a petition containing a summary of the subject matter shall be prepared by the lieutenant governor for circulation by the sponsors. If signed by qualified voters, equal in number to ten per cent of those who voted in the preceding general election and resident in at least two-thirds of the **house** [ELECTION] districts of the State, it may be filed with the lieutenant governor.

* **Sec. 11.** Article XV, Constitution of the State of Alaska, is amended by adding a new section to read:

Section 29. Applicability of Amendments Providing for Redistricting of the Legislature. The 1998 amendments relating to redistricting of the legislature (art. VI and art. XIV) apply only to plans for redistricting and proclamations of redistricting adopted on or after January 1, 2001.

* **Sec. 12.** Article VI, secs. 5 and 7, and Article XIV, Constitution of the State of Alaska, are repealed.

* **Sec. 13.** The amendments proposed by this resolution shall be placed before the voters of the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the State of Alaska, and the election laws of the state.