

HOUSE BILL NO. 247

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE VEZEY

Introduced: 3/9/95

Referred: Community and Regional Affairs, Health, Education and Social Services, State Affairs

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to election of municipal governing bodies and municipal school
2 boards."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 14.08.041(b) is amended to read:

5 (b) The qualified voters of the communities receiving educational services in
6 each regional educational attendance area shall elect a regional school board of not less
7 than five nor more than **11** [ELEVEN] members to be elected for the same term **and**
8 [,] in the same manner [, AND WITH THE SAME QUALIFICATIONS] as **in** a city
9 or borough school district board under AS 14.12. **To be eligible to be a regional**
10 **school board member, a person must have the same qualifications as are**
11 **necessary to be a voter in the regional educational attendance area.** The initial
12 number of regional school board members shall be determined by the department in
13 consultation with the local communities in the regional educational attendance areas.
14 However, the qualified voters in a regional educational attendance area may increase

1 or decrease the number of regional school board members established under this
2 section by placing the question on the ballot at a regular school board election in the
3 manner prescribed by law. A change in the number of school board members is not
4 effective until the next regular school board election.

5 * **Sec. 2.** AS 29.20.060(a) is amended to read:

6 (a) Assembly composition and apportionment shall be consistent with the equal
7 representation standards of the Constitution of the United States. **Members of the**
8 **assembly shall be elected from single member districts established by ordinance.**
9 **Only a district resident may be a candidate from that same district and only a**
10 **voter residing within the district may vote for a member from that district.**

11 * **Sec. 3.** AS 29.20.080(a) is amended to read:

12 (a) Not later than **90 days** [TWO MONTHS] after the official report of a
13 federal decennial census, the assembly shall determine and declare by resolution
14 whether the existing apportionment of the assembly meets the standards of
15 AS 29.20.060. [IF THE ASSEMBLY SUBMITS TO THE VOTERS A FORM OF
16 REPRESENTATION THAT INCLUDES ELECTION OF ASSEMBLY MEMBERS
17 UNDER AS 29.20.070(b)(2) OR (b)(3) THE ASSEMBLY SHALL SUBMIT WITH
18 THE PROPOSITION A PROPOSED PLAN OF APPORTIONMENT THAT
19 CORRESPONDS TO THE FORM OF REPRESENTATION PROPOSED. THE
20 ASSEMBLY SHALL DESCRIBE THE PLAN OF APPORTIONMENT IN THE
21 BALLOT PROPOSITION, AND MAY PRESENT THE PLAN IN ANY MANNER
22 THAT IT BELIEVES ACCURATELY DESCRIBES THE APPORTIONMENT THAT
23 IS PROPOSED UNDER THE FORM OF REPRESENTATION. IF THE ASSEMBLY
24 DETERMINES THAT ITS EXISTING APPORTIONMENT MEETS THE
25 STANDARDS OF AS 29.20.060, THE ASSEMBLY MAY INCLUDE THE
26 EXISTING APPORTIONMENT AS A PROPOSED PLAN OF APPORTIONMENT
27 OF ASSEMBLY SEATS THAT CORRESPONDS TO A FORM OF
28 REPRESENTATION THAT IS PROPOSED.]

29 * **Sec. 4.** AS 29.20.080(e) is amended to read:

30 (e) Within **90 days** [SIX MONTHS] after a determination by the assembly
31 under **(a)**, (b), or (c) of this section that the current apportionment does not meet the

1 standards of AS 29.20.060, the assembly shall adopt an ordinance providing for
2 **redistricting and** reapportionment [AND SUBMIT THE ORDINANCE TO THE
3 VOTERS. IF, AT THE END OF THE SIX-MONTH TIME PERIOD, AN
4 ORDINANCE PROVIDING FOR REAPPORTIONMENT HAS NOT BEEN
5 APPROVED BY THE VOTERS, THE COMMISSIONER SHALL PROVIDE FOR
6 THE REAPPORTIONMENT IN ACCORDANCE WITH THE STANDARDS OF
7 AS 29.20.060 BY PREPARING AN ORDER OF REAPPORTIONMENT AND
8 DELIVERING THE ORDER TO THE BOROUGH MAYOR].

9 * **Sec. 5.** AS 29.20.100 is repealed and reenacted to read:

10 Sec. 29.20.100. JUDICIAL REVIEW AND RELIEF. Any voter may bring an
11 action in superior court to enforce the requirements of AS 29.20.060 or to correct an
12 error in redistricting or reapportionment. An action to correct an error in redistricting
13 or reapportionment must be brought within 30 days after the adoption of a redistricting
14 and reapportionment ordinance under AS 29.20.080(e).

15 * **Sec. 6.** AS 29.20.110 is amended to read:

16 Sec. 29.20.110. EFFECTIVE DATE OF APPORTIONMENT. (a) A change
17 in assembly apportionment [OR COMPOSITION] under AS 29.20.080 [OR 29.20.090]
18 is effective beginning with the first regular election for members of the assembly that
19 is held more than 60 days after the **adoption of the redistricting and**
20 **reapportionment ordinance** [LATER OF

21 (1) APPROVAL OF A REAPPORTIONMENT ORDINANCE BY
22 THE VOTERS UNDER AS 29.20.080(a), 29.20.080(e), OR 29.20.090(d); OR

23 (2) THE DELIVERY TO THE MAYOR OF A REAPPORTIONMENT
24 ORDER OF THE COMMISSIONER UNDER AS 29.20.090(e)].

25 (b) The provisions of (a) of this section do not apply to a borough in which
26 a change in assembly [COMPOSITION OR] apportionment is subject to review and
27 approval or determination of nonobjection by the Attorney General of the United States
28 under 42 U.S.C. 1971-1974 (Voting Rights Act of 1965), as amended. A change in
29 assembly [COMPOSITION OR] apportionment subject to review under 42 U.S.C.
30 1971-1974, as amended, is effective beginning with the first regular election for
31 members of the assembly that is held more than 60 days after

1 (1) receipt by the assembly of approval by the Attorney General of the
2 United States of the proposed change in the [COMPOSITION OR] apportionment of
3 the assembly; or

4 (2) [THE DELIVERY TO THE MAYOR OF A REAPPORTIONMENT
5 ORDER OF THE COMMISSIONER UNDER AS 29.20.090(e); OR

6 (3)] the last day on which the Attorney General of the United States
7 may review a proposed change in the [COMPOSITION OR] apportionment of the
8 assembly.

9 * **Sec. 7.** AS 29.20.120 is amended to read:

10 Sec. 29.20.120. APPLICABILITY OF APPORTIONMENT PROVISIONS.

11 The provisions of **AS 29.20.060 - 29.20.110** [AS 29.20.080 - 29.20.110] apply to home
12 rule and general law municipalities [, EXCEPT THEY DO NOT APPLY TO A

13 (1) UNIFIED MUNICIPALITY;

14 (2) HOME RULE BOROUGH IF THE BOROUGH, BY HOME RULE
15 CHARTER, PROVIDES FOR REAPPORTIONMENT OF THE ASSEMBLY].

16 * **Sec. 8.** AS 29.20.130 is amended to read:

17 Sec. 29.20.130. CITY COUNCIL COMPOSITION. Each first class city has
18 a council of six members elected **from single member districts** [BY THE VOTERS
19 AT LARGE]. Each second class city has a council of seven members elected **from**
20 **single member districts. Formation of election districts, apportionment,**
21 **redistricting, and reapportionment for council elections shall be accomplished by**
22 **ordinance in accordance with procedures and requirements for apportionment**
23 **and reapportionment applicable to boroughs under AS 29.20.060 - 29.20.120** [BY
24 THE VOTERS AT LARGE. THE COUNCIL OF A FIRST OR SECOND CLASS
25 CITY MAY BY ORDINANCE PROVIDE FOR ELECTION OF MEMBERS OTHER
26 THAN ON AN AT-LARGE BASIS FOR ALL MEMBERS].

27 * **Sec. 9.** AS 29.20.300(a) is amended to read:

28 (a) Each municipal school district has a school board. Except as provided in
29 (b) of this section, members of a school board are elected at the regular election for
30 three-year terms and until their successors take office. **Each member is elected from**
31 **a separate district. Formation of election districts, apportionment, redistricting,**

1 and reapportionment for school board elections shall be accomplished by
2 ordinance in accordance with procedures and requirements for apportionment
3 and reapportionment applicable to boroughs under AS 29.20.060 - 29.20.120.

4 Qualifications for school board members are the same as those set for members
5 of the governing body in that municipality [MEMBERS ARE ELECTED AT
6 LARGE UNLESS A DIFFERENT METHOD OF ELECTION HAS BEEN
7 APPROVED BY THE VOTERS IN A REGULAR ELECTION].

8 * **Sec. 10.** AS 14.12.080; AS 29.20.060(e), 29.20.070, 29.20.080(d), and 29.20.090 are
9 repealed.

10 * **Sec. 11.** TRANSITION. Each municipality shall adopt ordinances that comply with this
11 Act by January 1, 1997. Ordinances in effect on the effective date of this Act remain in effect
12 until January 1, 1997, unless amended or repealed by the municipality, regardless of whether
13 they comply with provisions of this Act.