

HOUSE JOINT RESOLUTION NO. 44

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES PORTER AND MULDER, Dyson, Green

Introduced: 1/12/98

Referred: Judiciary, Finance

A RESOLUTION

1 **Proposing amendments to the Constitution of the State of Alaska relating to**
2 **redistricting of the legislature.**

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

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

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

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

12 **Section 2. Senate Districts.** Members of the senate shall be elected by the
13 qualified voters of the respective senate districts. **The boundaries of the senate**
14 **districts shall be set under this article after each decennial census of the United**
15 **States** [SENATE DISTRICTS SHALL BE AS SET FORTH IN SECTION 2 OF
16 ARTICLE XIV, SUBJECT TO CHANGES AUTHORIZED IN THIS ARTICLE].

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

2 **Section 3. Redistricting [REAPPORTIONMENT] of House and Senate.**

3 The **Redistricting Board** [GOVERNOR] shall **redistrict** [REAPPORTION] the house
4 of representatives **and the senate** immediately following the official reporting of each
5 decennial census of the United States. **Redistricting** [REAPPORTIONMENT] shall
6 be based upon **resident** [CIVILIAN] population within each election **and senate**
7 district as reported by the census.

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

9 **Section 4. Single-Member Districts [METHOD]. The Redistricting Board**

10 **shall establish single-member election districts. The board shall establish senate**
11 **districts composed of two contiguous election districts, with each senate district**
12 **to elect one senator.** [REAPPORTIONMENT SHALL BE BY THE METHOD OF
13 EQUAL PROPORTIONS, EXCEPT THAT EACH ELECTION DISTRICT HAVING
14 THE MAJOR FRACTION OF THE QUOTIENT OBTAINED BY DIVIDING TOTAL
15 CIVILIAN POPULATION BY FORTY SHALL HAVE ONE REPRESENTATIVE.]

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

17 **Section 6. District Boundaries [REDISTRICTING]. Election districts and**

18 **senate districts** [THE GOVERNOR MAY FURTHER REDISTRIBUTE BY CHANGING
19 THE SIZE AND AREA OF ELECTION DISTRICTS, SUBJECT TO THE
20 LIMITATIONS OF THIS ARTICLE. EACH NEW DISTRICT SO CREATED] shall
21 be formed of contiguous and compact territory containing as nearly as practicable a
22 relatively integrated socio-economic area. [EACH SHALL CONTAIN A
23 POPULATION AT LEAST EQUAL TO THE QUOTIENT OBTAINED BY
24 DIVIDING THE TOTAL CIVILIAN POPULATION BY FORTY.] Consideration may
25 be given to local government boundaries. Drainage and other geographic features shall
26 be used in describing boundaries wherever possible.

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

28 **Section 8. Redistricting [REAPPORTIONMENT] Board. (a) There shall**

29 **be a Redistricting Board** [THE GOVERNOR SHALL APPOINT A
30 REAPPORTIONMENT BOARD TO ACT IN AN ADVISORY CAPACITY TO HIM].

31 It shall consist of five members, **all of whom shall be residents of the state and** none

1 of whom may be public employees or officials. At least one **board** member [EACH]
2 shall be appointed from **each judicial district established by law under Section 1 of**
3 **Article IV. Members shall be residents of the judicial district from which**
4 **appointed** [THE SOUTHEASTERN, SOUTHCENTRAL, CENTRAL, AND
5 NORTHWESTERN SENATE DISTRICTS]. Appointments shall be made without
6 regard to political affiliation, **except that no more than four members may be**
7 **members of the same political party.** Board members shall be compensated **as**
8 **provided by law.**

9 **(b) Board members shall be appointed not later than fifteen days after the**
10 **organization of the first regular session of a legislature that convenes following the**
11 **year in which the census is taken. Except as provided in (e) and (f) of this**
12 **section, board members first appointed serve until a final redistricting plan and**
13 **proclamation of redistricting has been adopted and all challenges to it brought**
14 **under Section 11 of this article have been resolved, including orders entered by**
15 **a court to compel correction of the final redistricting plan and proclamation of**
16 **redistricting.**

17 **(c) Board members shall be appointed as follows:**

18 **(1) one member shall be appointed by the chief justice of the**
19 **supreme court;**

20 **(2) one member shall be appointed by the caucus of the members**
21 **of the house of representatives having the largest number of caucus members in**
22 **the house of representatives;**

23 **(3) one member shall be appointed by the caucus of the members**
24 **of the house of representatives having the second largest number of caucus**
25 **members in the house of representatives;**

26 **(4) one member shall be appointed by the caucus of the members**
27 **of the senate having the largest number of caucus members in the senate; and**

28 **(5) one member shall be appointed by the caucus of the members**
29 **of the senate having the second largest number of caucus members in the senate.**

30 **(d) The legislature shall provide by law for a random process to determine**
31 **the order for making the appointments of board members under this section. If**

1 the legislature has failed to make provision by law by the deadline set by (b) of
 2 this section, the chief justice of the supreme court may establish the random
 3 process to make the appointments.

4 (e) A board member may be removed only for misfeasance or nonfeasance
 5 in office. The chief justice may remove the board member appointed under (c)(1)
 6 of this section and appoint the member's replacement. The caucus that appointed
 7 a board member under (c)(2) - (5) of this section may remove a board member
 8 appointed by it and, subject to (f) of this section, appoint the member's
 9 replacement.

10 (f) A vacancy on the board affecting the board member appointed under
 11 (c)(1) of this section shall be filled by the chief justice. A vacancy on the board
 12 affecting a board member appointed by a caucus under (c)(2) - (5) of this section
 13 shall be filled by the caucus, except that, if the membership of the caucus has
 14 changed or if a general election has intervened, the successor caucus that, at the
 15 time of filling the vacancy, qualifies to make the appointment under (c)(2) - (5)
 16 of this section shall fill the vacancy.

17 (g) A person who was a member of the Redistricting Board at any time
 18 during the process leading to final adoption of a redistricting plan under Section
 19 10 of this article may not be a candidate for the legislature in the two general
 20 elections following the adoption of the final redistricting plan.

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

22 **Section 9. Organization.** The Redistricting Board [BOARD] shall elect one
 23 of its members chairman [AND MAY EMPLOY TEMPORARY ASSISTANTS].
 24 Concurrence of three members is required for a ruling or determination, but a lesser
 25 number may conduct hearings or otherwise act for the board. The board shall select
 26 and may employ or contract for services of legal counsel. The legislative council
 27 shall assign staff to assist the board, shall prepare an estimate of the board's
 28 operating expenses and submit it in its budget, and, from appropriations made by
 29 the legislature, shall pay the board's expenses.

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

31 **Section 10. Redistricting [REAPPORTIONMENT] Plan and Proclamation.**

1 (a) Except as provided under (c) and (d) of this section, no later than the date
2 that is eighteen months before the date of the first general election following the
3 official reporting of each decennial census, the Redistricting Board shall adopt a
4 proposed redistricting plan. The board shall hold public hearings on the
5 proposed plan and shall hold at least one hearing in each judicial district
6 established by law under Section 1 of Article IV. No later than the date that is
7 fourteen months before the date of the first general election following the official
8 reporting of each decennial census, the board shall adopt a final redistricting plan
9 and [WITHIN NINETY DAYS FOLLOWING THE OFFICIAL REPORTING OF
10 EACH DECENNIAL CENSUS, THE BOARD SHALL SUBMIT TO THE
11 GOVERNOR A PLAN FOR REAPPORTIONMENT AND REDISTRICTING
12 AS PROVIDED IN THIS ARTICLE. WITHIN NINETY DAYS AFTER RECEIPT
13 OF THE PLAN, THE GOVERNOR] shall issue a proclamation of
14 [REAPPORTIONMENT AND] redistricting. [AN ACCOMPANYING STATEMENT
15 SHALL EXPLAIN ANY CHANGE FROM THE PLAN OF THE BOARD]. The final
16 plan adopted and proclaimed under this section shall set out election district and
17 senate district boundaries, shall, in accordance with Section 3 of Article II,
18 determine the terms of senators, [REAPPORTIONMENT] and [REDISTRICTING]
19 shall be effective for the election of members of the legislature until after the official
20 reporting of the next decennial census.

21 (b) Except as provided in (c) of this section, adoption of a final
22 redistricting plan shall require the affirmative votes of three members of the
23 board.

24 (c) If the board is unable to adopt a final plan and proclamation of
25 redistricting by the date specified in (a) or (d)(3) of this section, the supreme
26 court shall appoint a panel of three superior court judges. The board shall,
27 within ten days, transmit to the panel the three proposed plans receiving the
28 greatest number of votes by the board. Within forty-five days of the transmittal,
29 from among the plans received from the board, the panel shall adopt one of the
30 proposed plans without change as a final plan and shall issue a proclamation of
31 redistricting. The supreme court shall adopt rules for proceedings before the

1 three-judge panel under this subsection.

2 (d) If the data from a decennial census are not available to the board by
 3 the date that is sixteen months before the date of the first general election
 4 following a decennial census year,

5 (1) a plan adopted and proclaimed shall not take effect until the
 6 second general election following the decennial census year;

7 (2) for the first general election following the decennial census year,
 8 members of the legislature shall be elected from districts in existence as a result
 9 of the previous redistricting plan or proclamation; and

10 (3) the board shall adopt a proposed plan within four months of the
 11 receipt of the census data and shall adopt a final plan and proclamation of
 12 redistricting within four months of the adoption of the proposed plan.

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

14 **Section 11. Enforcement.** Any qualified voter may apply to the superior
 15 court to compel the **performance of** [GOVERNOR, BY MANDAMUS OR
 16 OTHERWISE, TO PERFORM HIS REAPPORTIONMENT] duties **under this article**
 17 or to correct any error in redistricting [OR REAPPORTIONMENT]. Application to
 18 compel **performance of** [THE GOVERNOR TO PERFORM HIS
 19 REAPPORTIONMENT] duties must be filed **not later than** [WITHIN] thirty days
 20 **from** [OF] the **date that an act is required to be done under** [EXPIRATION OF
 21 EITHER OF THE TWO NINETY-DAY PERIODS SPECIFIED IN] this article.
 22 Application to compel correction of any error in redistricting [OR
 23 REAPPORTIONMENT] must be filed within thirty days following the **adoption of the**
 24 **final plan and proclamation of redistricting by the Redistricting Board or by the**
 25 **three-judge superior court panel appointed by the supreme court under Section**
 26 **10 of this article** [PROCLAMATION]. Original jurisdiction in these matters is hereby
 27 vested in the superior court. On appeal, the cause shall be reviewed by the supreme
 28 court upon the law and the facts. **A disposition by the superior court and an appeal**
 29 **before the supreme court under this section shall have priority over all other**
 30 **matters pending before the respective court. The superior court shall render a**
 31 **decision in a matter before it under this section not more than ninety days after**

1 application is made to compel performance or correction, and the supreme court
2 shall render a decision in a matter on appeal not more than forty-five days after
3 submission of a complete record of appeal.

4 * **Sec. 10.** Article VI, secs. 5 and 7, and Article XIV, Constitution of the State of Alaska,
5 are repealed.

6 * **Sec. 11.** The amendments proposed by this resolution shall be placed before the voters
7 of the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
8 State of Alaska, and the election laws of the state.