

CS FOR HOUSE JOINT RESOLUTION NO. 44(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 2/18/98
Referred: Finance

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

A RESOLUTION

1 Proposing amendments to the Constitution of the State of Alaska relating to
2 redistricting and reapportionment of the legislature; and providing for an effective
3 date.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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

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

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

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

1 ARTICLE XIV, SUBJECT TO CHANGES AUTHORIZED IN THIS ARTICLE].

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

3 **Section 3. Reapportionment of House and Senate.** The **Reapportionment**
4 **Board** [GOVERNOR] shall reapportion the house of representatives **and the senate**
5 immediately following the official reporting of each decennial census of the United
6 States. Reapportionment shall be based upon **the** [CIVILIAN] population within each
7 election **and senate** 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. Method of Reapportionment. The Reapportionment Board shall**
10 **establish forty election districts, with each election district to elect one member**
11 **of the house of representatives. Each election district shall contain a population**
12 **as near as practicable to the quotient obtained by dividing the population of the**
13 **state by forty. The board shall establish twenty senate districts each composed**
14 **of two contiguous election districts, with each senate district to elect one senator**
15 [REAPPORTIONMENT SHALL BE BY THE METHOD OF EQUAL
16 PROPORTIONS, EXCEPT THAT EACH ELECTION DISTRICT HAVING THE
17 MAJOR FRACTION OF THE QUOTIENT OBTAINED BY DIVIDING TOTAL
18 CIVILIAN POPULATION BY FORTY SHALL HAVE ONE REPRESENTATIVE].

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

20 **Section 6. Method of Redistricting. The Reapportionment Board shall**
21 **establish** [GOVERNOR MAY FURTHER REDISTRIBUTE BY CHANGING] the size
22 and area of election districts, subject to the limitations of this article. Each [NEW]
23 district [SO CREATED] shall be formed of contiguous and compact territory
24 containing as nearly as practicable a relatively integrated socio-economic area. Each
25 shall contain a population **as near as practicable** [AT LEAST EQUAL] to the
26 quotient obtained by dividing the [TOTAL CIVILIAN] population **of the state** by
27 forty. Consideration may be given to local government boundaries. Drainage and
28 other geographic features shall be used in describing boundaries wherever possible.

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

30 **Section 8. Reapportionment Board. (a) The Reapportionment Board**
31 [THE GOVERNOR SHALL APPOINT A REAPPORTIONMENT BOARD TO ACT

1 IN AN ADVISORY CAPACITY TO HIM. IT] shall consist of five members, **all of**
2 **whom shall be residents of the state and** none of whom may be public employees
3 or officials **at the time of and during the tenure of appointment. Board members**
4 **shall be appointed as provided in (b) and (c) of this section** [. AT LEAST ONE
5 MEMBER EACH SHALL BE APPOINTED FROM THE SOUTHEASTERN,
6 SOUTHCENTRAL, CENTRAL, AND NORTHWESTERN SENATE DISTRICTS.
7 APPOINTMENTS SHALL BE MADE WITHOUT REGARD TO POLITICAL
8 AFFILIATION]. Board members shall be compensated **as provided by law.**

9 **(b) Except as provided in (c) of this section, members of the**
10 **Reapportionment Board shall be appointed after, but not later than fifteen days**
11 **after, the election of the permanent presiding officers of the house of**
12 **representatives and senate following the first regular session of a legislature that**
13 **convenes the year following a decennial census. Except as provided in (f) of this**
14 **section, board members serve until a final plan for reapportionment and**
15 **proclamation of reapportionment has been adopted and all challenges to it**
16 **brought under Section 11 of this article have been resolved after final remand or**
17 **affirmation.**

18 **(c) Following election of the permanent presiding officers of the house of**
19 **representatives and senate, the members of the house of representatives who are**
20 **not members of the majority shall elect by majority vote a house of**
21 **representatives minority appointing officer, and the members of the senate who**
22 **are not members of the majority shall elect by majority vote a senate minority**
23 **appointing officer. If all members of the senate or house of representatives are**
24 **members of the majority, the minority appointing officer of that house shall be**
25 **appointed by the members of that house who are not members of the political**
26 **party with the greatest number of members in that house. One member of the**
27 **Reapportionment Board shall be appointed by the presiding officer of the house**
28 **of representatives, one by the house of representatives minority appointing officer,**
29 **one by the presiding officer of the senate, and one by the senate minority**
30 **appointing officer.**

31 **(d) The four board members appointed by the legislators shall appoint by**

1 majority vote a fifth member of the board who shall be chair. If the fifth
 2 member has not been appointed by the end of the day that is five days after the
 3 last day required for appointment of the board members under (b) of this section,
 4 the chief justice of the supreme court shall appoint the fifth member who shall be
 5 chair. The chair of the board may not have held an elected state office or an
 6 elected office of a political party in this state in the five-year period preceding
 7 appointment.

8 (e) The legislature shall provide by law the procedure for determining the
 9 order for making an appointment to the Reapportionment Board by each of the
 10 legislators authorized to make appointments under this section.

11 (f) Any of the four members of the Reapportionment Board appointed by
 12 a legislator may be removed with or without cause. Removal will be effected by
 13 the person who originally made the appointment or by that person's successor.
 14 A vacancy due to removal, resignation, death, incapacity, or otherwise shall be
 15 filled by the person who originally made that appointment or by that person's
 16 successor. The chair of the board may be removed only for good cause shown by
 17 a majority vote of the group consisting of the other members of the board and the
 18 chief justice of the supreme court. The vacancy of the chair, due to removal,
 19 resignation, death, incapacity, or otherwise, shall be filled as provided for in (d)
 20 of this section.

21 (g) A person who was a member of the Reapportionment Board at any
 22 time during the process leading to final adoption of a reapportionment plan under
 23 Section 10 of this article may not be a candidate for the legislature in the general
 24 election following the adoption of the final reapportionment plan.

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

26 Section 9. Board Actions [ORGANIZATION]. [THE BOARD SHALL
 27 ELECT ONE OF ITS MEMBERS CHAIRMAN AND MAY EMPLOY TEMPORARY
 28 ASSISTANTS.] Concurrence of three members of the Reapportionment Board is
 29 required for actions of the board [A RULING OR DETERMINATION], but a lesser
 30 number may conduct hearings [OR OTHERWISE ACT FOR THE BOARD]. The
 31 board shall employ or contract for services of independent legal counsel.

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

2 **Section 10. Reapportionment Plan and Proclamation. (a) Within thirty**
 3 **days after the release of the decennial census population data or thirty days after**
 4 **being duly appointed, whichever occurs last, the board shall adopt one or more**
 5 **proposed reapportionment plans. The board shall hold public hearings on the**
 6 **proposed plan, or, if no single proposed plan is agreed on, on all plans proposed**
 7 **by the board. No later than ninety days after the board has been appointed and**
 8 **the decennial census population data has been released, the board shall adopt a**
 9 **final reapportionment plan and** [WITHIN NINETY DAYS FOLLOWING THE
 10 OFFICIAL REPORTING OF EACH DECENNIAL CENSUS, THE BOARD SHALL
 11 SUBMIT TO THE GOVERNOR A PLAN FOR REAPPORTIONMENT AND
 12 REDISTRICTING AS PROVIDED IN THIS ARTICLE. WITHIN NINETY DAYS
 13 AFTER RECEIPT OF THE PLAN, THE GOVERNOR SHALL] issue a proclamation
 14 of reapportionment [AND REDISTRICTING. AN ACCOMPANYING STATEMENT
 15 SHALL EXPLAIN ANY CHANGE FROM THE PLAN OF THE BOARD]. The **final**
 16 **plan shall set out boundaries of election and senate districts and**
 17 [REAPPORTIONMENT AND REDISTRICTING] shall be effective for the election
 18 of members of the legislature **until sixty days after adoption and final adjudication**
 19 **of the succeeding reapportionment plan and proclamation of reapportionment.**

20 **(b) Adoption of a final reapportionment plan shall require the affirmative**
 21 **votes of three members of the Reapportionment Board** [UNTIL AFTER THE
 22 OFFICIAL REPORTING OF THE NEXT DECENNIAL CENSUS].

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

24 **Section 11. Enforcement.** Any qualified voter may apply to the superior
 25 court to compel the **Reapportionment Board** [GOVERNOR], by mandamus or
 26 otherwise, to perform **its** [HIS REAPPORTIONMENT] duties **under this article** or
 27 to correct any error in **redistricting** or reapportionment. Application to compel **the**
 28 **board** [THE GOVERNOR] to perform [HIS REAPPORTIONMENT DUTIES] must
 29 be filed **not later than** [WITHIN] thirty days **following** [OF] the **expiration of the**
 30 **ninety-day period specified in** [EXPIRATION OF EITHER OF THE TWO
 31 NINETY-DAY PERIODS SPECIFIED IN] this article. Application to compel

1 correction of any error in redistricting or reapportionment must be filed within thirty
2 days following the **adoption of the final plan and proclamation by the board**
3 **[PROCLAMATION]**. Original jurisdiction in these matters is **[HEREBY]** vested in
4 the superior court. On appeal **from the superior court**, the cause shall be reviewed
5 by the supreme court **on the law and the facts. Notwithstanding Section 15 of**
6 **Article IV, all dispositions by the superior court and the supreme court under this**
7 **section shall be expedited and shall have priority over all other matters pending**
8 **before the respective court. Upon a final judicial decision that a plan is invalid,**
9 **the case shall be returned to the board for correction and development of a new**
10 **plan** **[UPON THE LAW AND THE FACTS]**.

11 * **Sec. 10.** Article XV, Constitution of the State of Alaska, is amended by adding a new
12 section to read:

13 **Section 29. Effective Date and Applicability of Amendments Providing for**
14 **Redistricting of the Legislature.** (a) The 1998 amendments relating to redistricting
15 of the legislature (art. VI) take effect January 1, 2001.

16 (b) Notwithstanding Section 10 of Article VI, the proclamation of
17 reapportionment and redistricting in effect on December 31, 2000, is effective for
18 election of members of the legislature until sixty days after adoption and final
19 adjudication of the succeeding reapportionment plan and proclamation of
20 reapportionment under Article VI.

21 * **Sec. 11.** Article VI, secs. 5 and 7, and Article XIV, Constitution of the State of Alaska,
22 are repealed.

23 * **Sec. 12.** The amendments proposed by this resolution shall be placed before the voters
24 of the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
25 State of Alaska, and the election laws of the state.