

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

BY THE HOUSE RULES COMMITTEE

Offered: 3/19/98

Referred: Rules

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

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

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

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

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

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

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

22 **Section 6. District Boundaries [REDISTRICTING].** The **Redistricting**
 23 **Board shall establish** [GOVERNOR MAY FURTHER REDISTRIBUTE BY
 24 CHANGING] the size and area of **house** [ELECTION] districts, subject to the
 25 limitations of this article. Each **house** [NEW] district [SO CREATED] shall be formed
 26 of contiguous and compact territory containing as nearly as practicable a relatively
 27 integrated socio-economic area. Each shall contain a population **as near as**
 28 **practicable** [AT LEAST EQUAL] to the quotient obtained by dividing the [TOTAL
 29 CIVILIAN] population **of the state** by forty. **Each senate district shall be composed**
 30 **as near as practicable of two contiguous house districts.** Consideration may be
 31 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) The **chief**
 4 **justice of the supreme court** [GOVERNOR] shall appoint a **redistricting**
 5 **[REAPPORTIONMENT] board, subject to the provisions of this section and as may**
 6 **be provided by law** [TO ACT IN AN ADVISORY CAPACITY TO HIM]. It shall
 7 consist of five members, **all of whom shall be residents of the state and** none of
 8 whom may be public employees or officials **at the time of and during the tenure of**
 9 **appointment. Board members shall be appointed as provided in (b) of this section**
 10 [. AT LEAST ONE MEMBER EACH SHALL BE APPOINTED FROM THE
 11 SOUTHEASTERN, SOUTHCENTRAL, CENTRAL, AND NORTHWESTERN
 12 SENATE DISTRICTS. APPOINTMENTS SHALL BE MADE WITHOUT REGARD
 13 TO POLITICAL AFFILIATION]. Board members shall be compensated.

14 **(b) Members of the Redistricting Board shall be appointed by**
 15 **September 1 of the year in which an official decennial census of the United States**
 16 **is taken. At least one board member shall be a resident of each judicial district**
 17 **that existed on January 1, 1999. Board members serve until a final plan for**
 18 **redistricting and proclamation of redistricting has been adopted and all challenges**
 19 **to it brought under Section 11 of this article have been resolved after final**
 20 **remand or affirmation.**

21 **(c) A person who was a member of the Redistricting Board at any time**
 22 **during the process leading to final adoption of a redistricting plan under Section**
 23 **10 of this article may not be a candidate for the legislature in the general election**
 24 **following the adoption of the final redistricting 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 elect one
 27 of its members chairman and may employ temporary assistants. Concurrence of three
 28 members **of the Redistricting Board** is required for **actions of the board** [A
 29 RULING OR DETERMINATION], but a lesser number may conduct hearings [OR
 30 OTHERWISE ACT FOR THE BOARD]. **The board shall employ or contract for**
 31 **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. Redistricting [REAPPORTIONMENT] Plan and Proclamation.**

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

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

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

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

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

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

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

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

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

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

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