

HOUSE JOINT RESOLUTION NO. 26

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES JOHNSON, Chenault, Millett, Hawker, Olson, Talerico, Wilson, Pruitt, Tilton, Nageak, Neuman, Thompson, Gattis, Hughes, Vazquez, Stutes, Herron, LeDoux

Introduced: 4/19/15

Referred: Judiciary, Finance

A RESOLUTION

1 **Proposing amendments to the Constitution of the State of Alaska relating to the office of**
2 **attorney general.**

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

4 * **Section 1.** Article III, sec. 25, Constitution of the State of Alaska, is amended to read:

5 **Section 25. Department Heads.** The head of each principal department shall
6 be a single executive unless otherwise provided by law. **The head of a principal**
7 **department** [HE] shall be appointed by the governor, subject to confirmation by a
8 majority of the members of the legislature in joint session, and shall serve at the
9 pleasure of the governor, except as otherwise provided in this article with respect to
10 the **lieutenant governor and the attorney general** [SECRETARY OF STATE]. The
11 heads of all principal departments shall be citizens of the United States.

12 * **Sec. 2.** Article III, Constitution of the State of Alaska, is amended by adding a new section
13 to read:

14 **Section 28. Attorney General.** (a) The attorney general shall be elected in the
15 manner provided by law by the qualified voters of the State at the same time and for
16 the same term as the governor. The attorney general shall be a citizen of the United

1 States, a qualified voter of the State, and a resident of Alaska. A person is not eligible
 2 to serve as attorney general unless the person is an active member of the organized
 3 state bar. The attorney general shall perform the duties and receive the compensation
 4 prescribed by law, which compensation may not be diminished during the term of
 5 office for which the attorney general is elected unless by general law applying to all
 6 salaried officers of the State.

7 (b) No person who has been elected attorney general for two full successive
 8 terms shall be again eligible to hold that office until one full term has intervened.

9 (c) In case of a vacancy in the office of attorney general for any reason, the
 10 governor shall, by proclamation, call a special election to be held on a date not less
 11 than sixty or more than ninety days after the date the vacancy occurs. However, if the
 12 vacancy occurs on a date that is less than sixty days before or is on or after the date of
 13 the primary election of a year in which an attorney general is regularly elected, the
 14 governor may not call a special election. The governor may, at least five days after a
 15 vacancy occurs but within thirty days after the date of the vacancy, appoint a qualified
 16 person to fill the vacancy until the results of the special election called to fill the
 17 vacancy are certified. If the special election is not called for the reasons provided in
 18 this subsection, the person shall fill the vacancy until the results of the next general
 19 election are certified.

20 * **Sec. 3.** Article XV, Constitution of the State of Alaska, is amended by adding a new
 21 section to read:

22 **Section 30. Initial Election of Attorney General.** The first election for an
 23 attorney general required by the constitution to be elected shall occur at the first
 24 general election at which a governor is to be elected occurring after the requirement of
 25 an elected attorney general is established under the constitution. A vacancy that occurs
 26 in the office of attorney general before the first general election at which an attorney
 27 general is elected shall be filled under the law as it existed before the elected office
 28 was established under the constitution.

29 * **Sec. 4.** The amendments proposed by this resolution shall be placed before the voters of
 30 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
 31 State of Alaska, and the election laws of the state.