IN THE HOUSE BY SWANSON

HOUSE BILL NO. 37

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act providing for the holding of a constitutional convention to amend or revise the Alaska Constitution."

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

* Section 1. A constitutional convention, comprised of delegates elected by the legal voters of the state, shall assemble at Mount McKinley National Park, on September 12, 1971, at 10:00 o'clock a.m., or as soon thereafter as a quorum is present, for the purpose of considering amendments to or revisions of the Alaska Constitution. The convention shall meet for not more than 35 days but may, at its discretion, recess for a period of not more than 15 days for the purpose of receiving testimony on proposed provisions of the constitution.

* Sec. 2. Delegates to the convention shall possess the qualifications of legal voters of Alaska and have been residents of Alaska for not less than three years immediately preceding the first day of the convention. The holding of the office of delegate or any other office of the convention does not constitute a disqualification for selection for or the holding of any other office, and the holding of any other office except an appointive office under the federal government, does not constitute a disqualification for election to or the holding of office as a delegate or any other office of the convention.

* Sec. 3. The convention shall consist of 60 delegates apportioned among the house and senate election districts as follows:

(1) House Election District No. 1 - Two delegates

(2) House Election District No. 2 - One delegate

(3) House Election District No. 3 - One delegate

(4) House Election District No. 4 - Two delegates

(5) House Election District No. 5 - One delegate

(6) House Election District No. 6 - One delegate

(7) House Election District No. 7 - One delegate

(8) House Election District No. 8 - 14 delegates

(9) House Election District No. 9 - One delegate

(10) House Election District No. 10 - One delegate

(11) House Election District No. 11 - One delegate

(12) House Election District No. 12 - One delegate

(13) House Election District No. 13 - One delegate

(14) House Election District No. 14 - One delegate

(15) House Election District No. 15 - One delegate

(16) House Election District No. 16 - Seven delegates

(17) House Election District No. 17 - One delegate

(18) House Election District No. 18 - One delegate

(19) House Election District No. 19 - One delegate

(20) Senate Election District A - One delegate

(21) Senate Election District B - One delegate

(22) Senate Election District C - One delegate

(23) Senate Election District D - One delegate

(24) Senate Election District E - Seven delegates

(25) Senate Election District F - One delegate

(26) Senate Election District G - One delegate

(27) Senate Election District H - One delegate

(28) Senate Election District I - Four delegates

(29) Senate Election District J - One delegate

* Sec. 4. A special election for the election of delegates shall be held in Alaska on August 3, 1971. Except as otherwise provided by this Act, the

special election shall be conducted in the same manner as other state elections are conducted under the provisions of AS 15.

* Sec. 5. Candidates for the office of delegate shall be nominated by petition filed in person or by mail with the clerk of the court of the judicial district in which the candidate is a resident on or before May 11, 1971. Each petition shall be accompanied by a fee of $35. Each nominating petition shall be signed by legally qualified voters of the state residing within the election district in and for which the delegate nominated is to be elected equal in number to at least five per cent of the number of votes cast in the district in the 1970 general election. However, no nominating petition need contain more than 200 signatures nor may it contain less than 50 signatures, in any district.

* Sec. 6. Each nominating petition shall contain the name of not more than one candidate and shall set out the name, place of residence and mailing address of the candidate nominated by it, that the nomination is for the office of delegate to the constitutional convention to be convened on September 12, 1971, that the petitioners are legally qualified to vote for that candidate and pledge themselves to support and vote for the person named in the petition, and that this petition, together with all other petitions signed by them, does not nominate a greater number of candidates than the number of delegates to be elected in the district for which the nominations are made. Every voter signing a nominating petition shall add to his signature his place of residence, mailing address, and street number, if any. No voter may sign a petition or petitions for a greater number of candidates than are to be elected in the district in which he resides.

* Sec. 7. Each nominating petition shall, before it may be filed with the clerk of the court, contain an acceptance of nomination in writing, signed and verified by an oath or affirmation of the candidate nominated in it, upon or annexed to such petition. The acceptance shall certify that the candidate

has been a resident of the district for which he is nominated for at least one year and that he is a qualified voter in the district for which he is nominated. The acceptance shall also certify that the nominee consents to enter as a candidate at the ensuing special election for the election of delegates to a constitutional convention, and that if elected he agrees to take office and serve as a delegate from the election district in which he is nominated.

* Sec. 8. If a delegate from a district dies, resigns, or otherwise becomes disqualified from serving, or if a vacancy occurs for any other reason, the vacancy shall be filled by the candidate not certified as elected who received the next highest number of votes amongst the candidates in the election district in which the vacancy occurred. If a vacancy should again occur in that district, it shall be filled in like manner from amongst the remaining candidates. If a vacancy should occur in a district and there are no remaining candidates, the governor shall appoint a person from that district. An election contest which results in a tie shall be resolved by the drawing of lots between the competing candidates, the loser of the drawing shall be considered second only to the winner and shall hold that standing among the balance of the winning candidates.

* Sec. 9. When filed, all nominating petitions and their acceptances shall be and remain open for public inspection during regular business hours, at the office where filed until June 1, 1971; thereafter they shall be transmitted to the lieutenant governor for determination of the candidates nominated and for permanent filing in the office of lieutenant governor. Determination of the validity of petitions shall be made initially by the lieutenant governor and recourse by candidates believing themselves aggrieved may be had by appeal from the determination of the lieutenant governor to the canvassing board, the decision of which shall be final. Objections to petitions may be raised by any qualified voter of the election district from

which the candidate is nominated, and such objection must be stated in writing to the lieutenant governor on or before June 5, 1971. Not later than June 10, 1971, the lieutenant governor shall make his determination as to the candidates nominated from each district and shall thereupon certify the names designated for placement on the ballot for each district.

* Sec. 10. The election of delegates shall be conducted without reference to the political party affiliations of the candidates, and the ballots used shall be nonpartisan in every respect. A separate ballot shall be prepared for each house and senate election district, and each ballot shall contain the names of the candidates running for the office of delegate from that district.

* Sec. 11. The candidate receiving the greatest number of votes in the district for which nominated shall be considered elected for that district and the lieutenant governor shall issue to them certificates of election in the manner otherwise prescribed by law for persons elected to the legislature of Alaska.

* Sec. 12. The governor shall open the convention and preside until temporary officers are selected. The convention shall be the judge of the qualifications of its members, their election, or appointment. It shall have the power by vote of a majority of the delegates to which the body is entitled to choose a president and secretary and all other appropriate officers, to prescribe their functions, powers and duties, and to make rules and regulations for the conduct of its business. Following its organization the convention shall consider constitutional amendments or revisions.

* Sec. 13. If constitutional amendments or revisions are framed, the convention shall provide by ordinance for submission of such amendments or revisions, and such ordinances as may properly be submitted, to the people of the state for ratification or rejection at an election to be held at a date to be fixed by the convention not less than 40 nor later than 120 days from

the date of adjournment of the convention, at which election the persons entitled to vote for delegates under this Act shall be entitled to vote on the ratification or rejection of the constitutional amendments or revisions and ordinances submitted, under rules and regulations the convention may prescribe. The returns of this election shall be made to the lieutenant governor and shall be canvassed substantially in the manner now provided by law for the canvass of votes cast in state elections.

* Sec. 14. The convention shall have power to incur necessary expenses, including but not limited to expenses for employment of clerical, technical, and professional personnel required in order to exercise the powers conferred and to perform the duties imposed by this Act.

* Sec. 15. The delegates shall receive a wage of $280 a week for each week in attendance at the convention. The delegates shall be paid each Monday during the convention. In addition the delegates shall receive an allowance of $1,000 for postage and other expenses and shall be reimbursed for their actual travel costs incurred in attending the convention.

* Sec. 16. There is established a constitutional convention committee composed of two senators appointed by the president of the senate from opposite political parties, two representatives appointed by the speaker of the house from opposite political parties, one member of the legislative council appointed by the council, and four members of the public appointed by the governor. Before the constitutional convention convenes the committee shall hold public hearings in each judicial district and receive written statements from interested persons for the purpose of gathering information relating to constitutional amendments or revisions. The testimony and statements collected by the committee shall be submitted to the constitutional convention on September 12, 1971.

* Sec. 17. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.