

Introduced: 1/23/71
Referred: State Affairs
and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 117

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act concerning a constitutional convention; and
7 providing for an effective date."

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

9 * Section 1. Pursuant to the referendum election of November 3, 1970, a
10 constitutional convention, comprised of delegates elected by the legal
11 voters of the State of Alaska, shall assemble at the University of Alaska,
12 College, Alaska, on October 15, 1971, at ten o'clock a.m., or as soon
13 thereafter as a quorum shall be present, for the purpose of amending or
14 revising the constitution of the State of Alaska and shall continue in
15 session for as long as necessary, but not later than January 7, 1972.
16 The convention may, at its discretion, recess for periods not to exceed
17 15 days in the aggregate for the purpose of holding public hearings in
18 Alaska on proposed amendments or revision of the constitution. At least
19 10 days prior to October 15, 1971, the lieutenant governor, by proclamation,
20 shall issue a call for the delegates to assemble on that date.

21 * Sec. 2. Notwithstanding any other provision of law, any legally
22 qualified voter of the State of Alaska may be a candidate for or serve as
23 a delegate to the convention without limitation, penalty or forfeiture of
24 office.

25 * Sec. 3. A special election shall be held on September 14, 1971, for
26 the election of the delegates to the convention, at which there shall be
27 elected, sixty-five delegates. Sixty delegates shall be apportioned among
28 the election districts of both houses of the legislature as those districts
29 shall be apportioned pursuant to the 1970 United States census. There

1 shall be elected from the State of Alaska at large five delegates.

2 * Sec. 4. Unless specifically provided otherwise in this Act, all
3 provisions regarding the conduct of the general elections in Alaska shall
4 govern the conduct of the special election of delegates to the convention,
5 including, but not limited to, provisions concerning voter qualifications;
6 registration of voters; provisions regarding the duties, powers, rights and
7 obligations of the lieutenant governor, of other election officials, and of
8 cities and organized boroughs; provisions for notification of the election;
9 provisions for the reporting of and limitations on campaign expenditures;
10 provisions for payment of the expenses of the election; provisions regarding
11 employees being allowed time from work to vote; provisions for the counting,
12 canvassing, and certification of returns, provisions for the determination
13 of the votes and of recounts, contests, and appeal; and provisions for
14 absentee voting and use of voting machines.

15 * Sec. 5. Candidates for the office of delegate shall be nominated by
16 petition filed with the lieutenant governor by actual physical delivery by
17 mail or in person before August 5, 1971. A nominating petition for the
18 office of delegate shall be signed by not less than 50 legally qualified
19 voters of an election district based on a house district, by not less than
20 100 legally qualified voters of an election district based on a senate
21 election district, and by not less than 1,000 legally qualified voters in
22 the case of a candidate seeking election from the state at large. The
23 petition of a candidate seeking election from the state at large shall be
24 subscribed by the signatures of at least 25 qualified voters from each of
25 the state senate election districts.

26 The petition shall state in substance:

- 27 (1) the full name of the candidate;
28 (2) the full resident address of the candidate;
29 (3) the full mailing address of the candidate;

1 (4) the election district of which the candidate is a resident;

2 (5) that the nomination is for the office of delegate to the
3 state constitutional convention to be convened on October 15, 1971;

4 (6) that the candidate meets, or will meet, as required by
5 this Act, the specific requirements of delegate;

6 (7) that the subscribers are qualified voters of the election
7 district which the candidate seeks to represent, with the residence of each
8 subscriber listed opposite his name;

9 (8) that the subscribers intend to vote for the candidate at
10 the special election;

11 (9) that the subscribers request that the candidate's name be
12 placed on the ballot; and

13 (10) that the proposed candidate accepts the nomination and
14 will serve if elected, with the statement signed by the proposed candidate.

15 * Sec. 6. If a delegate dies, resigns, or otherwise becomes disqualified
16 from serving, or if a vacancy occurs for any other reason, the vacancy shall
17 be filled by the candidate not theretofore certified as elected who received
18 the next highest number of votes among the candidates in the election
19 district in which the vacancy occurred. If a vacancy should again occur in
20 such district, it shall be filled in like manner from among the remaining
21 candidates. Any election contest which results in a tie shall be resolved
22 by the drawing of lots between the competing candidates, and the loser of
23 the drawing shall be considered second only to the winner and shall hold
24 such standing among the balance of the winning candidates.

25 * Sec. 7. The lieutenant governor shall place the names of persons who
26 have been properly nominated by the petition on the special election ballot.

27 * Sec. 8. The election of delegates shall be conducted without any
28 reference to the political party affiliations of the candidates, and the
29 ballots used shall be nonpartisan in every respect. A separate ballot shall

1 be prepared for each election district, and each such ballot shall contain
2 (a) the names of the candidates running for the office of delegate from
3 that district based on the senate district, (b) the names of the candidates
4 running for the office of delegate from the house districts included in the
5 senate district, and (c) the names of the candidates running for the office
6 of delegate from the state at large.

7 * Sec. 9. The candidate or candidates receiving the greatest number of
8 votes in the election district for which nominated shall be deemed elected
9 for that district. In any election district based on a multiple member
10 house or senate district, the candidates receiving the greatest number of
11 votes shall be deemed elected. The five candidates receiving the greatest
12 number of votes from the state at large shall be deemed elected delegates
13 at large.

14 * Sec. 10. The governor of the State of Alaska shall open the convention
15 and preside until temporary officers are selected. The convention shall be
16 the judge of the qualifications of its members, their election, or
17 appointment. It shall have the power by vote of a majority of delegates
18 to which the body is entitled to choose a president and secretary and all
19 other appropriate officers, to prescribe their functions, powers and duties,
20 and to make rules for the conduct of its business.

21 * Sec. 11. The president of the constitutional convention shall certify
22 to the lieutenant governor each proposed amendment or revision to the
23 constitution adopted by the convention. Unless the convention determines
24 otherwise, any constitutional amendment or revision shall be submitted to
25 the electorate at the next statewide election.

26 * Sec. 12. The convention may incur necessary expenses, including but
27 not limited to expenses for the employment of such clerical, technical, and
28 professional personnel as may be required in order to exercise the powers
29 conferred by law and to perform the duties imposed by this Act.

1 * Sec. 13. The delegates to the convention are entitled to the same
2 per diem and travel allowances as members of the legislature. In addition
3 each delegate is entitled to an income maintenance allowance at \$30 per day
4 in session or in recess called for the purpose of holding public hearings.
5 The convention may provide by rule for delegate allowances for postage,
6 stationery and other necessary expenses.

7 * Sec. 14. Before any person elected or appointed as a delegate to the
8 convention enters upon his duties, he shall take and subscribe the oath or
9 affirmation prescribed by Sec. 5, Art. XII of the Alaska Constitution.

10 * Sec. 15. Delegates to the convention enjoy the immunities of
11 legislators described in Sec. 6, Art. II of the Alaska Constitution.

12 * Sec. 16. The provisions of AS 24.45 relating to the regulation of
13 lobbyists are applicable to the constitutional convention.

14 * Sec. 17. There is created the Alaska Constitutional Convention
15 Commission, hereinafter referred to as the commission, consisting of the
16 President of the Senate, the Speaker of the House, and three members
17 appointed by the governor. The commission shall compile information useful
18 to the delegates, undertake studies and research, collect and organize
19 appropriate background materials, and provide for its dissemination so that
20 the constitutional convention may function expeditiously and efficiently.
21 The commission may request and shall receive from any department or agency
22 of the state such data and reasonable assistance as may help the commission
23 in its duties. The commission may do whatever else it may deem necessary
24 or advisable to carry out its duties and may incur such expenses as may be
25 necessary, including but not limited to expenses for employment of such
26 clerical, technical, and professional personnel as it may require. The
27 commission may receive or participate in any gift or grant of funds, service
28 or facilities from any federal, state or private agency made for the purpose
29 of assisting the commission in carrying out its functions. The provisions

1 of AS 39.20.180 which relate to transportation and per diem expenses for
2 members of boards apply to the members of the commission.

3 * Sec. 18. This Act is not operable to the extent that the Supreme
4 Court of the State of Alaska decides that the referendum of November 3,
5 1970 on the question whether there shall be a constitutional convention
6 was not called by the people of Alaska in accordance with Sec. 3, Art. XIII
7 of the Alaska Constitution.

8 * Sec. 19. This Act takes effect on the day after its passage and
9 approval or on the day it becomes law without approval.

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