

Original sponsor: Rules Committee by  
request of the Governor

Offered: 3/11/71  
Referred: Finance

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR 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 voters  
11 of the State of Alaska, shall assemble in Election District No. 8 (as it  
12 existed on January 1, 1971), at a place designated by the Alaska Constitu-  
13 tional Convention Commission, on October 15, 1971, at ten o'clock a.m., or  
14 as soon thereafter as a quorum shall be present, for the purpose of amending  
15 or revising the Constitution of the State of Alaska and shall continue in  
16 session for as long as necessary, but not later than January 7, 1972. The  
17 convention may, at its discretion, recess for periods not to exceed 15 days  
18 in the aggregate for the purpose of holding public hearings in Alaska on  
19 proposed amendments or revision of the constitution. At least 10 days prior  
20 to October 15, 1971, the lieutenant governor, by proclamation, shall issue  
21 a call for the delegates to assemble on that date.

22 \* Sec. 2. Notwithstanding any other provision of law, any legally quali-  
23 fied voter of the State of Alaska may be a candidate for or serve as a dele-  
24 gate to the convention without limitation, penalty or forfeiture of office.

25 \* Sec. 3. A special election shall be held on September 14, 1971,  
26 for the election of the delegates to the convention, at which there shall  
27 be elected 65 delegates. Sixty delegates shall be apportioned among the  
28 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 (1) the names of the candidates running for the office of delegate from  
3 that district based on the senate district, (2) the names of the candidates  
4 running for the office of delegate from the house districts included in the  
5 senate district, and (3) 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 offices are selected. The convention shall be  
16 the judge of the qualifications of its members, their election, or appoint-  
17 ment. It shall have the power by vote of a majority of delegates to which  
18 the body is entitled to choose a president and secretary and all other  
19 appropriate officers, to prescribe their functions, powers and duties, and  
20 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. Each constitutional amendment or  
24 the constitutional revision shall be submitted to the electorate at the  
25 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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