

Introduced: 2/22/71
Referred: State Affairs,
Judiciary and Finance

1 IN THE HOUSE

BY ROSE, HARRIS AND MORAN

2 HOUSE BILL NO. 213

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. Under art. XIII, sec. 2 of the Constitution of the State
10 of Alaska, a constitutional convention, comprised of delegates elected by
11 the legal voters of the State of Alaska, shall assemble at Anchorage, Alaska,
12 on October 4, 1971, at ten o'clock a.m., or as soon thereafter as a quorum
13 shall be present, for the purpose of amending or revising the Constitution
14 of the State of Alaska and shall continue in session for as long as neces-
15 sary, but not later than January 7, 1972. The convention may, at its
16 discretion, recess for periods not to exceed 15 days in the aggregate for
17 the purpose of holding public hearings in Alaska on proposed amendments or
18 revision of the constitution. At least 10 days before October 4, 1971, the
19 lieutenant governor, by proclamation, shall issue a call for the delegates
20 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 7, 1971 for the
26 election of the delegates to the convention, at which there shall be
27 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 under the 1970 United States census. There shall

1 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 ab-
14 sentee 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. The petition shall state in
26 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
3 delegate from that district based on the senate district;

4 (2) the names of the candidates running for the office of delegate
5 from the house districts included in the senate district; and

6 (3) the names of the candidates running for the office of dele-
7 gate from the state at large.

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

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

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

27 * Sec. 12. The convention may incur necessary expenses, including but
28 not limited to expenses for the employment of such clerical, technical, and
29 professional personnel as may be required in order to exercise the power

1 conferred by law and to perform the duties imposed by this Act.

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

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

11 * Sec. 15. Delegates to the convention enjoy the immunities of legis-
12 lators described in sec. 6, art. II of the constitution.

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

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

1 of assisting the commission in carrying out its functions. The provisions
2 of AS 39.20.180 which relate to transportation and per diem expenses for
3 members of boards apply to the members of the commission.

4 * Sec. 18. This Act takes effect on the day after its passage and approv-
5 al or on the day it becomes law without approval.

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