

1 IN THE SENATE

BY T. MILLER

CS

SENATE BILL NO. 43

2
3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

9 * Section 1. A constitutional convention, comprised of delegates elected
10 by the legal voters of the state, shall assemble at the University of Alaska,
11 College, Alaska on September 27, 1971, at 10:00 o'clock a.m., or as soon
12 thereafter as a quorum is present, for the purpose of considering amendments
13 to or revision of the Alaska Constitution. The convention shall meet for not
14 more than 90 days but may, at its discretion, recess for a period of not more
15 than 15 days for the purpose of receiving testimony on proposed provisions
16 of the constitution.

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

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

- 28 (1) Senate Election District A - Three delegates
29 (2) Senate Election District B - Three delegates

1 (3) Senate Election District C - Three delegates

2 (4) Senate Election District D - Three delegates

3 (5) Senate Election District E - 21 delegates

4 (6) Senate Election District F - Three delegates

5 (7) Senate Election District G - Three delegates

6 (8) Senate Election District H - Three delegates

7 (9) Senate Election District I - 12 delegates

8 (10) Senate Election District J - Three delegates

9 * Sec. 4. A special election for the election of delegates shall be held
10 in Alaska on August 24, 1971. Except as otherwise provided by this Act, the
11 special election shall be conducted in the same manner as other state elections
12 are conducted under the provisions of AS 15.

13 * Sec. 5. Candidates for the office of delegate shall be nominated by
14 petition filed in person or by mail with the clerk of the court of the
15 judicial district in which the candidate is a resident on or before May 11,
16 1971. Each petition shall be accompanied by a fee of \$35. Each nominating
17 petition shall be signed by legally qualified voters of the state residing
18 within the election district in and for which the delegate nominated is to
19 be elected equal in number to at least five per cent of the number of votes
20 cast in the election district in the 1970 general election. However, no
21 nominating petition need contain more than 200 signatures nor may it contain
22 less than 50 signatures, in any election district.

23 * Sec. 6. Each nominating petition shall contain the name of not more
24 than one candidate and shall set out the name, place of residence and mailing
25 address of the candidate nominated by it, that the nomination is for the
26 office of delegate to the constitutional convention to be convened on Septem-
27 ber 27, 1971, that the petitioners are legally qualified to vote for the
28 candidate and pledge themselves to support and vote for the person named in
29 the petition, and that this petition, together with all other petitions

1 signed by them, does not nominate a greater number of candidates than the
2 number of delegates to be elected in the election district for which the
3 nominations are made. Every voter signing a nominating petition shall add
4 to his signature his place of residence, mailing address, and street number,
5 if any. No voter may sign petitions for a greater number of candidates
6 than are to be elected in the election district in which he resides.

7 * Sec. 7. Each nominating petition shall, before it may be filed with
8 the clerk of the court, contain an acceptance of nomination in writing,
9 signed and verified by an oath or affirmation of the candidate nominated in
10 the petition, upon or annexed to the petition. The acceptance shall certify
11 that the candidate has been a resident of the election district for which he
12 is nominated for at least one year and that he is a qualified voter in the
13 election district for which he is nominated. The acceptance shall also
14 certify that the nominee consents to enter as a candidate at the ensuing
15 special election for the election of delegates to a constitutional convention,
16 and that if elected he agrees to take office and serve as a delegate from
17 the election district in which he is nominated.

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

1 * Sec. 9. When filed all nominating petitions and their acceptances shall
2 be and remain open for public inspection during regular business hours, at
3 the office where filed until June 1, 1971; thereafter they shall be trans-
4 mitted to the lieutenant governor for determination of the candidates
5 nominated and for permanent filing in the office of lieutenant governor.
6 Determination of the validity of petitions shall be made initially by the
7 lieutenant governor and recourse by candidates believing themselves aggrieved
8 may be had by appeal from the determination of the lieutenant governor to the
9 canvassing board, the decision of which shall be final. Objections to
10 petitions may be raised by a qualified voter of the election district from
11 which the candidate is nominated, and such objection must be stated in
12 writing to the lieutenant governor on or before June 5, 1971. Not later
13 than June 10, 1971, the lieutenant governor shall make his determination as
14 to the candidates nominated from each election district and shall thereupon
15 certify the names designated for placement on the ballot for each such
16 district.

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

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

27 * Sec. 12. The governor shall open the convention and preside until
28 temporary officers are selected. The convention shall be the judge of the
29 qualifications of its members, their election, or appointment. It shall

1 have the power by vote of a majority of the delegates to which the body is
2 entitled to choose a president and secretary and all other appropriate
3 officers, to prescribe their functions, powers and duties, and to make rules
4 and regulations for the conduct of its business. Following its organization
5 the convention shall consider constitutional amendments or revisions.

6 * Sec. 13. If constitutional amendments or revisions are framed, the
7 convention shall provide by ordinance for submission of such amendments or
8 revisions, and such ordinances as may properly be submitted, to the people
9 of the state for ratification or rejection at an election to be held at a
10 date to be fixed by the convention not less than 40 nor later than 120 days
11 from the date of adjournment of the convention, at which election the persons
12 entitled to vote for delegates under this Act shall be entitled to vote on
13 the ratification or rejection of the constitutional amendments or revisions
14 and ordinances submitted, under rules and regulations the convention pre-
15 scribes. The returns of this election shall be made to the lieutenant
16 governor and shall be canvassed substantially in the manner now provided by
17 law for the canvass of votes cast in state elections.

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

22 * Sec. 15. The delegates shall receive for their services the sum of
23 \$35 a day as compensation for each day's attendance while the convention is
24 in session. In addition the delegates shall receive an allowance of \$1,000
25 for postage, telephone costs and other expenses and shall be reimbursed for
26 their actual travel costs incurred in attending the convention.

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