

Original sponsor: Miller

Offered: 3/6/72
Referred: Judiciary

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 43

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND 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 on the third Monday in
11 August in 1973 at a place designated by the governor, at 10:00 o'clock a.m.,
12 or as soon thereafter as a quorum is present, for the purpose of considering
13 amendments to or revision of the Alaska Constitution. The convention shall
14 meet for not more than 90 days but may, at its discretion, recess for a
15 period of not more than 15 days for the purpose of receiving testimony on
16 proposed provisions 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. Each senate election district is entitled
28 to three times the number of delegates as it has senators in the legislature.

29 * Sec. 4. Delegates shall be elected at the general election or

1 November 7, 1972. Except as otherwise provided by this Act, the election for
2 delegates shall be conducted in the same manner as other state elections
3 are conducted under the provisions of AS 15.

4 * Sec. 5. Candidates for the office of delegate shall be nominated by
5 petition filed in person or by mail with the clerk of the court of the
6 judicial district in which the candidate is a resident on or before June 1,
7 1972. Each petition shall be accompanied by a fee of \$35. Each nominating
8 petition shall be signed by legally qualified voters of the state residing
9 within the election district in and for which the delegate nominated is to
10 be elected equal in number to at least five per cent of the number of votes
11 cast in the election district in the 1970 general election. However, no
12 nominating petition need contain more than 200 signatures nor may it contain
13 less than 50 signatures, in any election district.

14 * Sec. 6. Each nominating petition shall contain the name of not more
15 than one candidate and shall set out the name, place of residence and mailing
16 address of the candidate nominated by it, that the nomination is for the
17 office of delegate to the constitutional convention to be convened on the
18 third Monday in August in 1973, that the petitioners are legally qualified
19 to vote for the candidate and pledge themselves to support and vote for the
20 person named in the petition, and that this petition, together with all
21 other petitions signed by them, does not nominate a greater number of candi-
22 dates than the number of delegates to be elected in the election district
23 for which the nominations are made. Every voter signing a nominating
24 petition shall add to his signature his place of residence, mailing address,
25 and street number, if any. No voter may sign petitions for a greater number
26 of candidates than are to be elected in the election district in which he
27 resides.

28 * Sec. 7. Each nominating petition shall, before it may be filed with
29 the clerk of the court, contain an acceptance of nomination in writing,

1 signed and verified by an oath or affirmation of the candidate nominated in
2 the petition, upon or annexed to the petition. The acceptance shall certify
3 that the candidate has been a resident of the election district for which he
4 is nominated for at least one year and that he is a qualified voter in the
5 election district for which he is nominated. The acceptance shall also
6 certify that the nominee consents to enter as a candidate at the ensuing
7 general election, and that if elected he agrees to take office and serve as
8 a delegate from the election district in which he is nominated.

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

21 * Sec. 9. When filed, all nominating petitions and their acceptances
22 shall be and remain open for public inspection during regular business hours,
23 at the office where filed until July 1, 1972; thereafter they shall be trans-
24 mitted to the lieutenant governor for determination of the candidates
25 nominated and for permanent filing in the office of lieutenant governor.
26 Determination of the validity of petitions shall be made initially by the
27 lieutenant governor and recourse by candidates believing themselves aggrieved
28 may be had by appeal from the determination of the lieutenant governor to
29 the canvassing board, the decision of which shall be final. Objections to

1 petitions may be raised by a qualified voter of the election district from
2 which the candidate is nominated, and such objection must be stated in
3 writing to the lieutenant governor on or before July 5, 1972. Not later
4 than July 10, 1972, the lieutenant governor shall make his determination as
5 to the candidates nominated from each election district and shall thereupon
6 certify the names designated for placement on the ballot for each such
7 district.

8 * Sec. 10. The election of delegates shall be conducted without refer-
9 ence to the political party affiliations of the candidates, and the ballots
10 used shall be nonpartisan in every respect. A separate ballot shall be
11 prepared for each senate election district, and each such ballot shall con-
12 tain the names of the candidates running for the office of delegate from
13 that district.

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

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

27 * Sec. 13. If constitutional amendments or revisions are framed, the
28 convention shall provide by ordinance for submission of such amendments or
29 revisions, and such ordinances as may properly be submitted, to the people

1 of the state for ratification or rejection at an election to be held at a
2 date to be fixed by the convention not less than 40 nor later than 120 days
3 from the date of adjournment of the convention, at which election the persons
4 entitled to vote for delegates under this Act shall be entitled to vote on
5 the ratification or rejection of the constitutional amendments or revisions
6 and ordinances submitted, under rules and regulations the convention pre-
7 scribes. The returns of this election shall be made to the lieutenant
8 governor and shall be canvassed substantially in the manner now provided by
9 law for the canvass of votes cast in state elections.

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

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

19 * Sec. 16. Delegates to the convention enjoy the immunities of legis-
20 lators described in sec. 6, art. II of the Alaska Constitution.

21 * Sec. 17. The provisions of AS 24.45 relating to the regulation of
22 lobbyists are applicable to the constitutional convention.

23 * Sec. 18. There is created the Alaska Constitutional Convention Commis-
24 sion, hereinafter referred to as the commission, consisting of two members
25 appointed by the president of the senate, two members appointed by the
26 speaker of the house, and three members appointed by the governor. Appoint-
27 ments shall be made by September 1, 1972. The commission shall compile
28 information useful to the delegates, undertake studies and research, collect
29 and organize appropriate background materials, and provide for its

1 dissemination so that the constitutional convention may function expeditiously
2 and efficiently. The commission may request and shall receive from any
3 department or agency of the state such data and reasonable assistance as
4 may help the commission in its duties. The commission may do whatever else
5 it may consider necessary or advisable to carry out its duties and may incur
6 such expenses as may be necessary, including but not limited to expenses
7 for employment of the clerical, technical, and professional personnel it
8 may require. The commission may receive or participate in gifts or grants
9 of funds, service or facilities from any federal, state or private agency
10 made for the purpose of assisting the commission in carrying out its
11 functions. The provisions of AS 39.20.180 which relate to transportation
12 and per diem expenses for members of boards apply to the members of the com-
13 mission.