

Introduced: 1/26/72  
Referred: Rules

1 IN THE SENATE

BY HAMMOND

2 SENATE RESOLUTION NO. 3

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 Relating to reapportionment and  
6 redistricting of the State Senate.

7 BE IT RESOLVED BY THE SENATE OF THE STATE OF ALASKA:

8 WHEREAS the Constitution of the State of Alaska, as ratified in 1956,  
9 provided for a State Senate elected from districts with relatively fixed  
10 boundaries based on historic geographic and demographic divisions that had  
11 been recognized for decades; and

12 WHEREAS, while it was intended by the Constitutional Convention delegates  
13 that representation in the Senate be based on factors other than population,  
14 nevertheless the boundaries fixed in the Constitution, and modified only  
15 slightly since 1956, created senatorial districts inherently unequal in popu-  
16 lation, thus conflicting with the principle enunciated by the United States  
17 Supreme Court in Reynolds v. Sims, in 1964, that both houses of state  
18 legislatures be elected on the basis of population alone; and

19 WHEREAS, as a result of deliberations of the 1956 Constitutional Con-  
20 vention, the existing Article VI of the Alaska Constitution did not include  
21 express language providing for the recasting of senatorial district boundaries  
22 to conform to the "one man, one vote" decisions, except as that power in the  
23 Governor and the Reapportionment Advisory Board was implied by the Alaska  
24 Supreme Court in Wade v. Nolan; and

25 WHEREAS there is a conflict between the underlying principles of geo-  
26 graphic representation written into the Alaska Constitution providing for a  
27 State Senate and the "one man, one vote" principle; and

28 WHEREAS the Plan of Reapportionment and Redistricting proclaimed by the  
29 Governor, December 30, 1971, for the ensuing decade under Article VI of the

1 Alaska Constitution may be constitutionally suspect because it attempts to  
2 abrogate all but two of the four-year terms of office to which half of the  
3 members of the Senate were elected in 1970, places these and other senators  
4 in a quandary as to the application of constitutionally defined rules of  
5 residence in senatorial districts when new districts were created in the  
6 state's major urban areas where none previously had existed and leaves some  
7 new districts with as many as four incumbent state senators residing in them  
8 while other districts contain no incumbent legislators whatsoever; and

9 WHEREAS there appears to be but one method of representation that would  
10 both (1) retain the historic senatorial district boundaries, avoid abroga-  
11 tion of constitutionally determined Senate terms that otherwise well might  
12 lead to a confrontation between the Governor and members of the State Senate,  
13 avoid the complexities of resolving the applicability of residency rules, and  
14 (2) at the same time, adhere to the Equal Protection Clause of the 14th  
15 Amendment to the Constitution of the United States as it has been expressed  
16 in the "one man, one vote" concept;

17 BE IT RESOLVED by the Senate that the Alaska Supreme Court, if faced  
18 with litigation challenging the constitutional validity of the Governor's  
19 December 30, 1971 Proclamation of Reapportionment and Redistricting, and if  
20 that document is found unconstitutional, consider the adoption of the follow-  
21 ing remedy, at least for the 1972 election of members to the State Senate,  
22 or until a valid amendment revising Article VI of the Alaska Constitution can  
23 be adopted as urged by the Court in Wade v. Nolan: (1) retain the existing  
24 boundaries of the state senatorial districts as defined in the Governor's  
25 Proclamation of Reapportionment and Redistricting, September 3, 1965; (2)  
26 require that candidates for election to the State Senate reside within these  
27 district boundaries; but (3) stand for election statewide by a vote of all  
28 of the qualified voters of this state.

29 COPIES of this Resolution shall be sent to the Chief Justice of Alaska,

1 the Honorable George Boney, Jr., and to the Associate Justices of the State  
2 Supreme Court, and to the Governor and Lieutenant Governor of Alaska, the  
3 Honorable William A. Egan and the Honorable H. A. "Red" Boucher.

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