

Introduced: 2/18/74
Referred: Judiciary

BY THE JUDICIARY COMMITTEE
BY REQUEST

1 IN THE HOUSE

2 HOUSE JOINT RESOLUTION NO. 85

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 Proposing amendments to the state
6 constitution revising the method and
7 procedure for redistricting the senate
8 and house of representatives of the
9 state legislature.

10 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. Article VI, Constitution of the State of Alaska is repealed
12 and readopted to read:

13 ARTICLE VI. LEGISLATIVE DISTRICTING.

14 SECTION 1. LEGISLATIVE DISTRICTS. (a) Members of the senate
15 and the house of representatives shall be elected by the qualified
16 voters in the legislative districts established in the manner provided
17 in this article. A legislative district consists of at least one
18 senate and two representative seats or districts. If a legislative
19 district elects two or more senators or two or more representatives,
20 either (1) the legislative district shall be subdivided into separate
21 single-member senate or representative districts, or (2) the senate or
22 representative seats shall be designated separately by letter or
23 number.

24 (b) Legislative districts, senate and representative districts,
25 shall consist of compact, contiguous territory, and each senator and
26 each representative shall represent as nearly as may be an equal
27 number of registered voters. The total number of registered voters
28 eligible to vote at the general election following the decennial
29 federal census, or the total number of registered voters eligible to

1 vote at the most recent general election if the redistricting is
2 pursuant to a court order, shall be the basis for legislative redistricting.
3 The number of voters represented by each senator and by
4 each representative shall be determined by dividing 20 and 40, respectively,
5 into the total number of registered voters in the state.

6 (c) Each legislative district shall contain, as nearly as practicable,
7 a relatively integrated socio-economic area. In the formation
8 of legislative districts, consideration shall be given to local government
9 boundaries. Whenever possible, drainage basins and other identifiable
10 geographic features shall be used in describing legislative
11 district boundaries.

12 (d) In this article, to the extent geographic considerations and
13 the availability of transportation services permit,

14 (1) "contiguous" means that every part of every legislative
15 district shall be accessible by land, by state highway or marine highway
16 route, scheduled commercial airline or air taxi route from every
17 part of the same district without passing through any other district
18 of like purpose;

19 (2) "compact" means that the boundaries of every legislative
20 district shall be as close to equidistant from the geographic
21 center of the district as is practicable.

22 (e) Following redistricting, the term of office of a member of
23 the senate is not affected by a change in the boundaries of the district
24 from which he was elected.

25 SECTION 2. REDISTRICTING. The governor shall redistrict the
26 senate and house of representatives in the manner prescribed in this
27 article immediately following the official reporting of a decennial
28 federal census, or immediately following a court order to redistrict.

29 SECTION 3. REDISTRICTING ADVISORY BOARD. (a) The governor

1 shall appoint a redistricting board to act in an advisory capacity to
2 him. It shall consist of five members who shall be qualified voters
3 in the State. However, (1) no more than three members of the board
4 may be members of the same political party as the governor, and at
5 least one member shall be a member of the opposite political party;
6 (2) none of the members of the board may be public officers or em-
7 ployees; and (3) no members of the board are eligible for election to
8 the legislature until four years after the redistricting in which they
9 participated becomes effective. At least one member shall be appointed
10 from the southeastern, southcentral, central and western regions of
11 the State.

12 (b) The board shall elect one of its members chairman and one
13 vice-chairman and may employ temporary staff. The board shall adopt
14 its own rules of procedure, but a majority of the members constitutes
15 a quorum. The concurrence of three members of the board is required
16 for a ruling, determination or the adoption of a redistricting plan.

17 (c) The lieutenant governor shall be the ex officio secretary of
18 the board without vote and shall furnish, at the direction of the
19 board or the governor, all necessary technical services. The lieu-
20 tenant governor shall keep a public record of all the proceedings of
21 the board and shall be responsible for the publication and distribution
22 of the redistricting plan proposed by the board and proclaimed by the
23 governor. The attorney general is the legal counsel for the board; he
24 shall advise the board and the governor and represent them in any
25 litigation concerning legislative redistricting.

26 (d) The meetings of the board are open to the public except as
27 otherwise provided by law. The board shall hold public hearings on
28 legislative redistricting throughout the State.

29 (e) The board and its staff shall be compensated and shall

1 receive actual and necessary expenses as provided by law, including
2 per diem and travel expenses authorized for boards and commissions.
3 The legislature shall appropriate funds to enable the board to carry
4 out its duties.

5 SECTION 4. REDISTRICTING PLAN. (a) Not later than October 1 of
6 the year following that in which the decennial federal census is
7 taken, the board shall submit its redistricting plan to the governor
8 and make it public. Within sixty days after receipt of the plan, the
9 governor shall issue a redistricting proclamation which shall become
10 law in the same manner, and subject to the same provisions for refer-
11 endum, as apply to an act of the legislature. The governor shall
12 accompany the redistricting plan he proclaims with a statement explain-
13 ing any change from the plan presented to him by the board. The
14 redistricting plan shall be effective for the election of members of
15 the legislature until the official reporting of the next decennial
16 census.

17 (b) If in a referendum on the redistricting plan proclaimed by
18 the governor, a majority of the qualified voters voting on the question
19 reject the redistricting plan, the governor, within sixty days follow-
20 ing the election, shall redraft the redistricting plan in the manner
21 provided in this article.

22 SECTION 5. JUDICIAL ENFORCEMENT. Original jurisdiction is
23 vested in the supreme court, on the petition of any qualified voter in
24 the State, to compel the governor or the redistricting advisory board,
25 by mandamus or otherwise, to perform its duties under this article.

26 SECTION 6. JUDICIAL REVIEW, CORRECTION. (a) Original jurisdic-
27 tion is vested in the supreme court, on the petition of any qualified
28 voter in the State, filed within thirty days after the governor pro-
29 claims a redistricting plan, to review, or to compel correction of an

1 error in, the redistricting plan. The cause shall be reviewed on the
2 law and the facts.

3 (b) If the supreme court determines that the plan thus reviewed
4 complies with the provisions of this article, it shall dismiss the
5 petition by written opinion within thirty days after the filing of the
6 petition and the governor's redistricting plan shall become law on the
7 date of the opinion.

8 (c) If the supreme court determines that the redistricting plan
9 does not comply with the provisions of this article, the plan is void,
10 and the supreme court shall direct the governor to redraft the redistricting
11 plan under the provisions of this article and return the plan
12 to the supreme court within sixty days after the filing of the petition.
13 The supreme court shall review the plan returned to it and, if
14 it complies with the provisions of this article, shall file it with
15 the lieutenant governor within ninety days after the filing of the
16 petition, and shall order it published in the manner provided by law.
17 The redistricting shall become effective on the date of filing.

18 (d) If the supreme court determines that the plan returned to it
19 by the governor under (c) of this section does not comply with the
20 provisions of this article, the supreme court shall return it immediately
21 to the governor accompanied by a written opinion specifying with
22 particularity where the plan fails to comply with the requirements of
23 this article. The opinion shall further direct the governor to correct
24 the plan in those particulars and no others and to file and publish
25 the corrected redistricting plan in the manner provided by law within
26 ninety days after the filing of the petition. It shall become law on
27 the date of filing of the corrected redistricting plan.

28 * Sec. 2. Article XIV, Constitution of the State of Alaska, is repealed.

29 * Sec. 3. The amendment proposed by this resolution shall be placed

1 before the voters of the state at the next statewide election in conformity
2 with art. XIII, sec. 1, Constitution of the State of Alaska, and the election
3 laws of the state.

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