

1 IN THE SENATE

BY ZIEGLER

2 SENATE CONCURRENT RESOLUTION NO. 28

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 Requesting a study of legislative
6 redistricting, the provisions of
7 Article VI of the Alaska Consti-
8 tution and the non-electoral uses of
9 election districts.

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

11 WHEREAS Article VI of the Alaska Constitution provides for the redis-
12 tricting of the Alaska Legislature after each decennial federal census; and

13 WHEREAS as a result of protracted litigation in this state following the
14 decisions of the United States Supreme Court in Baker v. Carr and Reynolds v.
15 Sims, and their progeny, substantial portions of Article VI were declared
16 unconstitutional by the Alaska Supreme Court, and thus rendered obsolete and
17 ineffective as guidelines for the Governor's Reapportionment Advisory Board,
18 in formulating a constitutionally acceptable redistricting plan; and

19 WHEREAS the Alaska Supreme Court, both in Wade v. Nolan, 414 P.2d 689,
20 700-701, 706 (1966) and in Egan v. Hammond, 502 P.2d 856, 871, 874 (1972),
21 urged the Alaska Legislature to submit a revised Article VI to the voters for
22 their approval; conforming to the holdings of both that court and the United
23 States Supreme Court; and

24 WHEREAS in addition to excising provisions and restrictions constitu-
25 tionally offensive to the Equal Protection Clause of the United States
26 Constitution, the legislature should carefully examine the other issues
27 raised by the Court's decisions in Wade v. Nolan and Egan v. Hammond and
28 resolve them by appropriate new language; and

29 WHEREAS these issues include, but are not limited to: the proper base

1 for representation in the legislature (population, registered voters, or
2 resident or citizen population), the composition of the Governor's Reappor-
3 tionment Advisory Board, the power of the Governor to redistrict the Senate,
4 gubernatorial power to abrogate four-year senatorial terms at mid-term
5 following redistricting, the use of single versus multi-member districts, and
6 the concept of "designated seats", criteria and standards other than popu-
7 lation that may be employed in redistricting and appropriate, more precise
8 definitions of the terms "compact" and "contiguous", and the procedures for
9 judicial review of redistricting plans; should the superior court or the
10 supreme court be the court of original jurisdiction, should a court engage in
11 actual boundary drawing and, if not, what agency should do so on behalf of a
12 court if a gubernatorially devised redistricting plan is found constitu-
13 tionally wanting; and

14 WHEREAS in addition to the complexity problem of devising contemporary
15 redistricting methods and procedures, any study of redistricting should
16 recognize that, traditionally, election districts in Alaska have been used
17 for purposes other than election administration and the constituencies from
18 which members of the legislature are elected; and

19 WHEREAS, as a result of the decennial redistrictings and those that have
20 taken place following recent litigation, the original election district
21 boundaries described in Article XIV, as well as those resulting from the
22 Governor's 1961 Proclamation of Redistricting and Reapportionment, are of
23 little more than historic interest and, with respect to elections, they are
24 without force or effect; however, even today they are used to describe the
25 boundaries of the several judicial districts, the administration of the
26 state's alcoholic beverage control laws, and the establishment of the range
27 and step of the basic monthly salary schedule for state employees in the
28 classified and partially exempt service, based on the locale of their
29 employment, and for other public purposes and services, resulting in a

1 "crazyquilt", if not obsolete, pattern of administration that is confusing to
2 the electorate as well; and

3 WHEREAS the Judicial Council already has undertaken a study of the pre-
4 sent judicial district boundaries, and because any alteration of them must be
5 approved by the legislature, this presents the legislature with an oppor-
6 tunity to examine whether some entity other than election districts should be
7 used for non-electoral administrative and judicial purposes: boundaries
8 useful for constituent or representative purposes well may not make sense
9 for administrative or judicial purposes.

10 BE IT RESOLVED by the Alaska State Legislature that the Legislative
11 Council is respectfully requested to assign to the Legislative Affairs
12 Agency or to an interim committee, or both, a study of the current law
13 relative to legislative redistricting and the provisions of Article VI of
14 the Alaska Constitution with the request that it report to the Council and
15 to the legislature not later than the convening of the Ninth Alaska Legis-
16 lature, First Session, with its recommendations for revising Article VI; and

17 BE IT FURTHER RESOLVED that the Legislative Council also is respect-
18 fully requested to convene, or cause the convening, of a joint legislative-
19 executive-judicial study committee during the between legislative session
20 interim period to consider the continued usefulness of election districts as
21 administrative and judicial units, or as "building blocks" for their
22 creation, and whether some other entity that could be permanently bounded
23 would not prove more salutary, and that the report and recommendations on
24 this subject also should be submitted to the legislature not later than the
25 convening of the Ninth Alaska Legislature, First Session.