

Original sponsor: Rules/Legislative Council
(for the Interim Committee
on the Constitutional Convention)

Offered: 5/15/80
Referred: Rules

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 723

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to a constitutional convention; and
7 providing for an effective date."

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

9 * Section 1. AS 15.50.030 is amended to read:

10 Sec. 15.50.030. PLACING AMENDMENTS BY LEGISLATURE [PROPOSITION] ON
11 BALLOT. The lieutenant governor shall place the ballot title and pro-
12 position on the ballot for the next [STATEWIDE] general [, PRIMARY, OR
13 SPECIAL] election held after the amendment proposed by the legislature
14 [OR HELD 120 DAYS AFTER THE AMENDMENT PROPOSED BY A CONSTITUTIONAL
15 CONVENTION]. If there is insufficient time to permit the proposition to
16 be placed on the regular ballot by the lieutenant governor, the lieu-
17 tenant governor shall direct election officials to prepare the ballot
18 for the proposition.

19 * Sec. 2. AS 15.50.070 is amended to read:

20 Sec. 15.50.070. PLACING QUESTION OF CONSTITUTIONAL CONVENTION ON
21 BALLOT. If during any 10-year period a constitutional convention has
22 not [YET] been held, and the question of holding a constitutional con-
23 vention has not been placed before the voters, the lieutenant governor
24 shall place [THE QUESTION] on the ballot for the next regular statewide
25 general [OR PRIMARY] election the question: "Shall there be a Consti-
26 tutional Convention?" Provision shall be made for marking the question
27 "Yes" or "No".

28 * Sec. 3. AS 15.50 is amended by adding a new section to read:

29 Sec. 15.50.075. ELECTION PAMPHLET. No space in the election

1 pamphlet published under this title may be allocated to statements by
2 persons or organizations supporting or opposing the question placed on
3 the ballot under AS 15.50.070.

4 * Sec. 4. AS 15.50.080 is amended to read:

5 Sec. 15.50.080. CERTIFICATION OF VOTE. If a majority of the votes
6 cast on the question placed before the voters under AS 15.50.070 is
7 [ARE] in the affirmative, the lieutenant governor shall [SO CERTIFY AND
8 SHALL] issue the call for the constitutional convention under the pro-
9 visions of this chapter.

10 * Sec. 5. AS 15.50 is amended by adding new sections to read:

11 Sec. 15.50.091. ALASKA CONSTITUTIONAL CONVENTION COMMISSION.
12 Within 30 days after an affirmative vote on the question placed before
13 the voters under AS 15.50.070 or within 30 days after the legislature
14 has called a constitutional convention, the governor shall convene the
15 Alaska Constitutional Convention Commission.

16 Sec. 15.50.101. MEMBERSHIP OF COMMISSION. The commission consists
17 of nine members appointed without restrictions as follows:

- 18 (1) three members appointed by the president of the senate;
19 (2) three members appointed by the speaker of the house of
20 representatives;
21 (3) two members appointed by the governor; and
22 (4) one member appointed by the chief justice of the supreme
23 court.

24 Sec. 15.50.110. DUTIES OF THE COMMISSION. (a) The commission
25 shall compile information useful to the delegates, undertake studies and
26 research, collect and organize appropriate background materials, and
27 provide for the dissemination of the information it compiles so that the
28 constitutional convention may function expeditiously and efficiently.

29 (b) State agencies and departments shall assist the commission in

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the performance of its duties.

(c) The commission may employ professional, legal and other staff assistants and enter into contracts for goods and services.

(d) The commission may receive grants of money, services, or facilities from a federal or state source to assist it in carrying out its functions.

Sec. 15.50.120. DURATION OF COMMISSION. The commission shall continue in existence for 30 days after the date on which the constitutional convention meets.

Sec. 15.50.130. EXPENSES, TRAVEL, AND PER DIEM. Members of the commission are entitled to expenses, travel, and per diem allowances provided by law for members of state boards and commissions.

Sec. 15.50.140. ELECTION OF DELEGATES. (a) If a majority of the votes cast on the question put before the voters under AS 15.50.070 is in the affirmative, a special election for the selection of delegates shall be held on the third Tuesday of May following the vote on the question.

(b) If the constitutional convention is called by the legislature, the date of the election for the selection of delegates shall be specified in the call.

(c) Except as provided in this chapter or in a call, the election of delegates shall be conducted under the provisions of AS 15 relating to the election of members of the legislature.

Sec. 15.50.150. NUMBER OF DELEGATES. Sixty-five delegates shall be elected to a constitutional convention. Sixty delegates shall be elected under AS 15.50.160 and five delegates shall be elected at large.

Sec. 15.50.160. DELEGATE ELECTION DISTRICTS. Delegates to a constitutional convention, other than delegates elected at large, shall be elected from the same districts and in the same numbers as are

1 elected to each house of the legislature according to the apportionment
2 schedule in effect at the time that the election is held.

3 Sec. 15.50.170. DECLARATION AND WITHDRAWAL OF CANDIDACY. (a) A
4 person who seeks to become a candidate in the special election for
5 delegate to a constitutional convention shall execute and file a dec-
6 laration of candidacy. The declaration shall be executed under oath
7 before an officer authorized to take acknowledgements and shall state in
8 substance:

9 (1) the full name of the candidate and the manner in which he
10 wishes his name to appear on the ballot;

11 (2) the full resident address of the candidate;

12 (3) the full mailing address of the candidate;

13 (4) the election or senate district of which the candidate is
14 a resident;

15 (5) the office for which the candidate seeks nomination;

16 (6) that the candidate meets the specific residency require-
17 ments of the office for which he is a candidate;

18 (7) that the candidate will meet the specific citizenship
19 requirements of the office for which he is a candidate;

20 (8) that the candidate is a qualified voter as required by
21 law;

22 (9) that the candidate will meet the specific age require-
23 ments of the office for which he is a candidate;

24 (10) that the candidate requests that his name be placed on
25 the special election ballot; and

26 (11) that the required fee accompanies the declaration.

27 (b) A declaration of candidacy shall be accompanied by a filing
28 fee of \$30 unless the person files a notarized affidavit that he is
29 indigent.

1 (c) Notice of withdrawal of candidacy must be in writing over the
2 signature of the candidate.

3 (d) The name of a candidate will appear on the special election
4 ballot unless notice of his withdrawal from the special election is
5 received by the lieutenant governor at least 40 days before the date of
6 the special election.

7 Sec. 15.50.180. MANNER AND DATE OF FILING DECLARATION. (a) A
8 declaration of candidacy for delegate to a constitutional convention is
9 filed by either

10 (1) the actual physical delivery of the declaration in person
11 at or before 5:00 p.m., prevailing time, February 15 of the year in
12 which the special election is held for the office, or

13 (2) the actual physical delivery by telegram of a copy in
14 substance of the statements in the declaration made under AS 15.50.-
15 170(1) - (5) at or before 5:00 p.m., prevailing time, February 15 of the
16 year in which the special election is held for the office and also the
17 actual physical delivery of the declaration by registered mail which is
18 postmarked at or before 5:00 p.m., prevailing time, February 15 of the
19 year in which the special election is held for the office and received
20 not more than 15 days after that time.

21 (b) If the postmark is illegible, a dated receipt from the post
22 office where dispatched is acceptable as evidence of mailing. If
23 February 15 is a Sunday or holiday, the deadlines for postmarking and
24 receipt of the declaration shall be extended 24 hours in each instance.

25 (c) If the declaration filed under (a) of this section is not
26 received within seven calendar days, the candidate shall be notified of
27 nonreceipt. The candidate shall have the opportunity to refile his
28 declaration with proof that his previous declaration has been filed in a
29 timely manner and in accordance with the law.

1 Sec. 15.50.190. QUALIFICATIONS OF CANDIDATES. (a) A candidate
2 for delegate from a district shall be a registered voter of the state
3 who has been a resident of the state for the three years preceding and
4 of the district from which he seeks election for one year preceding the
5 first day of the convention.

6 (b) A candidate for delegate at large shall be a registered voter
7 of the state who has been a resident of the state for the three years
8 preceding the first day of the convention.

9 Sec. 15.50.200. PLACEMENT OF NAMES OF CANDIDATES ON SPECIAL ELEC-
10 TION BALLOT. The lieutenant governor shall place the name of the per-
11 sons who have been properly nominated for delegate on the special elec-
12 tion ballot.

13 Sec. 15.50.210. NONPARTISAN ELECTION. The election of the dele-
14 gates to a constitutional convention shall be nonpartisan.

15 Sec. 15.50.220. BALLOTS. A separate ballot shall be prepared for
16 each election district. The ballot shall contain the names of the
17 candidates from the house district, from the senate district, and the
18 candidates running at large.

19 Sec. 15.50.230. CERTIFICATION OF ELECTION. On completion of his
20 review of the votes, the lieutenant governor shall certify the person
21 receiving the largest number of votes for the office for which he was a
22 candidate as elected. The lieutenant governor shall issue to the
23 elected delegates a certificate of election.

24 Sec. 15.50.240. DELEGATE VACANCY. (a) If a vacancy occurs in the
25 office of delegate for any reason, the vacancy shall be filled by a
26 candidate not certified as elected who received the highest number of
27 votes among the candidates in the election district in which the vacancy
28 occurred.

29 (b) If there are no remaining candidates to fill a vacancy, the

1 constitutional convention shall fill the vacancy with a person qualified
2 to be a delegate from the district in which the vacancy occurred.

3 Sec. 15.50.250. PLACE AND TIME OF CONSTITUTIONAL CONVENTION. (a)
4 If a majority of the votes cast under AS 15.50.070(a) is in the affirma-
5 tive, the constitutional convention shall assemble at the University of
6 Alaska, College, Alaska at 10:00 a.m. or as soon as a quorum is present
7 on the second Monday in September following the special election or at a
8 time specified in the call for the purpose of considering amendments or
9 revisions to the Constitution of the State of Alaska.

10 (b) The constitutional convention shall meet for not more than 90
11 days but may, in its discretion, recess for 15 days or less for public
12 hearings on proposed amendments or revisions to the constitution.

13 Sec. 15.50.260. OPENING OF THE CONSTITUTIONAL CONVENTION. The
14 governor shall open the constitutional convention and shall preside
15 until temporary officers are selected.

16 Sec. 15.50.270. POWERS OF THE CONSTITUTIONAL CONVENTION. (a) The
17 constitutional convention is the judge of the qualification or election
18 of its members.

19 (b) The constitutional convention may by a majority vote of its
20 members choose officers, prescribe their functions, powers and duties,
21 and make rules for the conduct of its business.

22 (c) The constitutional convention may request and shall receive
23 assistance and information from any state department or agency.

24 (d) The constitutional convention may employ professional, legal,
25 and other staff assistants and enter into contracts for goods and ser-
26 vices.

27 (e) The constitutional convention has plenary power to amend or
28 revise the constitution subject only to ratification by the people.

29 Sec. 15.50.280. RATIFICATION OF AMENDMENTS OR REVISIONS. (a) If

1 the constitutional convention submits amendments or revisions to the
2 people for ratification, the lieutenant governor shall call a special
3 election for the purpose of ratifying the amendments or revisions not
4 less than 40 or more than 120 days after the adjournment of the consti-
5 tutional convention.

6 (b) The ratification election shall be conducted under the provi-
7 sions of AS 15.

8 Sec. 15.50.290. CALL. (a) Within 60 days after an affirmative
9 vote under AS 15.50.070(a) or after the legislature has called a con-
10 stitutional convention, if specific appropriations have not been made
11 for the special election to select delegates, to hold the constitutional
12 convention, or to conduct a special ratification election, the lieu-
13 tenant governor shall include in his call for the constitutional con-
14 vention an appropriation which he determines is adequate for the pur-
15 poses. He shall deliver a copy of the call to the commissioner of
16 revenue.

17 (b) When the commissioner of revenue receives the copy of a call
18 under (a) of this section, he shall establish special accounts within
19 the general fund from which money for the purposes stated in (a) may be
20 drawn.

21 (c) The amounts appropriated for elections to select delegates or
22 to ratify an amendment or revision shall be spent and accounted for by
23 the lieutenant governor.

24 (d) The amounts appropriated for the constitutional convention
25 shall be spent and accounted for by the constitutional convention.

26 Sec. 15.50.300. EXPENSES, TRAVEL, AND PER DIEM OF DELEGATES.
27 Delegates to the convention are entitled to expenses, per diem, and
28 travel allowances provided by law for legislators while the legislature
29 is in session. Delegates receive no salary for their services as dele-

1 gates.

2 Sec. 15.50.310. IMMUNITIES. Delegates to a constitutional conven-
3 tion may not be held to answer before any tribunal for any statement
4 made in the exercise of their duties as a delegate to the constitutional
5 convention while the convention is in session. Delegates attending,
6 going to or returning from convention sessions are not subject to civil
7 process and are privileged from arrest except for felony or breach of
8 the peace.

9 Sec. 15.50.320. MEETINGS OF THE CONSTITUTIONAL CONVENTION. All
10 meetings of the constitutional convention shall be held in accordance
11 with AS 44.62.310 - 44.62.312.

12 * Sec. 6. AS 39.50.020(b) is amended to read:

13 (b) The governor, lieutenant governor, members of the legislature,
14 delegates to a constitutional convention, and candidates for these
15 offices, judicial officers, each commissioner, head or deputy head of,
16 or director of a division within, a department in the executive branch,
17 assistant to the governor or chairman or member of a commission or board
18 required to report under this chapter, shall file the statement with the
19 Alaska Public Offices Commission. Municipal officers, and candidates
20 for elective municipal office, shall file with the municipal clerk or
21 other municipal official designated to receive their filing for office.
22 All statements required to be filed under this chapter are public
23 records.

24 * Sec. 7. AS 39.50.200(1) is amended to read:

25 (1) "public official" means a judicial officer, a member of
26 the legislature or a constitutional convention, the governor, the lieu-
27 tenant governor, a person hired or appointed as the head or deputy head
28 of, or director of a division within, a department in the executive
29 branch, an assistant to the governor, chairman or member of a state

1 commission or board, and each appointed or elected municipal officer;

2 * Sec. 8. AS 39.50.200(9) is amended by adding a new paragraph to read:

3 (TT) Alaska Constitutional Convention Commission

4 (AS 15.50.091).

5 * Sec. 9. AS 39.50.200 is amended by adding a new paragraph to read:

6 (11) "candidate for state elective office" includes a candi-
7 date for election as a delegate to a constitutional convention.

8 * Sec. 10. AS 24.45.081 is amended to read:

9 Sec. 24.45.081. REPORTING PERIODS. (a) Reports required under
10 this chapter shall be filed during the calendar month following each
11 calendar month during any part of which the legislature was in session
12 and during the month following each calendar quarter when the legisla-
13 ture was not in session.

14 (b) If [HOWEVER, IF] a lobbyist registered under this chapter has
15 declared that he seeks only to influence administrative action and not
16 legislative action he need only file a report required under this
17 chapter for each calendar quarter. If a lobbyist registered under this
18 chapter has declared that he seeks to influence legislative action but
19 does not intend to influence legislative action at a constitutional con-
20 vention, he need only file the reports required under (a) of this sec-
21 tion. If a lobbyist registered under this section has declared that he
22 seeks to influence legislative action at a constitutional convention,
23 he need only file reports during the calendar month following each
24 calendar month during any part of which the constitutional convention
25 was in session.

26 (c) The period covered shall be the calendar month or the calendar
27 quarter, as applicable, and shall in any event cover the period from the
28 date of the last report filed under this chapter to the date of the end
29 of the calendar month or quarter, as applicable, for which the report is

1 being filed. The period covered shall not include any months covered in
2 previous reports filed by the same person. When total amounts are
3 required to be reported, totals shall be stated both for the period
4 covered by the statement and for the entire calendar year to date.

5 * Sec. 11. AS 24.45.161(a)(1)(B) is amended to read:

6 (B) who limits his lobbying activities to appearances
7 before public sessions of the legislature or a constitutional con-
8 vention, or their [ITS] committees or subcommittees, or to public
9 hearings or other public proceedings of state agencies;

10 * Sec. 12. AS 24.45.161(b) is amended to read:

11 (b) Nothing in this chapter may be construed as prohibiting or
12 affecting the rendering of professional services in drafting legislative
13 measures or in advising clients and in rendering opinions as to the
14 construction or effect of proposed or pending legislative or administra-
15 tive action when these professional services are not otherwise connected
16 with influencing or attempting to influence legislative or administra-
17 tive action. Nor does anything in this chapter prevent members of the
18 legislature or delegates to a constitutional convention from discussing
19 with constituents the advisability of passing legislation or proposals
20 for amendments or revisions then pending before, or proposed to be
21 presented to, the legislature or a constitutional convention.

22 * Sec. 13. AS 24.45.161(c) is amended to read:

23 (c) Either house of the legislature or a constitutional convention
24 [BY RESOLUTION, OR BOTH HOUSES OF THE LEGISLATURE BY CONCURRENT RESOLU-
25 TION,] may by appropriate resolution invite a person to appear to speak
26 before it [THE LEGISLATURE OR EITHER HOUSE] with reference to any
27 pending matter. A standing, special or interim committee of either
28 house of the legislature or of a constitutional convention may, upon the
29 concurrence of a majority of its members, extend an invitation to any

1 person to appear before the committee to give information in regard to,
2 or explain, any matter pending before the committee.

3 * Sec. 14. AS 24.45.171(7) is amended to read:

4 (7) "legislative action" means the preparation, research,
5 drafting, introduction, consideration, modification, amendment, ap-
6 proval, passage, enactment, defeat or rejection of any bill, resolution,
7 amendment, revision, motion, report, nomination, appointment or other
8 matter by the legislature or by a constitutional convention, or by a
9 standing, interim or special committee of the legislature or of a con-
10 stitutional convention, or by a member or employee of the legislature
11 or of a constitutional convention acting in his official capacity; it
12 includes, but is not limited to, the action of the governor in approving
13 or vetoing a bill or the action of the legislature in considering,
14 overriding or sustaining that veto and the action of the legislature in
15 considering, confirming or rejecting an executive appointment of the
16 governor;

17 * Sec. 15. AS 15.50.090 and 15.50.100 are repealed.

18 * Sec. 16. This Act takes effect immediately in accordance with AS 01.10.-
19 070(c).

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