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Referred: State Affairs, Judiciary  
and Finance

BY THE RULES COMMITTEE BY REQUEST  
OF THE LEGISLATIVE COUNCIL (for  
the Joint Interim Committee on  
the Constitutional Convention)

1 IN THE SENATE

2 SENATE BILL NO. 165

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to constitutional conventions; 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]  
11 ON BALLOT. The lieutenant governor shall direct the director to place  
12 the ballot title and proposition on the ballot for the next statewide  
13 general 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  
16 to be placed on the regular ballot by the director, the lieutenant  
17 governor shall direct the director to prepare a separate ballot for the  
18 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 direct the director to place [THE QUESTION] on the ballot for the  
25 next regular statewide general [OR PRIMARY] election the question:  
26 "Shall there be a Constitutional Convention?" Provision shall be made  
27 for marking the question "Yes" or "No".

28 \* Sec. 3. AS 15.50.080 is amended to read:

29 Sec. 15.50.080. CERTIFICATION OF VOTE. If a majority of the votes

1 cast on the question placed before the voters under AS 15.50.070 is  
2 [ARE] in the affirmative, the lieutenant governor shall [SO CERTIFY AND  
3 SHALL] issue the call for the constitutional convention under the pro-  
4 visions of this chapter.

5 \* Sec. 4. AS 15.50 is amended by adding new sections to read:

6 Sec. 15.50.091. DATE FOR ELECTION OF DELEGATES. (a) If a major-  
7 ity of the votes cast on the question put before the voters under  
8 AS 15.50.070 is in the affirmative, a special election for the selec-  
9 tion of delegates shall be held on the third Tuesday of May following  
10 the vote on the question.

11 (b) If the constitutional convention is called by the legis-  
12 lature, the date of the election of delegates shall be specified in the  
13 call.

14 Sec. 15.50.101. NUMBER OF DELEGATES. Sixty-five delegates shall  
15 be elected to a constitutional convention. Sixty delegates shall be  
16 elected under AS 15.50.111 and five delegates shall be elected at  
17 large.

18 Sec. 15.50.111. DELEGATE ELECTION DISTRICTS. Delegates to a  
19 constitutional convention, other than delegates elected at large, shall  
20 be elected from the same districts and in the same numbers as are  
21 elected to each house of the legislature according to the apportionment  
22 schedule in effect at the time that the election is held.

23 Sec. 15.50.120. QUALIFICATIONS OF CANDIDATES. (a) A candidate  
24 for delegate from a district shall be a registered voter of the state  
25 who has been a resident of the state for the three years preceding and  
26 of the district from which he seeks election for one year preceding the  
27 first day of the convention.

28 (b) A candidate for delegate at large shall be a registered voter  
29 of the state who has been a resident of the state for the three years

1 preceding the first day of the convention.

2 Sec. 15.50.130. DECLARATION AND WITHDRAWAL OF CANDIDACY. (a) A  
3 person who seeks to be a candidate in the special election for delegate  
4 to a constitutional convention shall execute and file a declaration of  
5 candidacy with the lieutenant governor. The declaration shall be  
6 executed under oath before an officer authorized to take acknowledge-  
7 ments and shall state in substance:

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

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

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

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

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

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

17 (7) that the candidate is a qualified voter as required by  
18 law;

19 (8) that the candidate requests that his name be placed on  
20 the special election ballot; and

21 (9) that the required fee accompanies the declaration.

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

25 (c) The name of a candidate will appear on the special election  
26 ballot unless notice of his withdrawal from the special election is  
27 received by the lieutenant governor at least 40 days before the date of  
28 the special election. Notice of withdrawal of candidacy must be in  
29 writing over the signature of the candidate.

1           Sec. 15.50.140. MANNER AND DATE OF FILING DECLARATION. (a) A  
2 declaration of candidacy for delegate to a constitutional convention is  
3 filed by

4           (1) the actual physical delivery of the declaration in  
5 person to the lieutenant governor at or before 5:00 p.m., local time,  
6 February 15 of the year in which the special election is held for the  
7 office;

8           (2) the actual physical delivery of the declaration by mail  
9 to the lieutenant governor at or before 5:00 p.m., local time, Febru-  
10 ary 15 of the year in which the special election is held for the office;  
11 or

12           (3) the actual physical delivery

13           (A) by telegram of a declaration with the statements  
14 required in AS 15.50.130(a)(1) - (5) to the lieutenant governor  
15 at or before 5:00 p.m., local time, February 15 of the year in  
16 which the special election is held for the office; and

17           (B) by registered mail of a complete declaration of  
18 candidacy which is postmarked at or before 5:00 p.m., local time,  
19 February 15 of the year in which the special election is held for  
20 the office and received by the lieutenant governor not more than  
21 15 days after that time.

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

26           (c) If a candidate sends a telegram under (a)(3) of this section  
27 and the lieutenant governor does not receive a declaration of candidacy  
28 by registered mail within 15 days of February 15, the candidate shall  
29 be notified of the nonreceipt of the declaration. The candidate shall

1 have the opportunity to refile his declaration with proof that his  
2 previous declaration has been filed in a timely manner and in accord-  
3 ance with law.

4 Sec. 15.50.150. NONPARTISAN ELECTION. The election of the dele-  
5 gates to a constitutional convention shall be nonpartisan.

6 Sec. 15.50.160. PLACEMENT OF NAMES OF CANDIDATES ON SPECIAL ELEC-  
7 TION BALLOT. The lieutenant governor shall place the names of the per-  
8 sons who have filed proper declarations of candidacy for delegate on  
9 the special election ballot.

10 Sec. 15.50.170. BALLOTS. A separate ballot shall be prepared for  
11 each election district. The ballot shall contain the names of the  
12 candidates for delegate from the house district, from the senate dis-  
13 trict, and the candidates running at large.

14 Sec. 15.50.180. CERTIFICATION OF ELECTION. On completion of his  
15 review of the votes, the lieutenant governor shall certify the person  
16 receiving the largest number of votes for the office for which he was a  
17 candidate as elected. The lieutenant governor shall issue each elected  
18 delegate a certificate of election.

19 \* Sec. 5. AS 15.50 is amended by adding a new section to read:

20 ARTICLE 9. GENERAL PROVISIONS.

21 Sec. 15.50.900. DELEGATION BY THE LIEUTENANT GOVERNOR. The  
22 lieutenant governor may delegate the duties imposed on him by this  
23 chapter to the director.

24 \* Sec. 6. AS 44 is amended by adding a new chapter to read:

25 CHAPTER 90. CONSTITUTIONAL CONVENTION.

26 Sec. 44.90.010. CALL. (a) Within 60 days after an affirmative  
27 vote under AS 15.50.070 or within 60 days after the legislature has  
28 called a constitutional convention, if specific appropriations have not  
29 been made for the special election to select delegates, to hold the

1 constitutional convention, or to conduct a special ratification elec-  
2 tion, the lieutenant governor shall include in his call for the consti-  
3 tutional convention an appropriation which he determines is adequate  
4 for those purposes. He shall deliver a copy of the call to the commis-  
5 sioner of revenue.

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

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

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

15 Sec. 44.90.020. PLACE AND TIME OF CONSTITUTIONAL CONVENTION. (a)  
16 If a majority of the votes cast under AS 15.50.070 is in the affirma-  
17 tive, the constitutional convention shall assemble at the University of  
18 Alaska, College, Alaska at 10:00 a.m. or as soon as a quorum is present  
19 on the second Monday in September following the special election or at  
20 a time specified in the call for the purpose of considering amendments  
21 or revisions to the Constitution of the State of Alaska.

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

25 Sec. 44.90.030. OPENING OF THE CONSTITUTIONAL CONVENTION. The  
26 governor shall open the constitutional convention and shall preside  
27 until temporary officers are selected.

28 Sec. 44.90.040. MEETINGS OF THE CONSTITUTIONAL CONVENTION. All  
29 meetings of the constitutional convention shall be held in accordance

1 with AS 44.62.310 - 44.62.312.

2 Sec. 44.90.050. POWERS OF THE CONSTITUTIONAL CONVENTION. (a)  
3 The constitutional convention is the judge of the qualification and  
4 election of its members.

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

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

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

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

15 Sec. 44.90.060. RATIFICATION OF AMENDMENTS OR REVISIONS. (a) If  
16 the constitutional convention submits amendments or revisions to the  
17 people for ratification, the lieutenant governor shall call a special  
18 election for the purpose of ratifying the amendments or revisions not  
19 less than 40 or more than 120 days after the adjournment of the consti-  
20 tutional convention.

21 (b) The ratification election shall be conducted under AS 15.

22 Sec. 44.90.070. IMMUNITIES. A delegate to a constitutional con-  
23 vention may not be held to answer before any tribunal for any statement  
24 made in the exercise of his duties as a delegate to the constitutional  
25 convention while the convention is in session. A delegate attending,  
26 going to or returning from convention sessions is not subject to civil  
27 process and is privileged from arrest except for felony or breach of  
28 the peace.

29 Sec. 44.90.080. EXPENSES, TRAVEL, AND PER DIEM OF DELEGATES. A

1 delegate to the constitutional convention is entitled to expenses, per  
2 diem, and travel allowances provided by law for legislators while the  
3 legislature is in session. A delegate does not receive salary for ser-  
4 vice as a delegate.

5 Sec. 44.90.090. DELEGATE VACANCY. If a vacancy occurs in the  
6 office of delegate, the governor shall appoint a qualified person to  
7 fill the vacancy.

8 \* Sec. 7. AS 39.50.020(b) is amended to read:

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

20 \* Sec. 8. AS 39.50.200(a)(1) is amended to read:

21 (1) "public official" means a judicial officer, a member of  
22 the legislature, a delegate to a constitutional convention, the gover-  
23 nor, the lieutenant governor, a person hired or appointed as the head  
24 or deputy head of, or director of a division within, a department in  
25 the executive branch, an assistant to the governor, chairman or member  
26 of a state commission or board, and each appointed or elected municipal  
27 officer;

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

29 (10) "candidate for state elective office" includes a candi-

1 date for election as a delegate to a constitutional convention.

2 \* Sec. 10. AS 24.45.081 is amended to read:

3 Sec. 24.45.081. REPORTING PERIODS. (a) Reports required under  
4 this chapter shall be filed during the calendar month following each  
5 calendar month during any part of which the legislature was in session  
6 and during the month following each calendar quarter when the legisla-  
7 ture was not in session.

8 (b) If [HOWEVER, IF] a lobbyist registered under this chapter has  
9 declared that he seeks only to influence administrative action and not  
10 legislative action he need only file a report required under this  
11 chapter for each calendar quarter. If a lobbyist registered under this  
12 chapter has declared that he seeks to influence legislative action but  
13 does not intend to influence legislative action at a constitutional  
14 convention, he need only file the reports required under (a) of this  
15 section. If a lobbyist registered under this section has declared that  
16 he seeks to influence legislative action at a constitutional conven-  
17 tion, he need only file reports during the calendar month following  
18 a calendar month during which the constitutional convention was in  
19 session.

20 (c) The period covered shall be the calendar month or the calen-  
21 dar quarter, as applicable, and shall in any event cover the period  
22 from the date of the last report filed under this chapter to the date  
23 of the end of the calendar month or quarter, as applicable, for which  
24 the report is being filed. The period covered shall not include any  
25 months covered in previous reports filed by the same person. When  
26 total amounts are required to be reported, totals shall be stated both  
27 for the period covered by the statement and for the entire calendar  
28 year to date.

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

1 (B) who limits his lobbying activities to appearances  
2 before public sessions of the legislature or before public ses-  
3 sions of a constitutional convention, or their [ITS] committees or  
4 subcommittees, or to public hearings or other public proceedings  
5 of state agencies;

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

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

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

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

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

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(7) "legislative action" means the preparation, research, drafting, introduction, consideration, modification, amendment, approval, passage, enactment, defeat or rejection of any bill, resolution, proposition, amendment, revision, motion, report, nomination, appointment or other matter by the legislature or by a constitutional convention, or by a standing, interim or special committee of the legislature or of a constitutional convention, or by a member or employee of the legislature or of a constitutional convention acting in his official capacity; it includes, but is not limited to, the action of the governor in approving or vetoing a bill or the action of the legislature in considering, overriding or sustaining that veto and the action of the legislature in considering, confirming or rejecting an executive appointment of the governor;

\* Sec. 15. AS 15.50.090, 15.50.100, and 15.50.110 are repealed.

\* Sec. 16. This Act takes effect immediately in accordance with AS 01.-10.070(c).