

Original sponsor: Rules/Legislative Council

Offered: 3/12/81  
Referred: Judiciary

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 165 (State Affairs) am

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 is 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

1 votes cast on the question placed before the voters under AS 15.50.070  
2 is [ARE] in the affirmative, the lieutenant governor shall [SO CERTIFY  
3 AND SHALL] issue the call for the constitutional convention under the  
4 provisions 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 the candidate seeks election for one year  
27 preceding the 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 director. The declaration shall be executed under  
6 oath before an officer authorized to take acknowledgements and shall  
7 state in substance:

8 (1) the full name of the candidate and the manner in which  
9 the name of the candidate is 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 the declaration was filed;

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

19 (8) that the name of the candidate be placed on the special  
20 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 of indigency.

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

29 Sec. 15.50.140. MANNER AND DATE OF FILING DECLARATION. (a) A

1 declaration of candidacy for delegate to a constitutional convention is  
2 filed by

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

6 (2) the actual physical delivery of the declaration by mail  
7 at or before 5:00 p.m., local time, February 15 of the year in which  
8 the special election is held for the office; or

9 (3) the actual physical delivery

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

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

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

22 (c) A candidate for delegate to the constitutional convention may  
23 file either with the director or an election supervisor. If the candi-  
24 date files the declaration with an election supervisor, the election  
25 supervisor shall immediately forward the declaration to the director.

26 (d) If the declaration filed under (a)(3)(B) of this section is  
27 not received by registered mail within 15 days of February 15, the  
28 candidate shall be notified of the nonreceipt of the declaration. The  
29 candidate shall have seven days from the date of the notice to refile

1 the declaration with proof that the previous declaration has been filed  
2 in a timely manner and in accordance with law.

3 (e) A declaration of candidacy for delegate to a constitutional  
4 convention may not be accepted by the director, earlier than the  
5 December 15 preceding the election.

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

8 Sec. 15.50.160. PLACEMENT OF NAMES OF CANDIDATES ON SPECIAL ELEC-  
9 TION BALLOT. The director shall place the names of the persons who  
10 have filed proper declarations of candidacy for delegate on the special  
11 election ballot.

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

16 Sec. 15.50.180. CERTIFICATION OF ELECTION. On completion of the  
17 review of the votes, the lieutenant governor shall certify the election  
18 of each person receiving the largest number of votes for each office.  
19 The lieutenant governor shall issue each elected delegate a certificate  
20 of election.

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

22 ARTICLE 9. GENERAL PROVISIONS.

23 Sec. 15.50.900. DELEGATION BY THE LIEUTENANT GOVERNOR. The  
24 lieutenant governor may delegate the duties created by this chapter to  
25 the director.

26 \* Sec. 6. AS 15.58.010 is amended by adding a new subsection to read:

27 (b) Before each special state election for delegate to a constitu-  
28 tional convention and for the ratification of an amendment or revision  
29 of the constitution, the lieutenant governor shall prepare, publish,

1 and mail an election pamphlet to each registered voter. A pamphlet for  
2 the special election for delegate to a constitutional convention may be  
3 prepared on a regional basis as determined by the lieutenant governor.

4 \* Sec. 7. AS 44 is amended by adding a new chapter to read:

5 CHAPTER 90. CONSTITUTIONAL CONVENTION.

6 Sec. 44.90.010. CALL. (a) Within 60 days after an affirmative  
7 vote under AS 15.50.070 or within 60 days after the legislature has  
8 called a constitutional convention, if specific appropriations have not  
9 been made for the special election to select delegates, to hold the  
10 constitutional convention, or to conduct a special ratification elec-  
11 tion, the lieutenant governor shall include in the call for the consti-  
12 tutional convention an appropriation determined to be adequate for  
13 those purposes. The lieutenant governor shall deliver a copy of the  
14 call to the commissioner of revenue.

15 (b) On receipt of the copy of a call under (a) of this section  
16 the commissioner of revenue shall establish special accounts within the  
17 general fund from which money for the purposes stated in (a) of this  
18 section may be drawn.

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

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

24 Sec. 44.90.020. PLACE AND TIME OF CONSTITUTIONAL CONVENTION. (a)  
25 If a majority of the votes cast under AS 15.50.070 is in the affirma-  
26 tive, the delegates elected to the constitutional convention shall  
27 assemble in the capitol at 10:00 a.m. or as soon as a quorum is present  
28 on the second Monday in July following the special election or at a  
29 time specified in the call to elect the officers of the convention, to

1 select the presiding officers of the committees of the convention, and  
2 to select the site of the convention. The constitutional convention  
3 shall meet for these purposes for not more than five days. The days  
4 allowed for meetings under this subsection are in addition to the days  
5 allowed under (c) of this section.

6 (b) The constitutional convention shall assemble at the place  
7 determined under (a) of this section at 10:00 a.m. or as soon as a  
8 quorum is present on the second Monday in September following the  
9 special election or at a time specified in the call for the purpose of  
10 considering amendments or revisions to the Constitution of the State of  
11 Alaska.

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

15 Sec. 44.90.030. OPENING OF THE CONSTITUTIONAL CONVENTION. The  
16 governor shall open the constitutional convention and shall preside  
17 until temporary officers are selected.

18 Sec. 44.90.040. MEETINGS OF THE CONSTITUTIONAL CONVENTION. All  
19 meetings of the constitutional convention shall be held in accordance  
20 with AS 44.62.310 - 44.62.312.

21 Sec. 44.90.050. POWERS OF THE CONSTITUTIONAL CONVENTION. (a)  
22 The constitutional convention is the judge of the qualification and  
23 election of its members.

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

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

29 (d) The constitutional convention may employ professional, legal,

1 and other staff assistants and enter into contracts for goods and ser-  
2 vices.

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

5 Sec. 44.90.060. RATIFICATION OF AMENDMENTS OR REVISIONS. (a) If  
6 the constitutional convention submits amendments or revisions to the  
7 people for ratification, the lieutenant governor shall call a special  
8 election for the purpose of ratifying the amendments or revisions not  
9 less than 40 or more than 120 days after the adjournment of the consti-  
10 tutional convention.

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

12 Sec. 44.90.070. IMMUNITIES. A delegate to a constitutional con-  
13 vention may not be held to answer before any tribunal for any statement  
14 made in the exercise of duties as a delegate to the constitutional  
15 convention while the convention is in session. A delegate attending,  
16 going to or returning from convention sessions is not subject to civil  
17 process and is privileged from arrest except for felony or breach of  
18 the peace.

19 Sec. 44.90.080. EXPENSES, TRAVEL, AND PER DIEM OF DELEGATES. A  
20 delegate to the constitutional convention is entitled to expenses, per  
21 diem, and travel allowances provided by law for legislators while the  
22 legislature is in session. A delegate does not receive salary for ser-  
23 vice as a delegate.

24 Sec. 44.90.090. DELEGATE VACANCY. If a vacancy occurs in the  
25 office of delegate, the governor shall appoint a qualified person to  
26 fill the vacancy.

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

28 (b) The governor, lieutenant governor, members of the legislature,  
29 delegates to a constitutional convention, and candidates for these

1 offices, judicial officers, each commissioner, head or deputy head of,  
2 or director of a division within, a department in the executive branch,  
3 assistant to the governor or chairman or member of a commission or  
4 board required to report under this chapter, shall file the statement  
5 with the Alaska Public Offices Commission. Municipal officers, and  
6 candidates for elective municipal office, shall file with the municipal  
7 clerk or other municipal official designated to receive their filing  
8 for office. All statements required to be filed under this chapter are  
9 public records.

10 \* Sec. 9. AS 39.50.200(a)(1) is amended to read:

11 (1) "public official" means a judicial officer, a member of  
12 the legislature, a delegate to a constitutional convention, the gover-  
13 nor, the lieutenant governor, a person hired or appointed as the head  
14 or deputy head of, or director of a division within, a department in  
15 the executive branch, an assistant to the governor, chairman or member  
16 of a state commission or board, and each appointed or elected municipal  
17 officer;

18 \* Sec. 10. AS 39.50.200(a) is amended by adding a new paragraph to read:

19 (10) "candidate for state elective office" includes a candi-  
20 date for election as a delegate to a constitutional convention.

21 \* Sec. 11. AS 24.45.081 is amended to read:

22 Sec. 24.45.081. REPORTING PERIODS. (a) Reports required under  
23 this chapter shall be filed during the calendar month following each  
24 calendar month during any part of which the legislature was in session  
25 and during the month following each calendar quarter when the legisla-  
26 ture was not in session.

27 (b) If [HOWEVER, IF] a lobbyist registered under this chapter has  
28 registered [DECLARED THAT HE SEEKS] only to influence administrative  
29 action and not legislative action the lobbyist [HE] need only file a

1 report required under this chapter for each calendar quarter. If a  
2 lobbyist registered under this chapter has registered to influence  
3 legislative action but does not intend to influence legislative action  
4 at a constitutional convention, the lobbyist need only file the reports  
5 required under (a) of this section. If a lobbyist registered under  
6 this section has registered to influence legislative action at a consti-  
7 tutional convention, the lobbyist need only file reports during the  
8 calendar month following a calendar month during which the constitu-  
9 tional convention was in session.

10 (c) The period covered shall be the calendar month or the calendar  
11 quarter, as applicable, and shall in any event cover the period from  
12 the date of the last report filed under this chapter to the date of the  
13 end of the calendar month or quarter, as applicable, for which the  
14 report is being filed. The period covered shall not include any months  
15 covered in previous reports filed by the same person. When total  
16 amounts are required to be reported, totals shall be stated both for  
17 the period covered by the statement and for the entire calendar year to  
18 date.

19 \* Sec. 12. AS 24.45.161(a)(1)(B) is amended to read:

20 (B) who limits [HIS] lobbying activities to appearances  
21 before public sessions of the legislature or before public ses-  
22 sions of a constitutional convention, or their [ITS] committees or  
23 subcommittees, or to public hearings or other public proceedings  
24 of state agencies;

25 \* Sec. 13. AS 24.45.161(b) is amended to read:

26 (b) Nothing in this chapter may be construed as prohibiting or  
27 affecting the rendering of professional services in drafting legis-  
28 lative measures or in advising clients and in rendering opinions as to  
29 the construction or effect of proposed or pending legislative or admin-

1 istrative action when these professional services are not otherwise  
2 connected with influencing or attempting to influence legislative or  
3 administrative action. Nor does anything in this chapter prevent  
4 members of the legislature or delegates to a constitutional convention  
5 from discussing with constituents the advisability of passing legis-  
6 lation or proposals for amendments or revisions then pending before, or  
7 proposed to be presented to, the legislature or a constitutional con-  
8 vention.

9 \* Sec. 14. AS 24.45.161(c) is amended to read:

10 (c) Either house of the legislature or a constitutional con-  
11 vention [BY RESOLUTION, OR BOTH HOUSES OF THE LEGISLATURE BY CONCURRENT  
12 RESOLUTION,] may by resolution invite a person to appear to speak  
13 before it [THE LEGISLATURE OR EITHER HOUSE] with reference to any  
14 pending matter. A standing, special or interim committee of either  
15 house of the legislature or of a constitutional convention may, upon  
16 the concurrence of a majority of its members, extend an invitation to  
17 any person to appear before the committee to give information in regard  
18 to, or explain, any matter pending before the committee.

19 \* Sec. 15. AS 24.45.171(7) is amended to read:

20 (7) "legislative action" means the preparation, research,  
21 drafting, introduction, consideration, modification, amendment, ap-  
22 proval, passage, enactment, defeat or rejection of any bill, resolution,  
23 proposition, amendment, revision, motion, report, nomination, appoint-  
24 ment or other matter by the legislature or by a constitutional conven-  
25 tion, or by a standing, interim or special committee of the legislature  
26 or of a constitutional convention, or by a member or employee of the  
27 legislature or of a constitutional convention acting in an [HIS] offi-  
28 cial capacity; it includes, but is not limited to, the action of the  
29 governor in approving or vetoing a bill or the action of the legislature

1 in considering, overriding or sustaining that veto and the action of the  
2 legislature in considering, confirming or rejecting an executive appoint-  
3 ment of the governor;

4 \* Sec. 16. AS 15.50.090, 15.50.100, and 15.50.110 are repealed.

5 \* Sec. 17. This Act takes effect immediately in accordance with AS 01.10.-  
6 070(c).

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