

HOUSE JOINT RESOLUTION NO. 45
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Introduced: 5/1/91

Referred: State Affairs, Judiciary, Finance

A RESOLUTION

1 Proposing amendments to the Constitution of the State of Alaska relating to
2 reapportionment of the legislature.

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

4 * Section 1. Article II, sec. 2, Constitution of the State of Alaska, is amended to read:

5 SECTION 2. MEMBERS' QUALIFICATIONS. A member of the legislature shall be
6 a qualified voter who has been a resident of Alaska for at least three years and, except as
7 provided in Section 12 of Article VI, of the district from which elected for at least one year,
8 immediately preceding his filing for office. A senator shall be at least twenty-five years of age
9 and a representative at least twenty-one years of age.

10 * Sec. 2. Article VI, sec. 1, Constitution of the State of Alaska, is amended to read:

11 SECTION 1. ELECTION DISTRICTS. Members of the house of representatives shall
12 be elected by the qualified voters of the respective election districts. The boundaries of the
13 election districts shall be set by the Reapportionment Board under this article after each
14 decennial census of the United States [UNTIL REAPPORTIONMENT, ELECTION
15 DISTRICTS AND THE NUMBER OF REPRESENTATIVES TO BE ELECTED FROM EACH
16 DISTRICT SHALL BE AS SET FORTH IN SECTION 1 OF ARTICLE XIV].

1 * **Sec. 3.** Article VI, sec. 2, Constitution of the State of Alaska, is amended to read:

2 SECTION 2. SENATE DISTRICTS. Members of the senate shall be elected by the
3 qualified voters of the respective senate districts. The boundaries of the senate districts shall
4 be set by the Reapportionment Board under this article after each decennial census of the
5 United States [SENATE DISTRICTS SHALL BE AS SET FORTH IN SECTION 2 OF
6 ARTICLE XIV, SUBJECT TO CHANGES AUTHORIZED IN THIS ARTICLE].

7 * **Sec. 4.** Article VI, sec. 3, Constitution of the State of Alaska, is amended to read:

8 SECTION 3. REAPPORTIONMENT OF HOUSE AND SENATE. The
9 Reapportionment Board [GOVERNOR] shall reapportion the house of representatives and the
10 senate immediately following the official reporting of each decennial census of the United
11 States. Reapportionment shall be based upon resident [CIVILIAN] population within each
12 election district as reported by the census.

13 * **Sec. 5.** Article VI, sec. 4, Constitution of the State of Alaska, is amended to read:

14 SECTION 4. METHOD. Reapportionment shall be by the method of equal proportions,
15 An election district may elect more than one representative. A senate district shall be
16 composed of one or more adjacent election districts and may elect more than one senator
17 [, EXCEPT THAT EACH ELECTION DISTRICT HAVING THE MAJOR FRACTION OF THE
18 QUOTIENT OBTAINED BY DIVIDING TOTAL CIVILIAN POPULATION BY FORTY
19 SHALL HAVE ONE REPRESENTATIVE].

20 * **Sec. 6.** Article VI, sec. 6, Constitution of the State of Alaska, is amended to read:

21 SECTION 6. DISTRICT BOUNDARIES. Election districts and senate districts
22 [REDISTRICTING. THE GOVERNOR MAY FURTHER REDISTRICT BY CHANGING THE
23 SIZE AND AREA OF ELECTION DISTRICTS, SUBJECT TO THE LIMITATIONS OF THIS
24 ARTICLE. EACH NEW DISTRICT SO CREATED] shall be formed of contiguous and compact
25 territory containing as nearly as practicable a relatively integrated socio-economic area. [EACH
26 SHALL CONTAIN A POPULATION AT LEAST EQUAL TO THE QUOTIENT OBTAINED
27 BY DIVIDING THE TOTAL CIVILIAN POPULATION BY FORTY.] Consideration may be
28 given to local government boundaries. Drainage and other geographic features shall be used in
29 describing boundaries wherever possible. Election district and senate district boundaries may
30 not be drawn with the intent of giving an advantage to a political party.

31 * **Sec. 7.** Article VI, sec. 8, Constitution of the State of Alaska, is amended to read:

32 SECTION 8. REAPPORTIONMENT BOARD. (a) Reapportionment shall be

1 conducted by the Reapportionment Board [THE GOVERNOR SHALL APPOINT A
2 REAPPORTIONMENT BOARD TO ACT IN AN ADVISORY CAPACITY TO HIM]. It shall
3 consist of nine [FIVE] members, none of whom may be public employees or officials. At least
4 one member [EACH] shall be appointed from each judicial district established by law under
5 Section 1 of Article IV and no more than five members shall be appointed from a judicial
6 district [THE SOUTHEASTERN, SOUTHCENTRAL, CENTRAL, AND NORTHWESTERN
7 SENATE DISTRICTS]. Appointments shall be made without regard to political affiliation, and
8 no more than five members may be members of the same political party. Board members
9 shall be compensated as provided by law.

10 (b) Board members shall be appointed during the first fifteen days of the first
11 regular session of the legislature that convenes in a year following a year in which the
12 census is taken. Board members shall be appointed as follows:

13 (1) one member shall be appointed by the governor;

14 (2) two members shall be appointed by a caucus of the members of the house
15 of representatives representing the political party with the largest number of members in
16 the house of representatives;

17 (3) two members shall be appointed by a caucus of the members of the house
18 of representatives representing the political party with the second largest number of
19 members in the house of representatives;

20 (4) two members shall be appointed by a caucus of the members of the senate
21 representing the political party with the largest number of members in the senate; and

22 (5) two members shall be appointed by a caucus of the members of the senate
23 representing the political party with the second largest number of members in the senate.

24 (c) A member of the Reapportionment Board may not be a candidate for the
25 legislature in the two general elections following the adoption of a final reapportionment
26 plan under this article.

27 * Sec. 8. Article VI, sec. 9, Constitution of the State of Alaska, is amended to read:

28 SECTION 9. ORGANIZATION. The board shall elect one of its members chairman and
29 may employ temporary assistants. If the board is unable to elect a chair within fourteen days
30 of the date of appointment of the board members, the supreme court shall meet to select
31 a chair by majority vote no later than seven days after the end of the fourteen-day period.

32 Concurrence of five [THREE] members is required for a ruling or determination, but a lesser

1 number may conduct hearings or otherwise act for the board.

2 * Sec. 9. Article VI, sec. 10, Constitution of the State of Alaska, is amended to read:

3 SECTION 10. REAPPORTIONMENT PLAN [AND PROCLAMATION]. No later than
4 eighteen months before the date of the first general election following the official reporting
5 of each decennial census, the Reapportionment Board shall adopt a proposed
6 reapportionment plan. The board shall hold public hearings on the proposed plan and shall
7 hold at least one hearing in each judicial district under Section 1 of Article IV. No later
8 than fourteen months before the date of the first general election following the official
9 reporting of each decennial census, the board shall adopt a final reapportionment plan
10 [WITHIN NINETY DAYS FOLLOWING THE OFFICIAL REPORTING OF EACH
11 DECENNIAL CENSUS, THE BOARD SHALL SUBMIT TO THE GOVERNOR A PLAN FOR
12 REAPPORTIONMENT AND REDISTRICTING AS PROVIDED IN THIS ARTICLE. WITHIN
13 NINETY DAYS AFTER RECEIPT OF THE PLAN, THE GOVERNOR SHALL ISSUE A
14 PROCLAMATION OF REAPPORTIONMENT AND REDISTRICTING. AN
15 ACCOMPANYING STATEMENT SHALL EXPLAIN ANY CHANGE FROM THE PLAN OF
16 THE BOARD]. The final reapportionment plan adopted by the board under this section
17 [AND REDISTRICTING] shall be effective for the election of members of the legislature until
18 after the official reporting of the next decennial census.

19 * Sec. 10. Article VI, sec. 11, Constitution of the State of Alaska, is amended to read:

20 SECTION 11. ENFORCEMENT. Any qualified voter may apply to the superior court
21 to compel the governor, the members of the legislature, or the Reapportionment Board [BY
22 MANDAMUS OR OTHERWISE,] to perform their [HIS] reapportionment duties or to correct
23 any error in redistricting or reapportionment. Application to compel performance of [THE
24 GOVERNOR TO PERFORM HIS] reapportionment duties must be filed within thirty days of
25 the date that an act is required to be done under [EXPIRATION OF EITHER OF THE TWO
26 NINETY-DAY PERIODS SPECIFIED IN] this article. Application to compel correction of any
27 error in redistricting or reapportionment must be filed within thirty days following the adoption
28 of the final plan by the Reapportionment Board [PROCLAMATION]. Original jurisdiction
29 in these matters is hereby vested in the superior court. On appeal, the cause shall be reviewed
30 by the supreme court upon the law and the facts.

31 * Sec. 11. Article VI, Constitution of the State of Alaska, is amended by adding a new section to
32 read:

1 **SECTION 12. ELIGIBILITY OF CANDIDATES AFTER REAPPORTIONMENT.** In
2 the first general election following the adoption of a reapportionment plan, a person may be a
3 candidate for election to the legislature in an election district or senate district that contains a part
4 of the former district in which the candidate resides, even if the candidate's residence is not
5 located in the boundaries of the new district. If a candidate is elected under this section in a
6 district in which the candidate does not reside, the candidate shall within one year of election
7 physically relocate the candidate's residence to the new district, or the candidate shall be
8 automatically expelled from the legislature.

9 * **Sec. 12.** Article XV, Constitution of the State of Alaska, is amended by adding a new section to
10 read:

11 **SECTION. 29. REAPPORTIONMENT OF LEGISLATURE FOLLOWING 1990**
12 **CENSUS.** If on the effective date of the 1992 amendments to Article VI the governor has issued
13 a proclamation of reapportionment that has been in effect for over thirty days without judicial
14 review being sought under Section 11 of Article VI, that has been upheld by the superior court
15 under Section 11 of Article VI, and the time for appeal to the supreme court has run without an
16 appeal being taken, or that has been upheld by the supreme court and the time to request
17 reconsideration of the supreme court's ruling has run, or if on the effective date of the 1992
18 amendments to Article VI the governor has issued a proclamation of reapportionment that is still
19 subject to a request for judicial review under Section 11 of Article VI, or that is undergoing
20 judicial review under that section, and a request for judicial review is not made in a timely
21 manner or a plan under judicial review is upheld by the superior court and not appealed or is
22 upheld by the supreme court, that proclamation of reapportionment shall remain in effect until
23 the decennial census in the year 2,000. If on the effective date of the 1992 amendments to
24 Article VI there is no valid proclamation of reapportionment in effect because of judicial review
25 of a prior proclamation, or if judicial review of a proclamation of reapportionment results in the
26 invalidation of a proclamation following the effective date of the 1992 amendments to Article
27 VI, reapportionment of the legislature shall be done by the Reapportionment Board established
28 in Section 8 of Article VI, as amended by the 1992 amendments.

29 * **Sec. 13.** Article VI, secs. 5 and 7, and Article XIV, Constitution of the State of Alaska, are
30 repealed.

31 * **Sec. 14.** The amendments proposed by this resolution shall be placed before the voters of the state
32 at the next general election in conformity with art. XIII, sec. 1, Constitution of the State of Alaska, and

1 the election laws of the state.