

**CS FOR HOUSE JOINT RESOLUTION NO. 45 (STATE AFFAIRS)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 1/29/92

Referred: Judiciary, Finance

Sponsor(s): HOUSE JUDICIARY COMMITTEE

**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 under this article after each decennial census of the United  
14 States [UNTIL REAPPORTIONMENT, ELECTION DISTRICTS AND THE NUMBER OF  
15 REPRESENTATIVES TO BE ELECTED FROM EACH DISTRICT SHALL BE AS SET  
16 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 under this article after each decennial census of the United States [SENATE  
5 DISTRICTS SHALL BE AS SET FORTH IN SECTION 2 OF ARTICLE XIV, SUBJECT TO  
6 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 board member may be removed for misfeasance or nonfeasance in office by  
25 the entity that appointed the member. A vacancy on the board shall be filled by the entity  
26 that appointed the member whose seat is vacant.

27 (d) A member of the Reapportionment Board may not be a candidate for the  
28 legislature in the two general elections following the adoption of a final reapportionment  
29 plan under this article.

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

31 SECTION 9. ORGANIZATION. The board shall elect one of its members chairman and  
32 may employ temporary assistants. Concurrence of five [THREE] members is required for a

1 ruling or determination, except for the adoption of a final reapportionment plan, but a lesser  
2 number may conduct hearings or otherwise act for the board.

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

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

20 (b) Adoption of a final reapportionment plan shall require the affirmative votes of  
21 six members of the board. If the board is unable to adopt a final plan by the date specified  
22 in (a) or (c)(3) of this section, it shall transmit all the proposals before it to the supreme  
23 court. Within ten days of receipt of the transmittal, the supreme court shall appoint a  
24 panel of three superior court judges and transmit to the panel not more than the three  
25 proposals that received the greatest number of votes by the board. Within forty-five days  
26 of the transmittal, the panel shall adopt one of the proposals transmitted without change  
27 as a final plan. The supreme court shall adopt rules for proceedings before the three-judge  
28 panel under this subsection.

29 (c) If the data from a decennial census is not available to the board by a date sixteen  
30 months before the first general election following a decennial census year,

31 (1) a plan adopted by the board shall not take effect until the second general  
32 election following the decennial census year;

1                   **(2) for the first general election following the decennial census year, members**  
2 **of the legislature shall be elected from districts in existence as a result of the previous**  
3 **reapportionment plan or proclamation; and**

4                   **(3) the board shall adopt a proposed plan within four months of the receipt**  
5 **of the census data and shall adopt a final plan within four months of the adoption of the**  
6 **proposed plan.**

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

8                   SECTION 11. ENFORCEMENT. Any qualified voter may apply to the superior court  
9 to compel the governor, **the members of the legislature, or the Reapportionment Board** [BY  
10 MANDAMUS OR OTHERWISE,] to perform **their** [HIS] reapportionment duties or to correct  
11 any error in redistricting or reapportionment. Application to compel **performance of** [THE  
12 GOVERNOR TO PERFORM HIS] reapportionment duties must be filed within thirty days of  
13 the **date that an act is required to be done under** [EXPIRATION OF EITHER OF THE TWO  
14 NINETY-DAY PERIODS SPECIFIED IN] this article. Application to compel correction of any  
15 error in redistricting or reapportionment must be filed within thirty days following the **adoption**  
16 **of the final plan by the Reapportionment Board or by the three-judge superior court panel**  
17 **appointed by the supreme court under Section 10 of this article** [PROCLAMATION].

18 Original jurisdiction in these matters is hereby vested in the superior court. On appeal, the cause  
19 shall be reviewed by the supreme court upon the law and the facts.

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

22                   SECTION 12. ELIGIBILITY OF CANDIDATES AFTER REAPPORTIONMENT. In  
23 the first general election following the adoption of a reapportionment plan, a person may be a  
24 candidate for election to the legislature in an election district or senate district that contains a part  
25 of the former district in which the candidate resides, even if the candidate's residence is not  
26 located in the boundaries of the new district. If a candidate is elected under this section in a  
27 district in which the candidate does not reside, the candidate shall within one year of election  
28 physically relocate the candidate's residence to the new district, or the candidate shall be  
29 automatically expelled from the legislature.

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

32                   SECTION 29. REAPPORTIONMENT OF LEGISLATURE FOLLOWING 1990

1 **CENSUS. (a) A proclamation of reapportionment issued by the governor following the 1990**  
2 **census shall remain in effect until the decennial census in the year 2000 if, on the effective date**  
3 **of the 1992 amendments to Article VI,**

4 (1) the proclamation has been in effect for over thirty days without judicial review  
5 being sought;

6 (2) the proclamation has been upheld by the superior court under Section 11 of  
7 Article VI and the time for appeal to the supreme court has run without an appeal being taken;

8 (3) the proclamation has been upheld by the supreme court and the time to request  
9 reconsideration of the supreme court's ruling has run;

10 (4) the proclamation is still subject to a request for judicial review under Section  
11 11 of Article VI and a request is not made in a timely fashion; or

12 (5) the proclamation is undergoing judicial review under Section 11 of Article VI  
13 and the proclamation is upheld by the courts.

14 (b) Reapportionment of the legislature following the 1990 census shall be done by the  
15 Reapportionment Board established in Section 8 of Article VI, as amended by the 1992  
16 amendments, if, on the effective date of the 1992 amendments to Article VI,

17 (1) there is no valid proclamation of reapportionment in effect because of judicial  
18 invalidation of a prior proclamation; or

19 (2) a proclamation of reapportionment is undergoing judicial review under Section  
20 11 of Article VI and that judicial review results in the invalidation of that proclamation.

21 \* Sec. 13. Article VI, secs. 5 and 7, and Article XIV, Constitution of the State of Alaska, are  
22 repealed.

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