

**CS FOR HOUSE JOINT RESOLUTION NO. 45 (JUDICIARY)****IN THE LEGISLATURE OF THE STATE OF ALASKA****SEVENTEENTH LEGISLATURE - SECOND SESSION****BY THE HOUSE JUDICIARY COMMITTEE****Offered: 3/2/92****Referred: 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 The Reapportionment Board shall establish single-member election districts unless, in the  
16 judgment of the board, circumstances require the use of dual-member election districts or  
17 a combination of single-member and dual-member election districts. A dual-member  
18 election district may not elect more than two representatives. A senate district shall be  
19 composed of one dual-member election district or two contiguous single-member election  
20 districts, but each senate district shall elect only one senator [, EXCEPT THAT EACH  
21 ELECTION DISTRICT HAVING THE MAJOR FRACTION OF THE QUOTIENT OBTAINED  
22 BY DIVIDING TOTAL CIVILIAN POPULATION BY FORTY SHALL HAVE ONE  
23 REPRESENTATIVE].

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

25 SECTION 6. DISTRICT BOUNDARIES. Election districts and senate districts  
26 [REDISTRICTING. THE GOVERNOR MAY FURTHER REDISTRICT BY CHANGING THE  
27 SIZE AND AREA OF ELECTION DISTRICTS, SUBJECT TO THE LIMITATIONS OF THIS  
28 ARTICLE. EACH NEW DISTRICT SO CREATED] shall be formed of contiguous and compact  
29 territory containing as nearly as practicable a relatively integrated socio-economic area. [EACH  
30 SHALL CONTAIN A POPULATION AT LEAST EQUAL TO THE QUOTIENT OBTAINED  
31 BY DIVIDING THE TOTAL CIVILIAN POPULATION BY FORTY.] Consideration may be  
32 given to local government boundaries. Drainage and other geographic features shall be used in

1 describing boundaries wherever possible. Election district and senate district boundaries may  
2 not be drawn with the intent of giving an advantage to a political party.

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

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

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

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

19 (2) two members shall be appointed by a caucus of the members of the house  
20 of representatives representing the political party with the largest number of members in  
21 the house of representatives;

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

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

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

29 (c) The legislature shall provide by law for a random selection process to make the  
30 appointments of board members under this section. If the legislature fails to make  
31 provision by law, the governor may establish a random selection process to make the  
32 appointments.

1           **(d) A board member may be removed for misfeasance or nonfeasance in office by**  
2           **the entity that appointed the member. A vacancy on the board shall be filled by the entity**  
3           **that appointed the member whose seat is vacant.**

4           **(e) A member of the Reapportionment Board may not be a candidate for the**  
5           **legislature in the two general elections following the adoption of a final reapportionment**  
6           **plan under this article.**

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

8           SECTION 9. ORGANIZATION. The board shall elect one of its members chairman and  
9           may employ temporary assistants. Concurrence of **five** [THREE] members is required for a  
10          ruling or determination, **except for the adoption of a final reapportionment plan**, but a lesser  
11          number may conduct hearings or otherwise act for the board.

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

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

31          **(b) Adoption of a final reapportionment plan shall require the affirmative votes of**  
32          **six members of the board.**

1           (c) If the board is unable to adopt a final plan by the date specified in (a) or (d)(3)  
2 of this section, the supreme court shall appoint a panel of three superior court judges. The  
3 board shall, within ten days, transmit to the panel the three proposed plans receiving the  
4 greatest number of votes by the board. Within forty-five days of the transmittal, from  
5 among the plans received from the board the panel shall adopt one of the proposed plans  
6 without change as a final plan. The supreme court shall adopt rules for proceedings before  
7 the three-judge panel under this subsection.

8           (d) If the data from a decennial census is not available to the board by the date that  
9 is sixteen months before the date of the first general election following a decennial census  
10 year,

11           (1) a plan adopted shall not take effect until the second general election  
12 following the decennial census year;

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

16           (3) the board shall adopt a proposed plan within four months of the receipt  
17 of the census data and shall adopt a final plan within four months of the adoption of the  
18 proposed plan.

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 or by the three-judge superior court panel  
29 appointed by the supreme court under Section 10 of this article [PROCLAMATION].  
30 Original jurisdiction in these matters is hereby vested in the superior court. On appeal, the cause  
31 shall be reviewed by the supreme court upon the law and the facts. A disposition by the  
32 superior court and an appeal before the supreme court under this section shall have priority

1 over all other matters pending before the respective court. The superior court shall render  
2 a decision in a matter before it under this section not more than ninety days after  
3 application is made to compel correction, and the supreme court shall render a decision in  
4 a matter on appeal not more than forty-five days after submission of a complete record of  
5 appeal.

6 \* Sec. 11. Article XV, Constitution of the State of Alaska, is amended by adding a new section to  
7 read:

8 SECTION 29. REAPPORTIONMENT OF LEGISLATURE FOLLOWING 1990  
9 CENSUS. (a) A proclamation of reapportionment issued by the governor following the 1990  
10 census shall remain in effect until the decennial census in the year 2000 if, on the effective date  
11 of the 1992 amendments to Article VI,

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

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

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

18 (4) the proclamation is still subject to a request for judicial review under Section  
19 11 of Article VI and a request is not made in a timely fashion; or

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

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

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

27 (2) a proclamation of reapportionment is undergoing judicial review under Section  
28 11 of Article VI and that judicial review results in the invalidation of that proclamation or results  
29 in a court order making significant and substantial changes to that proclamation.

30 \* Sec. 12. Article VI, secs. 5 and 7, and Article XIV, Constitution of the State of Alaska, are  
31 repealed.

32 \* Sec. 13. The amendments proposed by this resolution shall be placed before the voters of the state

**1 at the next general election in conformity with art. XIII, sec. 1, Constitution of the State of Alaska, and**  
**2 the election laws of the state.**