

**CS FOR HOUSE JOINT RESOLUTION NO. 45 (RULES) am (fld H)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**SEVENTEENTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE RULES COMMITTEE**

**Amended: 5/6/92**

**Offered: 4/2/92**

**Sponsor(s): HOUSE JUDICIARY COMMITTEE**

**A RESOLUTION**

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

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

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

5 SECTION 1. ELECTION DISTRICTS. Members of the house of representatives shall  
6 be elected by the qualified voters of the respective election districts. The boundaries of the  
7 election districts shall be set under this article after each decennial census of the United  
8 States [UNTIL REAPPORTIONMENT, ELECTION DISTRICTS AND THE NUMBER OF  
9 REPRESENTATIVES TO BE ELECTED FROM EACH DISTRICT SHALL BE AS SET  
10 FORTH IN SECTION 1 OF ARTICLE XIV].

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

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

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

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

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

8 SECTION 4. METHOD. Reapportionment shall be by the method of equal proportions,  
9 The Reapportionment Board shall establish single-member election districts unless, in the  
10 judgment of the board, circumstances require the use of dual-member election districts or  
11 a combination of single-member and dual-member election districts. A dual-member  
12 election district may not elect more than two representatives. A senate district shall be  
13 composed of one dual-member election district or two contiguous single-member election  
14 districts, but each senate district shall elect only one senator [, EXCEPT THAT EACH  
15 ELECTION DISTRICT HAVING THE MAJOR FRACTION OF THE QUOTIENT OBTAINED  
16 BY DIVIDING TOTAL CIVILIAN POPULATION BY FORTY SHALL HAVE ONE  
17 REPRESENTATIVE].

18 \* Sec. 5. Article VI, sec. 6, Constitution of the State of Alaska, is amended to read:

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

29 \* Sec. 6. Article VI, sec. 8, Constitution of the State of Alaska, is amended to read:

30 SECTION 8. REAPPORTIONMENT BOARD. (a) There shall be a Reapportionment  
31 Board [THE GOVERNOR SHALL APPOINT A REAPPORTIONMENT BOARD TO ACT IN  
32 AN ADVISORY CAPACITY TO HIM]. It shall consist of nine [FIVE] members, all of whom

1 shall be residents of the state and none of whom may be public employees or officials. At  
2 least one member [EACH] shall be appointed from each judicial district established by law  
3 under Section 1 of Article IV and no more than five members shall be appointed from a  
4 judicial district. Members shall be residents of the judicial district from which appointed  
5 [THE SOUTHEASTERN, SOUTHCENTRAL, CENTRAL, AND NORTHWESTERN SENATE  
6 DISTRICTS]. Appointments shall be made without regard to political affiliation, and no more  
7 than five members may be members of the same political party. Board members shall be  
8 compensated as provided by law.

9 (b) The Alaska Supreme Court shall appoint a three judge panel of superior court  
10 judges to appoint the members of the Reapportionment Board. The appointments shall be  
11 made promptly following the official reporting of each decennial census.

12 (c) A board member may be removed for misfeasance or nonfeasance in office.

13 (d) A vacancy on the board shall be filled by the three judge panel.

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

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

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

22 \* Sec. 8. Article VI, sec. 10, Constitution of the State of Alaska, is amended to read:

23 SECTION 10. REAPPORTIONMENT PLAN [AND PROCLAMATION]. (a) Except  
24 as provided under (c) of this section, no later than the date that is eighteen months before  
25 the date of the first general election following the official reporting of each decennial census,  
26 the Reapportionment Board shall adopt a proposed reapportionment plan. The board shall  
27 hold public hearings on the proposed plan and shall hold at least one hearing in each  
28 judicial district established by law under Section 1 of Article IV. No later than the date  
29 that is fourteen months before the date of the first general election following the official  
30 reporting of each decennial census, the board shall adopt a final reapportionment plan  
31 [WITHIN NINETY DAYS FOLLOWING THE OFFICIAL REPORTING OF EACH  
32 DECENNIAL CENSUS, THE BOARD SHALL SUBMIT TO THE GOVERNOR A PLAN FOR

1 REAPPORTIONMENT AND REDISTRICTING AS PROVIDED IN THIS ARTICLE. WITHIN  
2 NINETY DAYS AFTER RECEIPT OF THE PLAN, THE GOVERNOR SHALL ISSUE A  
3 PROCLAMATION OF REAPPORTIONMENT AND REDISTRICTING. AN  
4 ACCOMPANYING STATEMENT SHALL EXPLAIN ANY CHANGE FROM THE PLAN OF  
5 THE BOARD]. The final reapportionment plan adopted under this section shall set out  
6 election district and senate district boundaries and [REDISTRICTING] shall be effective for  
7 the election of members of the legislature until after the official reporting of the next decennial  
8 census.

9 (b) Adoption of a final reapportionment plan shall require the affirmative votes of  
10 six members of the board.

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

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

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

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

26 (3) the board shall adopt a proposed plan within four months of the receipt  
27 of the census data and shall adopt a final plan within four months of the adoption of the  
28 proposed plan.

29 \* Sec. 9. Article VI, sec. 11, Constitution of the State of Alaska, is amended to read:

30 SECTION 11. ENFORCEMENT. Any qualified voter may apply to the superior court  
31 to compel the Reapportionment Board [GOVERNOR, BY MANDAMUS OR OTHERWISE,]  
32 to perform its [HIS] reapportionment duties or to correct any error in redistricting or

1 reapportionment. Application to compel performance of [THE GOVERNOR TO PERFORM  
2 HIS] reapportionment duties must be filed within thirty days of the date that an act is required  
3 to be done under [EXPIRATION OF EITHER OF THE TWO NINETY-DAY PERIODS  
4 SPECIFIED IN] this article. Application to compel correction of any error in redistricting or  
5 reapportionment must be filed within thirty days following the adoption of the final plan by the  
6 Reapportionment Board or by the three-judge superior court panel appointed by the  
7 supreme court under Section 10 of this article [PROCLAMATION]. Original jurisdiction in  
8 these matters is hereby vested in the superior court. On appeal, the cause shall be reviewed by  
9 the supreme court upon the law and the facts. A disposition by the superior court and an  
10 appeal before the supreme court under this section shall have priority over all other matters  
11 pending before the respective court. The superior court shall render a decision in a matter  
12 before it under this section not more than ninety days after application is made to compel  
13 correction, and the supreme court shall render a decision in a matter on appeal not more  
14 than forty-five days after submission of a complete record of appeal.

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

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

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

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

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

27 (4) the proclamation is still subject to a request for judicial review under Section  
28 11 of Article VI and a request is not made in a timely fashion; or

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

31 (b) Reapportionment of the legislature following the 1990 census shall be done by the  
32 Reapportionment Board established in Section 8 of Article VI, as amended by the 1992

1 amendments, if, on the effective date of the 1992 amendments to Article VI,

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

4 (2) a proclamation of reapportionment is undergoing judicial review under Section  
5 11 of Article VI and that judicial review results in the invalidation of that proclamation or results  
6 in a court order making significant and substantial changes to that proclamation.

7 \* Sec. 11. Article VI, secs. 5 and 7, and Article XIV, Constitution of the State of Alaska, are  
8 repealed.

9 \* Sec. 12. The amendments proposed by this resolution shall be placed before the voters of the state  
10 at the next general election in conformity with art. XIII, sec. 1, Constitution of the State of Alaska, and  
11 the election laws of the state.