

HOUSE JOINT RESOLUTION NO. 16
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE WILLIS

Introduced: 1/20/93

Referred: State Affairs, Judiciary, Finance

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

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

13 SECTION 2. SENATE DISTRICTS. Members of the senate shall be elected
14 by the qualified voters of the respective senate districts. The boundaries of the
15 senate districts shall be set under this article after each decennial census of the
16 United States [SENATE DISTRICTS SHALL BE AS SET FORTH IN SECTION 2

1 OF ARTICLE XIV, SUBJECT TO CHANGES AUTHORIZED IN THIS ARTICLE].

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

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

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

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

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

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

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a political party.

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

SECTION 8. REDISTRICTING [REAPPORTIONMENT] BOARD. (a)

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

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

(c) A board member may be removed by the three judge panel for misfeasance or nonfeasance in office.

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

(e) A member of the Redistricting Board may not be a candidate for the legislature in the two general elections following the adoption of a redistricting plan under this article.

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

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

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

SECTION 10. REDISTRICTING [REAPPORTIONMENT] PLAN [AND

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

20 (b) Adoption of a redistricting plan shall require the affirmative votes of
21 six members of the board.

22 (c) If the board is unable to adopt a redistricting plan by the date
23 specified in (a) or (d)(3) of this section, the supreme court shall appoint a panel
24 of three superior court judges. The board shall, within ten days, transmit to the
25 panel the three proposed plans receiving the greatest number of votes by the
26 board. Within forty-five days of the transmittal, from among the proposed
27 redistricting plans received from the board the panel shall adopt one of them
28 without change. The supreme court shall adopt rules for proceedings before the
29 three-judge panel under this subsection.

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

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

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

6 **(3) the board shall prepare a proposed plan within four months of**
7 **the receipt of the census data and shall adopt a final plan within four months of**
8 **the preparation of the proposed plan.**

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

10 SECTION 11. ENFORCEMENT. Any qualified voter may apply to the
11 superior court to compel the **Redistricting Board** [GOVERNOR, BY MANDAMUS
12 OR OTHERWISE,] to perform **its** [HIS REAPPORTIONMENT] duties or to correct
13 any error in redistricting [OR REAPPORTIONMENT]. Application to compel
14 **performance of** [THE GOVERNOR TO PERFORM HIS REAPPORTIONMENT]
15 duties must be filed within thirty days of the **date that an act is required to be done**
16 **under** [EXPIRATION OF EITHER OF THE TWO NINETY-DAY PERIODS
17 SPECIFIED IN] this article. Application to compel correction of any error in
18 redistricting [OR REAPPORTIONMENT] must be filed within thirty days following
19 the **adoption of the redistricting plan by the Redistricting Board or by the three-**
20 **judge superior court panel appointed by the supreme court under Section 10 of**
21 **this article** [PROCLAMATION]. Original jurisdiction in these matters is hereby
22 vested in the superior court. On appeal, the cause shall be reviewed by the supreme
23 court upon the law and the facts. **A disposition by the superior court and an appeal**
24 **before the supreme court under this section shall have priority over all other**
25 **matters pending before the respective court. The superior court shall render a**
26 **decision in a matter before it under this section not more than ninety days after**
27 **application is made to compel correction, and the supreme court shall render a**
28 **decision in a matter on appeal not more than forty-five days after submission of**
29 **a complete record of appeal.**

30 * Sec. 10. Article VI, secs. 5 and 7, and Article XIV, Constitution of the State of Alaska,
31 are repealed.

32 * Sec. 11. The amendments proposed by this resolution shall be placed before the voters

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