

S

B

165



copy file SB165
Alaska State Legislature

Senate Committee on State Affairs

Vic Fischer, Chairman • Pouch V • Juneau, Alaska 99811 • (907) 465-4954

Official Business

M E M O R A N D U M

TO: Billy Berrier, Director
Division of Legislative Legal Services

FROM: Senator Vic Fischer

DATE: April 14, 1981

RE: SB 165 - Preparatory Commission

You might be interested in the attached April 10 Attorney General's letter once more throwing cold water on a joint executive-legislative appointment procedure for a preparatory convention.

/sq

attachment

STATE OF ALASKA

OFFICE OF THE LT. GOVERNOR

DIVISION OF ELECTIONS

JAY S. HAMMOND, GOVERNOR

TERRY MILLER, Lt. Gov.

POUCH AF—JUNEAU 99811

February 13, 1981

The Honorable Vic Fischer
Chairman
State Affairs Committee
Alaska State Senate
Pouch V
Juneau, Alaska 99811

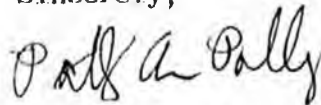
Dear Senator Fischer:

The Division of Elections has reviewed **Senate Bill 165** and has prepared and attached a fiscal note and suggested amendments to the bill.

The election code has been reviewed and revised extensively over the past two years. As the review process has occurred, election procedures have changed. Based on these revisions, I have attached suggested amendments that cover two general areas:

1. Assuming that voters at the 1982 General Election have approved the holding of a convention, candidates must file a declaration of candidacy. I am suggesting that those procedures be consistent with those for legislative and statewide offices.
2. The specific duties for the conduct of an election are assigned to the Director of Elections, with the Lieutenant Governor retaining final authority.

Sincerely,



Patty Ann Polley
Director
Division of Elections

PAP:ko

Enclosures

SUGGESTED AMENDMENTS TO SENATE BILL 165

1. Page 1, line 13, following "amendment" insert "is"
2. Page 3, line 5, change "lieutenant governor" to "director of elections"
line 27, change "lieutenant governor" to "director of elections"
3. Page 4, line 5, remove "to the lieutenant governor"
line 8, remove "to the lieutenant governor"
line 14, remove "to the lieutenant governor"
line 20, remove "by the lieutenant governor"
line 26, insert a new section (c) to read as follows:

"A candidate for delegate to the constitutional convention shall file either with the director or an election supervisor. If the candidate files his declaration with an election supervisor, the election supervisor shall immediately forward the declaration to the director."

line 26, change "(c)" to "(d)"

lines 26-29 remove first sentence and insert the following:

"If the declaration filed under (a)(3) of this section is not received within seven calendar days, the candidate shall be notified of non-receipt."
4. Page 5, line 7, remove "lieutenant governor" and insert "director of elections"
5. Set December 15 as the first day that a declaration of candidacy may be filed.
6. Question: Do you want legislators to serve as delegates to the convention?
7. Question: Shall we add requirement for an Election Pamphlet for delegate selection election and also one for ratification election? (Fiscal note includes this.)
8. Question: Is the required APOC statement (Sec. 7, A's 59.50.020(b)) necessary at the time of filing a declaration for delegate candidates?
9. Question: Should we remove Sec. 15.50.900 delegation by lieutenant governor in lieu of these amendments?

*Sen. Fischer
Sen. State Affairs*

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 165
 Title "An Act relating to constitutional conventions; and providing for an effective date"
 Requested by Senate State Affairs Date February 11, 1981

II. FISCAL DETAIL

Agency Affected Office of the Governor
 Program Category Affected Legislative and Elective Operations
 BRU, Program, or Subprogram(s) Affected Division of Elections

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	-0-	-0-	199.6	223.6	-0-	-0-
200 TRAVEL	-0-	-0-	27.2	30.5	-0-	-0-
300 CONTRACTUAL	-0-	-0-	863.2	966.3	-0-	-0-
400 COMMODITIES	-0-	-0-	34.4	38.5	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	1124.4	1259.4	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	1124.4	1259.4	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY			5.5	5.5		

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Assume:

- 1) FY 81 - no additional cost
- 2) FY 82 - no additional cost
- 3) FY 83
 - a) Full cost of special election for Constitutional Convention delegate selection;
 - b) Full cost of Official Election Pamphlet pertaining to special election in four regional issues (at request of Senate State Affairs);
 - c) Preparation costs for ratification election to be held early in FY 84
- 4) FY 84
 - a) Full cost of ratification election;
 - b) Full cost of Official Election Pamphlet in four regional issues pertaining to constitutional amendment ratification (at request of Senate State Affairs);
 - c) 12% inflation over FY 83

IV. DATE February 13, 1981 PREPARED BY Danith D. Anderson
 AGENCY Division of Elections

Original: Legislative Finance PHONE 586-6181

cc: Budget and Management
 Prime Sponsor (First Legislator Named)

SB 165 -- Fiscal Note Supplementary Information

(100) Personal Services

Includes overtime (average of \$20,000/month for 1980 elections plus 12% inflation) for 3-month period; cost of 22 total temporary employees (19 at Range 8 and 3 at Range 10) for Anchorage, Fairbanks, Juneau and Nome offices for 3-month period (\$1,393/month x 19 x 3) + (\$1,564/month x 3 x 3); cost of Election Pamphlet and public information staff (based on 1980 costs and 12% inflation).

(200) Travel

Includes in-state airfare for public information officer and election supervisor coordination; travel for election pamphlet staff (based on 1980 costs and 12% inflation); travel for absentee voting officials for pipeline assistance, data processing systems personnel (\$350/airfare + \$500/trip x 32 trips).

(300) Contractual Services (Total of \$863,200)

(310) Includes Zenith line, long-distance and telegram service, postage (82.2 with 40.0 allocated for Election Pamphlet).

(320) Printing and Advertising Including cost of printing ballots (80.0) (25 sets of data vote ballots, 15 sets of paper ballots, assuming 40 election districts), declarations of candidacy forms, tally books, registers, notices of election, certificates and return booklets; plus Election Pamphlet printing costs (based on 1980 costs with 12% inflation -- 165.0) and general advertising.

(330) Rents and Leases Additional office space in Juneau and Anchorage for election related activities.

(360) Equipment Rental Includes 10 Mag Card II typewriters at \$300. each x 3 months = \$9,000; data processing equipment rental (card reader, 6 display stations, 4 printers); copier expense.

(380) Professional Services Including data processing consulting (20.0)

(390) Other fees and expenses (460.0)
Election Night Expense (100.0)
Miscellaneous (20.0)
Election Board Payments (340.0)

(400) Commodities Includes all election-related materials (31.9) for 500 precincts, election night activities, temporary employees, absentee voting officials (50 total) and election pamphlet staff (2.5).

(500) Equipment No additional equipment expenses required.

SECTIONAL ANALYSIS OF SB 165

RELATING TO CONSTITUTIONAL CONVENTION

- Section 1: Directs the Lt. Governor to place either constitutional amendments by the Legislature or by a Constitutional Convention on the ballot for the next statewide general election.
- Removes the 120 day requirement for placing amendments proposed by a constitutional convention.
- Section 2: Spells out how to place question of whether or not to have a constitutional convention every 10 years, on the ballot.
- Section 3: Provides that if a majority of the votes are in the affirmative for holding a convention, that the Lt. Governor shall provide for a convention under the provisions of this bill.
- Section 4(a): 15.50.091: Sets the date for calling for a special election for selecting delegates. Third Tuesday of May following the vote on the question.
- Section 4 (b): Provides if a convention is called by the Legislature the date for selection of delegates will be set out in the call.
- 15.50.101: Provides for the number of delegates; 60 from same election districts as provided for Legislators and 5 at large.
- 15.50.111: Provides that the 60 shall be elected from the same districts as each house of the legislature, according to the apportionment schedule in effect at the time the election is held.
- 15.50.120: Sets out the qualifications of the delegates:
- (a) Registered voter, three year resident of the state and one year resident in the district from which the delegate is to be selected.
- (b) At large delegate shall be a registered voter of the state who has been a resident of the state for the three years preceeding the first day of the convention.

15.50.130: Declaration and withdrawal of candidacy:

(a) Basically the same manner as a candidate for the Legislature except there are no provisions for a partisan election.

(b) Candidates must withdraw 40 days before election in order to have name removed from the ballot.

15.50.140: 1. Manner and date of filing declaration:

(a) Must file at or before 5:00 p.m. local time on February 15 of the year in which the special election is held for the office.

(b) Provides for filing by telegram.

(c) Provides for filing by registered mail, postmarked at or before 5:00 p.m. local time February 15.

2. Provides for extension if February 15 falls on a Saturday or Sunday.

3. Sets forth what a person must do, as follow-up if the filing is by telegram.

15.50.150: Provides for a nonpartisan election.

15.50.160: Requires the Lt. Governor to place the names of qualified candidates on the special election ballot.

15.50.170: Ballots: Provides that a separate ballot shall be prepared for each election district. The ballot shall contain the names of the candidates from the house district, senate district and the candidates at large.

15.50.180: Certification of election: Provides that the Lt. Governor shall certify the person receiving the largest number of votes for the office for which he was a candidate, as elected.

Section 5: Adds a new section to A.S. 15.50, Article 9:

15.50.900: Allows the Lt. Governor to delegate the duties imposed by this Chapter to the director.

Section 6: Adds a new chapter to A.S. 44:

Chapter 90 Constitutional Convention:

44.90.010: Call:

Provides that within 60 days after an affirmative vote to call a constitutional convention within 60 days of the calling of a convention by the Legislature if specific appropriations have not been made for the special election for delegates, the Lt. Governor shall include in his call an appropriation which he determines adequate. He shall deliver a copy of the call to the Commissioner of Revenue.

The Commissioner shall establish special accounts within the general fund for which money for the special election can be drawn. The monies shall be dispersed for the special election, the work of the convention, and the ratification election following the convention.

44.90.020: Establishes the location of the convention and the convening time:

University of Alaska at College, Alaska at 10:00 a.m. the second Monday in September following the special election or at a time specified in the call.

Provides that the convention shall meet for not more than 90 days, but may at its discretion recess for 15 days or less for public hearings.

44.90.030: Provides that the Governor shall open and preside until temporary officers are selected.

44.90.040: Provides that all meetings are open to the public unless an executive session is called under provisions set forth in Alaska Statutes.

44.90.050: Provides that the convention is the judge of the qualification and election of its members, may elect officers, prescribe their functions, powers and duties and may make the rules to conduct its business; may request and shall receive assistance and information from any state agency; may employ various staff and consultants and enter into contracts; have plenary power to revise the constitution subject only to ratification by the people.

44.90.060: Provides if a convention submits amendments or revisions to the constitution the Lt. Governor shall call a special election for the purpose of ratifying the amendments or revisions not less than 40 nor more than 120 days after the adjournment of the constitutional convention.

44.90.070: Immunities: Provides immunities similar to legislative immunities.

44.90.080: Provides for expenses, travel and per diem allowances as a Legislator, although no salaries.

44.90.090: Provides that the Governor shall appoint a qualified person to fill any vacancies.

Sections 7 -14: Provides for disclosure, conflict of interest, and lobbying activities similar to the requirements for Boards and Commissions, the Legislature and the Administration.

Section 15: Repeals the sections dealing with how a constitutional convention shall be called.

Section 16: Effective date.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

Brew

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Title "An Act relating to constitutional conventions: and providing for an effective date"
Requested by Senate State Affairs Date February 11 1981

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full cost of convention

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 - c) 12% inflation over FY 83

Soundly bill doesn't require any approval

only 1/2 of cost

IV. DATE February 13, 1981 PREPARED BY Danith D. Anderson
AGENCY Division of Elections
PHONE 586-6181
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

Danith D. Anderson
I called 2/13 approx 9:25am

SB 165 — Fiscal Note Supplementary Information

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DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

April 10, 1981

Hon. Vic Fischer
Alaska State Legislature
Pouch V
Juneau, AK 99811

Re: Constitutional convention
preparatory commission
Our file: J-66-557-81

Dear Senator Fischer:

You have asked whether we can find any kind of joint executive-legislative appointment of a commission to prepare for a constitutional convention to be legally acceptable. We regret to advise that we cannot.

There are at least two cases, each of which includes a compelling dissent, which hold that a legislator's serving as a delegate to a constitutional convention is not holding a dual office. Harvey v. Ridgeway, 450 S.W.2d 281 (Ark. 1970); Bd. of Supervisors of Elections v. Attorney General, 229 A.2d 388 (Md. 1967). Both cases ignore the case authority in their own and other states in arriving at their decisions. Accordingly, neither is persuasive. Our own court takes a broad view on what is an office. Larson v. State, 564 P.2d 356 (Alaska 1977). And the cases uniformly hold that an office is "'a public charge or employment, the duties of which are prescribed by law, and he who performs the duties is an officer.'" State v. Dunn, 496 S.W.2d 480, 490 (Tenn. 1973), quoting from State v. Bratton, 253 S.W. 705 (Tenn. 1923). See also Warwick v. State ex rel. Chance, 548 P.2d 384 (Alaska 1976); Begich v. Jefferson, 441 P.2d 27 (Alaska 1968) (prohibition against dual-office holding literally applied). The Alaska Constitution expressly makes employment by or election to a constitutional convention an exception from the prohibition against legislators' holding dual office. Alaska Const., art. II, § 5. In Begich, the court stated that these (and other) express exceptions in the constitution necessarily result in the prohibition's extending to all other offices. 441 P.2d at 30-33.

It might be argued that legislative appointees to the preparatory commission are employees of the convention.

April 10, 1981

However, while the legislature is empowered to make provision for the convention, "by law," Alaska Const., art. XIII, § 3, the constitution does not make an exception for the legislature to appoint either its members or its agents to be the officers or employees of the convention or for either to serve on a commission appointed by the legislature in whole or in part. Absent constitutional provision to the contrary, the chief executive is the appointing authority for those charged with carrying out a law. Bradner v. Hammond, 553 P.2d 1 (Alaska 1976).

Either on an informal basis or on a basis formalized by law, resolution, or interbranch agreement, the agencies of the two branches -- including duly established permanent or ad hoc interim committees -- can certainly cooperate in studies and gathering information to prepare for a convention. So too, the legislature, through existing or duly established interim committees can study the needs for constitutional reformation. But the legislature cannot write a public law and then appoint a commission of its own members or agents to carry it out. Book v. State Office Bldg. Comm'n, 149 N.E.2d 273 (Ind. 1958).

Sincerely yours,

WILSON L. CONDON
ATTORNEY GENERAL

By: 

Rodger W. Tegues
Assistant Attorney General

RWP/pjg

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 165
 Title "An Act relating to constitutional conventions: and providing for an effective date"
 Requested by Senate State Affairs Date February 11 1981

II. FISCAL DETAIL

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500 EQUIPMENT	-0-	-0-	0-	0-	-0-	-0-
600 LAND & STRUCTURES						
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TOTAL	-0-	-0-	1129.4	1259.4	-0-	-0-

FUNDING (Thousands of Dollars)

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FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY			5/5	5/5		

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Assume:

- 1) FY 81 - no additional cost
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 - a) Full cost of ratification election;
 - b) Full cost of Official Election Pamphlet in four regional issues pertaining to constitutional amendment ratification (at request of Senate State Affairs);
 - c) 12% inflation over FY 83

ONLY IF YES IN 1982

IV. DATE February 13, 1981 PREPARED BY Danith D. Anderson
 AGENCY Division of Elections
 Original: Legislative Finance PHONE 586-6181
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SENATE BILL 165

Title "An Act relating to constitutional conventions; providing for eff. date."

Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected _____

Program Category Affected _____

BRU, Program, or Subprogram(s) Affected _____

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

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200 TRAVEL						
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700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						
	0	0	0	0	0	0

POSITIONS

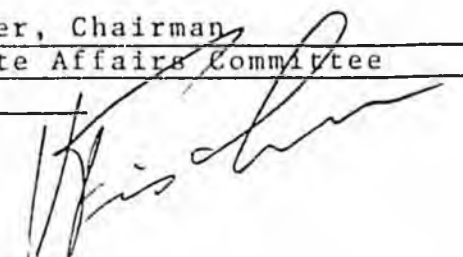
	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III) SB 165 is for an enabling act. It provides a standby process in case voters or the Legislature approve a constitutional convention call by referendum. The next referendum is in November 1982. If the voters approve a convention call, major expenses will ensue. If the voters oppose a convention call, there will be no costs. In either case, the convention enabling legislation would, unless changed by law, apply to future referenda and convention calls.

Possible costs of a convention -- delegate election, constitution revision process, ratification election, and other expenses -- are ascribable to the referenda or a legislative call and not to this bill. Essentially the same expenditures will occur in case of a convention call even if this bill is not enacted.

Accordingly, the fiscal note for this bill is zero.

IV. DATE March 1, 1981 PREPARED BY Sen. Fischer, Chairman
 AGENCY Senate State Affairs Committee
 PHONE 465-4954
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)



ENABLING ACT FOR AN
ALASKA CONSTITUTIONAL CONVENTION

Prepared by:

GUY A. VAN DOREN,
ADMINISTRATIVE ASSISTANT
CONSTITUTIONAL CONVENTION COMMITTEE

1981

INTRODUCTION

to

ENABLING ACT

In preparation for a constitutional convention, one of the first things that the Legislature must do is pass legislation providing the basis for establishing the convention. Great care should be taken in writing this act for its purpose is to enable this convention to get under way, not to control the convention. No better word of warning on this score has come than that from the Judiciary Committee of the New York Convention of 1894:

"It is of the greatest importance that a body chosen by the people of this state to revise the organic law of this state should be as free from interference from the several departments of government as the legislative executive and judiciary are from interference by each other. Unless this were so, the will of the people might easily be nullified by the existing judiciary or legislature. Should the latter attempt to enact a law prohibiting the constitutional convention from restricting

the existing power of the legislature the act would be at once be recognized as an unwanted invasion of the rights of the people." ¹

1. Quoted in Walter F. Dodd, "The Revision and Amendment of State Constitutions" (Baltimore, The John Hopkins Press, 1910), pp 79 - 80.

The purpose of an enabling act is to facilitate the selection of delegates and the operation of the convention, nothing more. The following items are suggested as matters which must be settled before the convention can get under way. Decision on the following subjects must be made:

- I. Selection of delegates:
 - A. Number
 - B. Qualifications
 - C. Basis of thier selection (district, at large, etc.)
 - D. Method of their nomination an/or election
 - E. Date of the election
 - F. Administration of the election
 - G. Method of filling vacancies
- II. Date and procedure of convening the delegates
- III. Site of the Convention
- IV. Provision for pre-convention planning and accumulation of materials
- V. Appropriation (Can be a separate bill)
 - A. Amount adequate to finance all convention needs, including official pre-convention activities
 - B. Post-convention activities
 - C. Accounting practices

VI. Compensation of delegates

- A. Basis of payment, per diem, monthly or flat amount for the whole convention
- B. Amount of expenses allowed, if any, and for what purposes
- C. Any special compensation for offices

The above has usually been sufficient. Three other matters, however, might be dealt with. These should be considered inherent powers of a convention, but, if there is any doubt or if there is the possibility that critics may seek to exploit the fact of their absence from the enabling act, then they should be included.

VII. Authority to require any officer of the state to furnish information or to appear before the convention or any committee thereof (this includes the authority to seek opinions from the attorney general or other legal officer of the state;

VIII. Authority to use the facilities of the state or any local government when such use is not disruptive of regular governmental activities. (This becomes particularly important if hearings by committees are conducted regionally);

IX. A schedule for the convention's work

- A. Provisions for a recess during the life of the convention
- B. Dates of the completion of the convention's work

C. Dates for submission of the convention's
proposal to the people

X. Immunity clause

The enabling act need not go deeply into matters of organization, procedure and personnel and generally should avoid statements that may hamper the convention in carrying out its assigned functions. The convention should be free to determine how it will organize and manage itself.

In the areas of personnel and materials, the convention should have full control over its needs. The power to hire and fire personnel and within its own budgetary limits, their rate of compensation, as well as the power to purchase material and equipment and to contract for services falls in this category. The convention needs to be free to seek its personnel where it wants. It should not be required to borrow its staff from existing state agencies, nor use existing facilities. No compromise should be made which will in any sense make the convention beholden to anyone outside itself. If the convention chooses to borrow state personnel for its staff, or to use the legislative council or the attorney general for assistance and advice, it may do so. But to require the convention to use these sources is to give an external element a role in the convention. A role potentially detrimental to the objectivity which the convention seeks to achieve.

1. Delegate selection: The first Alaska Constitutional Convention in 1955-56 had 55 delegates (the number of delegates who drafted the United States Constitution in 1787).

Unless otherwise provided by law, Article XII Sec. 3 requires that a call for a constitutional convention shall conform as nearly as possible to the Act, calling the Alaska Constitutional Convention of 1955 including but not limited to, number of members, districts, election and certification of delegates.

In 1955, delegates were elected on a three level apportionment system, seven delegates were elected at large; thirty-three were elected at large within four judicial divisions; and fifteen came from newly delineated single delegate districts.

HB 117, introduced in 1971, provided for 65 delegates. Sixty delegates were to be apportioned among the election districts of both houses of the Legislature in accordance with reapportionment, pursuant to the 1970 U.S. Census. Five delegates were to be selected on a statewide basis.

In view of the 1980 Census, it can be assumed that delegate selection will be on the basis of the 1981 apportionment plan, and that any enabling legislation should contain a provision that delegates will be selected on the basis of the new apportionment plan. The use of the 60 delegates simplifies

the job of providing a basis for delegate elections. Having five delegates elected from the state at large will provide individuals of broader experience and familiarity with conditions throughout the state.

The enabling act should stipulate that the election of delegates be non-partisan and that any registered voter who has resided in the state and in the district from which he/she is running for the same period of time required of a candidate for the Legislature, is eligible.

The method of election should be a single special election with the person receiving the largest number of votes being elected as the delegate. The only problem with this is that if a district has a large number of delegates, one person may win by a small majority or by a very small percentage of the total vote. The only solution to this problem would be a run-off, but history has shown in other states that very few people vote in a run-off of this type and it can be expensive.

The date of the special election should be during an off-general-election year and should be held early enough in order that there will be sufficient time between the election of delegates and the convening of the convention for the delegates to familiarize themselves with the issues and what they are intending to accomplish. There also should be enough time to allow staff to prepare for the convention and complete the delegate materials.

The administration of the election should be carried out by the Division of Elections under the supervision of the Lt. Governor.

HB 117 required a nominating petition to be filed with the Lt. Governor consisting of not less than 50 legally qualified voters of an election district based on a house district, 100 legally qualified voters of an election district based on a senate district and 1,000 signatures for candidates seeking election on a statewide basis. The petition of a candidate seeking election for the state at large shall be subscribed by the signatures of at least 25 qualified voters from each of the senate election districts.

2. Date and Procedure of Convening the Delegates: As with the election for delegates, there should be enough time before the convening of the convention to allow delegates to familiarize themselves with what is ahead and to have an orientation session. The date of convening should also be early enough for a 90 day session and so that the convention will not be meeting simultaneously with the legislature.

In most states, the Governor convenes the convention and then turns the convention over to the temporary presiding officer. In some states, the Lt. Governor or the Secretary of State opens the convention, but usually the Governor has done this.

Most experts in constitutional conventions have recommended that staff develop a temporary set of rules under which the convention can convene until permanent rules can be adopted by the delegates.

Provision for pre-convention planning and the accumulation of materials: SB 723 which passed both houses of the Legislature in 1980, but was vetoed by the Governor, included a provision for the establishment of a constitutional convention commission made up of persons appointed by the Governor, Legislature, and the Chief Justice of the Supreme Court.

In his veto message, the Governor cited the creation of this commission as one of the reasons he vetoed the bill, claiming that the make-up of the commission violated the separation of powers. He felt the Governor should appoint members to the commission.

Most of the states who called conventions in the seventies established commissions in the way set forth in SB 723. There was usually a cooperative effort to insure a successful convention.

The legislature in Alaska feels they have the right to appoint members to any constitutional convention based on the premise that since the constitutional convention is a law-making function

and since the Legislature, by law, may provide for the calling of a constitutional convention, including procedures, it should have a say in the appointment of a preparatory commission.

Since there is disagreement regarding the commission and the appointment of its members between the two branches of government, perhaps, in order to successfully pass enabling legislation, this matter should be left out and addressed at a later date with a solution which will satisfy both parties.

Appropriation: There is no absolute formula for the funding of constitutional conventions. Conventions in the seventies ranged from \$20,000 appropriated to the Rhode Island Convention to \$3.8 million appropriated for the Texas Convention. The amount should be adequate to finance all convention needs, including official pre and post-convention activities, including but not limited to staff and consultant salaries and benefits, delegate compensation, travel, material preparation, and expenses for the functioning of the convention itself. It has been recommended that delegates be compensated at the same rate as Legislators during the legislative session.

Convention Site: The Alaska Constitutional Convention of 1955-'56, following the example of the New Jersey Convention of 1947, which was convened on a college campus, held its convention on the campus of the University of Alaska at Fairbanks.

In 1971 the legislature assigned two research persons to conduct a constitutional convention site survey. After visiting the Fairbanks campus, Anchorage and Juneau, and evaluating the three sites as to location, facilities, timing and other criteria, it was recommended that the University of Alaska at Fairbanks again be the convention site.

A preparatory commission or the legislature itself, should look into all the pros and cons of each possible site including conducting a site survey similar to the one held in 1971 to determine which place would best function physically to carry out the objectives and ideals of the convention. The changing times, technological advances and public perception since the 1955-56 convention necessitates a very thorough study of the choice for a proper site.

no provision to hold an election

Introduced: 2/9/81
Referred: State Affairs, Judiciary and Finance

fiscal note as cost of constitutional convention
de-sex bill

BY THE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE COUNCIL (for the Joint Interim Committee on the Constitutional Convention)

1 IN THE SENATE

SENATE BILL NO. 165

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to constitutional conventions; and
7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 15.50.030 is amended to read:

10 Sec. 15.50.030. PLACING AMENDMENTS BY LEGISLATURE [PROPOSITION]
11 ON BALLOT. The lieutenant governor shall direct the director to place
12 the ballot title and proposition on the ballot for the next statewide
13 general election held after the amendment proposed by the legislature
14 [OR HELD 120 DAYS AFTER THE AMENDMENT PROPOSED BY A CONSTITUTIONAL
15 CONVENTION]. If there is insufficient time to permit the proposition
16 to be placed on the regular ballot by the director, the lieutenant
17 governor shall direct the director to prepare a separate ballot for the
18 proposition.

19 * Sec. 2. AS 15.50.070 is amended to read:

20 Sec. 15.50.070. PLACING QUESTION OF CONSTITUTIONAL CONVENTION ON
21 BALLOT. If during any 10-year period a constitutional convention has
22 not [YET] been held, and the question of holding a constitutional con-
23 vention has not been placed before the voters, the lieutenant governor
24 shall direct the director to place [THE QUESTION] on the ballot for the
25 next regular statewide general [OR PRIMARY] election the question:
26 "Shall there be a Constitutional Convention?" Provision shall be made
27 for marking the question "Yes" or "No".

28 * Sec. 3. AS 15.50.080 is amended to read:

29 Sec. 15.50.080. CERTIFICATION OF VOTE. If a majority of the votes

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1 cast on the question placed before the voters under AS 15.50.070 is
2 [ARE] in the affirmative, the lieutenant governor shall [SO CERTIFY AND
3 SHALL] issue the call for the constitutional convention under the pro-
4 visions of this chapter.

5 * Sec. 4. AS 15.50 is amended by adding new sections to read:

6 Sec. 15.50.091. DATE FOR ELECTION OF DELEGATES. (a) If a major-
7 ity of the votes cast on the question put before the voters under
8 AS 15.50.070 is in the affirmative, a special election for the selec-
9 tion of delegates shall be held on the third Tuesday of May following
10 the vote on the question.

11 (b) If the constitutional convention is called by the legis-
12 lature, the date of the election of delegates shall be specified in the
13 call.

14 Sec. 15.50.101. NUMBER OF DELEGATES. Sixty-five delegates shall
15 be elected to a constitutional convention. Sixty delegates shall be
16 elected under AS 15.50.111 and five delegates shall be elected at
17 large.

18 Sec. 15.50.111. DELEGATE ELECTION DISTRICTS. Delegates to a
19 constitutional convention, other than delegates elected at large, shall
20 be elected from the same districts and in the same numbers as are
21 elected to each house of the legislature according to the apportionment
22 schedule in effect at the time that the election is held.

23 Sec. 15.50.120. QUALIFICATIONS OF CANDIDATES. (a) A candidate
24 for delegate from a district shall be a registered voter of the state
25 who has been a resident of the state for the three years preceding and
26 of the district from which he seeks election for one year preceding the
27 first day of the convention.

28 (b) A candidate for delegate at large shall be a registered voter
29 of the state who has been a resident of the state for the three years

*What is deadline
for filing*

1 preceding the first day of the convention.

2 Sec. 15.50.130. DECLARATIONS AND WITHDRAWAL OF CANDIDACY. (a) A
3 person who seeks to be a candidate in the special election for delegate
4 to a constitutional convention shall execute and file a declaration of
5 candidacy with the lieutenant governor. The declaration shall be
6 executed under oath before an officer authorized to take acknowledg-
7 ments and shall state in substance:

8 (1) the full name of the candidate and the manner in which
9 he wishes his name to appear on the ballot;

10 (2) the full resident address of the candidate;

11 (3) the full mailing address of the candidate;

12 (4) the election or senate district of which the candidate
13 is a resident;

14 (5) the office for which the candidate seeks nomination;

15 (6) that the candidate meets the specific residency require-
16 ments of the office for which he is a candidate;

17 (7) that the candidate is a qualified voter as required by
18 law;

19 (8) that the candidate requests that his name be placed on
20 the special election ballot; and

21 (9) that the required fee accompanies the declaration.

22 (b) A declaration of candidacy shall be accompanied by a filing
23 fee of \$30 unless the person files a notarized affidavit that he is
24 indigent.

25 (c) The name of a candidate will appear on the special election
26 ballot unless notice of his withdrawal from the special election is
27 received by the lieutenant governor at least 40 days before the date of
28 the special election. Notice of withdrawal of candidacy must be in
29 writing over the signature of the candidate.

1 Sec. 15.50.140. MANNER AND DATE OF FILING DECLARATION. (a) A
2 declaration of candidacy for delegate to a constitutional convention is
3 filed by

4 (1) the actual physical delivery of the declaration in
5 person to the lieutenant governor at or before 5:00 p.m., local time,
6 February 15 of the year in which the special election is held for the
7 office;

8 (2) the actual physical delivery of the declaration by mail
9 to the lieutenant governor at or before 5:00 p.m., local time, Febru-
10 ary 15 of the year in which the special election is held for the office;
11 or

12 (3) the actual physical delivery

13 (A) by telegram of a declaration with the statements
14 required in AS 15.50.130(a)(1) - (5) to the lieutenant governor
15 at or before 5:00 p.m., local time, February 15 of the year in
16 which the special election is held for the office; and

17 (B) by registered mail of a complete declaration of
18 candidacy which is postmarked at or before 5:00 p.m., local time,
19 February 15 of the year in which the special election is held for
20 the office and received by the lieutenant governor not more than
21 15 days after that time.

22 (b) If the postmark is illegible, a dated receipt from the post
23 office where the declaration was dispatched is acceptable as evidence
24 of mailing. If February 15 is a Sunday or holiday, the deadlines for
25 postmarking and receipt of the declaration shall be extended 24 hours.

26 (c) If a candidate sends a telegram under (a)(3) of this section
27 and the lieutenant governor does not receive a declaration of candidacy
28 by registered mail within 15 days of February 15, the candidate shall
29 be notified of the nonreceipt of the declaration. The candidate shall

1 have the opportunity to refile his declaration with proof that his
2 previous declaration has been filed in a timely manner and in accord-
3 ance with law.

4 Sec. 15.50.150. NONPARTISAN ELECTION. The election of the dele-
5 gates to a constitutional convention shall be nonpartisan.

6 Sec. 15.50.160. PLACEMENT OF NAMES OF CANDIDATES ON SPECIAL ELEC-
7 TION BALLOT. The lieutenant governor shall place the names of the per-
8 sons who have filed proper declarations of candidacy for delegate on
9 the special election ballot.

10 Sec. 15.50.170. BALLOTS. A separate ballot shall be prepared for
11 each election district. The ballot shall contain the names of the
12 candidates for delegate from the house district, from the senate dis-
13 trict, and the candidates running at large.

14 Sec. 15.50.180. CERTIFICATION OF ELECTION. On completion of his
15 review of the votes, the lieutenant governor shall certify the person
16 receiving the largest number of votes for the office for which he was a
17 candidate as elected. The lieutenant governor shall issue each elected
18 delegate a certificate of election.

19 * Sec. 5. AS 15.50 is amended by adding a new section to read:

20 ARTICLE 9. GENERAL PROVISIONS.

21 Sec. 15.50.900. DELEGATION BY THE LIEUTENANT GOVERNOR. The
22 lieutenant governor may delegate the duties imposed on him by this
23 chapter to the director.

24 * Sec. 6. AS 44 is amended by adding a new chapter to read:

25 CHAPTER 90. CONSTITUTIONAL CONVENTION.

26 Sec. 44.90.010. CALL. (a) Within 60 days after an affirmative
27 vote under AS 15.50.070 or within 60 days after the legislature has
28 called a constitutional convention, if specific appropriations have not
29 been made for the special election to select delegates, to hold the

1 constitutional convention, or to conduct a special ratification elec-
2 tion, the lieutenant governor shall include in his call for the consti-
3 tutional convention an appropriation which he determines is adequate
4 for those purposes. He shall deliver a copy of the call to the commis-
5 sioner of revenue.

6 (b) When the commissioner of revenue receives the copy of a call
7 under (a) of this section, he shall establish special accounts within
8 the general fund from which money for the purposes stated in (a) of
9 this section may be drawn.

10 (c) The amounts appropriated for elections to select delegates or
11 to ratify an amendment or revision shall be spent and accounted for by
12 the lieutenant governor.

13 (d) The amounts appropriated for the constitutional convention
14 shall be spent and accounted for by the constitutional convention.

15 Sec. 44.90.020. PLACE AND TIME OF CONSTITUTIONAL CONVENTION. (a)

16 If a majority of the votes cast under AS 15.50.070 is in the affirma-
17 tive, the constitutional convention shall ^{be at the place of the specified} assemble at the University of
18 ^{in the call} Alaska, College, Alaska at 10:00 a. m. or as soon as a quorum is present
19 on the second Monday in September following the special election or at
20 a time specified in the call for the purpose of considering amendments
21 or revisions to the Constitution of the State of Alaska.

22 (b) The constitutional convention shall meet for not more than 90
23 days but may, in its discretion, recess for 15 days or less for public
24 hearings on proposed amendments or revisions to the constitution.

25 Sec. 44.90.030. OPENING OF THE CONSTITUTIONAL CONVENTION. The
26 governor shall open the constitutional convention and shall preside
27 until temporary officers are selected.

28 Sec. 44.90.040. MEETINGS OF THE CONSTITUTIONAL CONVENTION. All
29 meetings of the constitutional convention shall be held in accordance

1 with AS 44.62.310 - 44.62.312.

2 Sec. 44.90.050. POWERS OF THE CONSTITUTIONAL CONVENTION. (a)
3 The constitutional convention is the judge of the qualification and
4 election of its members.

5 (b) The constitutional convention may by a majority vote of its
6 members choose officers, prescribe their functions, powers and duties,
7 and make rules for the conduct of its business.

8 (c) The constitutional convention may request and shall receive
9 assistance and information from any state department or agency.

10 (d) The constitutional convention may employ professional, legal,
11 and other staff assistants and enter into contracts for goods and ser-
12 vices.

13 (e) The constitutional convention has plenary power to amend or
14 revise the constitution subject only to ratification by the people.

15 Sec. 44.90.060. RATIFICATION OF AMENDMENTS OR REVISIONS. (a) If
16 the constitutional convention submits amendments or revisions to the
17 people for ratification, the lieutenant governor shall call a special
18 election for the purpose of ratifying the amendments or revisions not
19 less than 40 or more than 120 days after the adjournment of the consti-
20 tutional convention.

21 (b) The ratification election shall be conducted under AS 15.

22 Sec. 44.90.070. IMMUNITIES. A delegate to a constitutional con-
23 vention may not be held to answer before any tribunal for any statement
24 made in the exercise of his duties as a delegate to the constitutional
25 convention while the convention is in session. A delegate attending,
26 going to or returning from convention sessions is not subject to civil
27 process and is privileged from arrest except for felony or breach of
28 the peace.

29 Sec. 44.90.080. EXPENSES, TRAVEL, AND PER DIEM OF DELEGATES. A

1 delegate to the constitutional convention is entitled to expenses, per
2 diem, and travel allowances provided by law for legislators while the
3 legislature is in session. A delegate does not receive salary for ser-
4 vice as a delegate.

5 Sec. 44.90.090. DELEGATE VACANCY. If a vacancy occurs in the
6 office of delegate, the governor shall appoint a qualified person to
7 fill the vacancy.

8 * Sec. 7. AS 39.50.020(b) is amended to read:

9 (b) The governor, lieutenant governor, members of the legislature,
10 delegates to a constitutional convention, and candidates for these
11 offices, judicial officers, each commissioner, head or deputy head of,
12 or director of a division within, a department in the executive branch,
13 assistant to the governor or chairman or member of a commission or
14 board required to report under this chapter, shall file the statement
15 with the Alaska Public Offices Commission. Municipal officers, and
16 candidates for elective municipal office, shall file with the municipal
17 clerk or other municipal official designated to receive their filing
18 for office. All statements required to be filed under this chapter are
19 public records.

20 * Sec. 8. AS 39.50.200(a)(1) is amended to read:

21 (1) "public official" means a judicial officer, a member of
22 the legislature, a delegate to a constitutional convention, the gover-
23 nor, the lieutenant governor, a person hired or appointed as the head
24 or deputy head of, or director of a division within, a department in
25 the executive branch, an assistant to the governor, chairman or member
26 of a state commission or board, and each appointed or elected municipal
27 officer;

28 * Sec. 9. AS 39.50.200(a) is amended by adding a new paragraph to read:

29 (10) "candidate for state elective office" includes a candi-

1 date for election as a delegate to a constitutional convention.

2 * Sec. 10. AS 24.45.081 is amended to read:

3 Sec. 24.45.081. REPORTING PERIODS. (a) Reports required under
4 this chapter shall be filed during the calendar month following each
5 calendar month during any part of which the legislature was in session
6 and during the month following each calendar quarter when the legisla-
7 ture was not in session.

8 (b) If [HOWEVER, IF] a lobbyist registered under this chapter has
9 declared that he seeks only to influence administrative action and not
10 legislative action he need only file a report required under this
11 chapter for each calendar quarter. If a lobbyist registered under this
12 chapter has declared that he seeks to influence legislative action but
13 does not intend to influence legislative action at a constitutional
14 convention, he need only file the reports required under (a) of this
15 section. If a lobbyist registered under this section has declared that
16 he seeks to influence legislative action at a constitutional conven-
17 tion, he need only file reports during the calendar month following
18 a calendar month during which the constitutional convention was in
19 session.

20 (c) The period covered shall be the calendar month or the calen-
21 dar quarter, as applicable, and shall in any event cover the period
22 from the date of the last report filed under this chapter to the date
23 of the end of the calendar month or quarter, as applicable, for which
24 the report is being filed. The period covered shall not include any
25 months covered in previous reports filed by the same person. When
26 total amounts are required to be reported, totals shall be stated both
27 for the period covered by the statement and for the entire calendar
28 year to date.

29 * Sec. 11. AS 24.45.161(a)(1)(B) is amended to read:

1 (3) who limits his lobbying activities to appearances
2 before public sessions of the legislature or before public ses-
3 sions of a constitutional convention, or their [ITS] committees or
4 subcommittees, or to public hearings or other public proceedings
5 of state agencies;

6 * Sec. 12. AS 24.45.161(b) is amended to read:

7 (b) Nothing in this chapter may be construed as prohibiting or
8 affecting the rendering of professional services in drafting legis-
9 lative measures or in advising clients and in rendering opinions as to
10 the construction or effect of proposed or pending legislative or admin-
11 istrative action when these professional services are not otherwise
12 connected with influencing or attempting to influence legislative or
13 administrative action. Nor does anything in this chapter prevent
14 members of the legislature or delegates to a constitutional convention
15 from discussing with constituents the advisability of passing legis-
16 lation or proposals for amendments or revisions then pending before, or
17 proposed to be presented to, the legislature or a constitutional con-
18 vention.

19 * Sec. 13. AS 24.45.161(c) is amended to read:

20 (c) Either house of the legislature or a constitutional con-
21 vention [BY RESOLUTION, OR BOTH HOUSES OF THE LEGISLATURE BY CONCURRENT
22 RESOLUTION,] may by resolution invite a person to appear to speak
23 before it [THE LEGISLATURE OR EITHER HOUSE] with reference to any
24 pending matter. A standing, special or interim committee of either
25 house of the legislature or of a constitutional convention may, upon
26 the concurrence of a majority of its members, extend an invitation to
27 any person to appear before the committee to give information in regard
28 to, or explain, any matter pending before the committee.

29 * Sec. 14. AS 24.45.171(7) is amended to read:

1 (7) "legislative action" means the preparation, research,
2 drafting, introduction, consideration, modification, amendment, ap-
3 proval, passage, enactment, defeat or rejection of any bill, resolution,
4 proposition, amendment, revision, motion, report, nomination, appoint-
5 ment or other matter by the legislature or by a constitutional conven-
6 tion, or by a standing, interim or special committee of the legislature
7 or of a constitutional convention, or by a member or employee of the
8 legislature or of a constitutional convention acting in his official
9 capacity; it includes, but is not limited to, the action of the governor
10 in approving or vetoing a bill or the action of the legislature in
11 considering, overriding or sustaining that veto and the action of the
12 legislature in considering, confirming or rejecting an executive
13 appointment of the governor;

14 * Sec. 15. AS 15.50.090, 15.50.100, and 15.50.110 are repealed.

15 * Sec. 16. This Act takes effect immediately in accordance with AS 01.-
16 10.070(c).

Tues

Introduced: 2/9/81
Referred: State Affairs, Judiciary
and Finance

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL (for
the Joint Interim Committee on
the Constitutional Convention)

De-cess ✓

1 IN THE SENATE

2 SENATE BILL NO. 165

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to constitutional conventions; and
7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 15.50.030 is amended to read:

10 ✓ Sec. 15.50.030. PLACING AMENDMENTS BY LEGISLATURE [PROPOSITION]
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12 the ballot title and proposition on the ballot for the next statewide
13 general election held after the amendment proposed by the legislature
14 [OR HELD 120 DAYS AFTER THE AMENDMENT PROPOSED BY A CONSTITUTIONAL
15 CONVENTION]. IF there is insufficient time to permit the proposition
16 to be placed on the regular ballot by the director, the lieutenant
17 governor shall direct the director to prepare a separate ballot for the
18 proposition.

19 * Sec. 2. AS 15.50.070 is amended to read:

20 ✓ Sec. 15.50.070. PLACING QUESTION OF CONSTITUTIONAL CONVENTION ON
21 BALLOT. IF during any 10-year period a constitutional convention has
22 not [YET] been held, and the question of holding a constitutional con-
23 vention has not been placed before the voters, the lieutenant governor
24 shall direct the director to place [THE QUESTION] on the ballot for the
25 next regular statewide general [OR PRIMARY] election the question:
26 "Shall there be a Constitutional Convention?" Provision shall be made
27 for marking the question "Yes" or "No".

28 * Sec. 3. AS 15.50.080 is amended to read:

29 Sec. 15.50.080. CERTIFICATION OF VOTE. If a majority of the votes

Proposed by Committee Division

1 cast on the question placed before the voters under AS 15.50.070 is
2 [ARE] in the affirmative, the lieutenant governor shall [SO CERTIFY AND
3 SHALL] issue the call for the constitutional convention under the pro-
4 visions of this chapter.

5 * Sec. 4. AS 15.50 is amended by adding new sections to read:

6 ✓ Sec. 15.50.091. DATE FOR ELECTION OF DELEGATES. (a) If a major-
7 ity of the votes cast on the question put before the voters under
8 AS 15.50.070 is in the affirmative, a special election for the selec-
9 tion of delegates shall be held on the third Tuesday of May following
10 the vote on the question.

11 (b) If the constitutional convention is called by the legis-
12 lature, the date of the election of delegates shall be specified in the
13 call.

14 ✓ Sec. 15.50.101. NUMBER OF DELEGATES. Sixty-five delegates shall
15 be elected to a constitutional convention. Sixty delegates shall be
16 elected under AS 15.50.111 and five delegates shall be elected at
17 large.

18 ✓ Sec. 15.50.111. DELEGATE ELECTION DISTRICTS. Delegates to a
19 constitutional convention, other than delegates elected at large, shall
20 be elected from the same districts and in the same numbers as are
21 elected to each house of the legislature according to the apportionment
22 schedule in effect at the time that the election is held.

23 ✓ Sec. 15.50.120. QUALIFICATION'S OF CANDIDATES. (a) A candidate
24 for delegate from a district shall be a registered voter of the state
25 who has been a resident of the state for the three years preceding and
26 of the district from which he seeks election for one year preceding the
27 first day of the convention.

28 (b) A candidate for delegate at large shall be a registered voter
29 of the state who has been a resident of the state for the three years

1 preceding the first day of the convention.

2 Sec. 15.50.130. DECLARATION AND WITHDRAWAL OF CANDIDACY. (a) A
3 person who seeks to be a candidate in the special election for delegate
4 to a constitutional convention shall execute and file a declaration of
5 candidacy with the lieutenant governor. The declaration shall be
6 executed under oath before an officer authorized to take acknowledge-
7 ments and shall state in substance:

8 (1) the full name of the candidate and the manner in which
9 he wishes his name to appear on the ballot;

10 (2) the full resident address of the candidate;

11 (3) the full mailing address of the candidate;

12 (4) the election or senate district of which the candidate
13 is a resident;

14 (5) the office for which the candidate seeks nomination;

15 (6) that the candidate meets the specific residency require-
16 ments of the office for which he is a candidate;

17 (7) that the candidate is a qualified voter as required by
18 law;

19 (8) that the candidate requests that his name be placed on
20 the special election ballot; and

21 (9) that the required fee accompanies the declaration.

22 (b) A declaration of candidacy shall be accompanied by a filing
23 fee of \$30 unless the person files a notarized affidavit that he is
24 indigent.

25 (c) The name of a candidate will appear on the special election
26 ballot unless notice of his withdrawal from the special election is
27 received by the lieutenant governor at least 40 days before the date of
28 the special election. Notice of withdrawal of candidacy must be in
29 writing over the signature of the candidate.

1 ✓ Sec. 15.50.140. MANNER AND DATE OF FILING DECLARATION. (a) A
2 declaration of candidacy for delegate to a constitutional convention is
3 filed by

4 (1) the actual physical delivery of the declaration in
5 person to the lieutenant governor at or before 5:00 p.m., local time,
6 February 15 of the year in which the special election is held for the
7 office;

8 (2) the actual physical delivery of the declaration by mail
9 to the lieutenant governor at or before 5:00 p.m., local time, Febru-
10 ary 15 of the year in which the special election is held for the office;
11 or

12 (3) the actual physical delivery

13 (A) by telegram of a declaration with the statements
14 required in AS 15.50.130(a)(1) - (5) to the lieutenant governor
15 at or before 5:00 p.m., local time, February 15 of the year in
16 which the special election is held for the office; and

17 (B) by registered mail of a complete declaration of
18 candidacy which is postmarked at or before 5:00 p.m., local time,
19 February 15 of the year in which the special election is held for
20 the office and received by the lieutenant governor not more than
21 15 days after that time.

22 (b) If the postmark is illegible, a dated receipt from the post
23 office where the declaration was dispatched is acceptable as evidence
24 of mailing. If February 15 is a Sunday or holiday, the deadlines for
25 postmarking and receipt of the declaration shall be extended 24 hours.

26 (c) If a candidate sends a telegram under (a)(3) of this section
27 and the lieutenant governor does not receive a declaration of candidacy
28 by registered mail within 15 days of February 15, the candidate shall
29 be notified of the nonreceipt of the declaration. The candidate shall

1 have the opportunity to refile his declaration with proof that his
2 previous declaration has been filed in a timely manner and in accord-
3 ance with law.

4 ✓ Sec. 15.50.150. NONPARTISAN ELECTION. The election of the dele-
5 gates to a constitutional convention shall be nonpartisan.

6 ✓ Sec. 15.50.160. PLACEMENT OF NAMES OF CANDIDATES ON SPECIAL ELEC-
7 TION BALLOT. The lieutenant governor shall place the names of the per-
8 sons who have filed proper declarations of candidacy for delegate on
9 the special election ballot.

10 ✓ Sec. 15.50.170. BALLOTS. A separate ballot shall be prepared for
11 each election district. The ballot shall contain the names of the
12 candidates for delegate from the house district, from the senate dis-
13 trict, and the candidates running at large.

14 ✓ Sec. 15.50.180. CERTIFICATION OF ELECTION. On completion of his
15 review of the votes, the lieutenant governor shall certify the person
16 receiving the largest number of votes for the office for which he was a
17 candidate as elected. The lieutenant governor shall issue each elected
18 delegate a certificate of election.

19 * Sec. 5. AS 15.50 is amended by adding a new section to read:

20 ARTICLE 9. GENERAL PROVISIONS.

21 ✓ Sec. 15.50.900. DELEGATION BY THE LIEUTENANT GOVERNOR. The
22 lieutenant governor may delegate the duties imposed on him by this
23 chapter to the director.

24 * Sec. 6. AS 44 is amended by adding a new chapter to read:

25 CHAPTER 90. CONSTITUTIONAL CONVENTION.

26 ✓ Sec. 44.90.010. CALL. (a) Within 60 days after an affirmative
27 vote under AS 15.50.070 or within 60 days after the legislature has
28 called a constitutional convention, if specific appropriations have not
29 been made for the special election to select delegates, to hold the

1 constitutional convention, or to conduct a special ratification elec-
2 tion, the lieutenant governor shall include in his call for the consti-
3 tutional convention an appropriation which he determines is adequate
4 for those purposes. He shall deliver a copy of the call to the commis-
5 sioner of revenue.

6 (b) When the commissioner of revenue receives the copy of a call
7 under (a) of this section, he shall establish special accounts within
8 the general fund from which money for the purposes stated in (a) of
9 this section may be drawn.

10 (c) The amounts appropriated for elections to select delegates or
11 to ratify an amendment or revision shall be spent and accounted for by
12 the lieutenant governor.

13 (d) The amounts appropriated for the constitutional convention
14 shall be spent and accounted for by the constitutional convention.

15 ✓ Sec. 44.90.020. PLACE AND TIME OF CONSTITUTIONAL CONVENTION. (a)
16 If a majority of the votes cast under AS 15.50.070 is in the affirma-
17 tive, the constitutional convention shall assemble at the University of
18 Alaska, College, Alaska] at 10:00 a.m. or as soon as a quorum is present
19 on the second Monday in September following the special election or at
20 a time specified in the call for the purpose of considering amendments
21 or revisions to the Constitution of the State of Alaska.

22 (b) The constitutional convention shall meet for not more than 90
23 days but may, in its discretion, recess for 15 days or less for public
24 hearings on proposed amendments or revisions to the constitution.

25 ✓ Sec. 44.90.030. OPENING OF THE CONSTITUTIONAL CONVENTION. The
26 governor shall open the constitutional convention and shall preside
27 until temporary officers are selected.

28 ✓ Sec. 44.90.040. MEETINGS OF THE CONSTITUTIONAL CONVENTION. All
29 meetings of the constitutional convention shall be held in accordance

*at a place
specified in
the call*

1 with AS 44.62.310 - 44.62.312.

2 ✓ Sec. 44.90.050. POWERS OF THE CONSTITUTIONAL CONVENTION. (a)
3 The constitutional convention is the judge of the qualification and
4 election of its members.

5 (b) The constitutional convention may by a majority vote of its
6 members choose officers, prescribe their functions, powers and duties,
7 and make rules for the conduct of its business.

8 (c) The constitutional convention may request and shall receive
9 assistance and information from any state department or agency.

10 (d) The constitutional convention may employ professional, legal,
11 and other staff assistants and enter into contracts for goods and ser-
12 vices.

13 (e) The constitutional convention has plenary power to amend or
14 revise the constitution subject only to ratification by the people.

15 Sec. 44.90.060. RATIFICATION OF AMENDMENTS OR REVISIONS. (a) If
16 the constitutional convention submits amendments or revisions to the
17 people for ratification, the lieutenant governor shall call a special
18 election for the purpose of ratifying the amendments or revisions not
19 less than 40 nor more than 120 days after the adjournment of the consti-
20 tutional convention.

21 (b) The ratification election shall be conducted under AS 15.

22 Sec. 44.90.070. IMMUNITIES. A delegate to a constitutional con-
23 vention may not be held to answer before any tribunal for any statement
24 made in the exercise of his duties as a delegate to the constitutional
25 convention while the convention is in session. A delegate attending,
26 going to or returning from convention sessions is not subject to civil
27 process and is privileged from arrest except for felony or breach of
28 the peace.

29 Sec. 44.90.080. EXPENSES, TRAVEL, AND PER DIEM OF DELEGATES. A

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1 delegate to the constitutional convention is entitled to expenses, per
2 diem, and travel allowances provided by law for legislators while the
3 legislature is in session. A delegate does not receive salary for ser-
4 vice as a delegate.

5 ✓ Sec. 44.90.090. DELEGATE VACANCY. If a vacancy occurs in the
6 office of delegate, the governor shall appoint a qualified person to
7 fill the vacancy.

8 * Sec. 7. AS 39.50.020(b) is amended to read:

9 (b) The governor, lieutenant governor, members of the legislature,
10 delegates to a constitutional convention, and candidates for these
11 offices, judicial officers, each commissioner, head or deputy head of,
12 or director of a division within, a department in the executive branch,
13 assistant to the governor or chairman or member of a commission or
14 board required to report under this chapter, shall file the statement
15 with the Alaska Public Offices Commission. Municipal officers, and
16 candidates for elective municipal office, shall file with the municipal
17 clerk or other municipal official designated to receive their filing
18 for office. All statements required to be filed under this chapter are
19 public records.

20 * Sec. 8 AS 39.50.200(a)(1) is amended to read:

21 (1) "public official" means a judicial officer, a member of
22 the legislature, a delegate to a constitutional convention, the gover-
23 nor, the lieutenant governor, a person hired or appointed as the head
24 or deputy head of, or director of a division within, a department in
25 the executive branch, an assistant to the governor, chairman or member
26 of a state commission or board, and each appointed or elected municipal
27 officer;

28 * Sec. 9. AS 39.50.200(a) is amended by adding a new paragraph to read:

29 (10) "candidate for state elective office" includes a candi-

1 date for election as a delegate to a constitutional convention.

2 * Sec. 10. AS 24.45.081 is amended to read:

3 ✓ Sec. 24.45.081. REPORTING PERIODS. (a) Reports required under
4 this chapter shall be filed during the calendar month following each
5 calendar month during any part of which the legislature was in session
6 and during the month following each calendar quarter when the legisla-
7 ture was not in session.

8 (b) If [HOWEVER, IF] a lobbyist registered under this chapter has
9 declared that he seeks only to influence administrative action and not
10 legislative action he need only file a report required under this
11 chapter for each calendar quarter. If a lobbyist registered under this
12 chapter has declared that he seeks to influence legislative action but
13 does not intend to influence legislative action at a constitutional
14 convention, he need only file the reports required under (a) of this
15 section. If a lobbyist registered under this section has declared that
16 he seeks to influence legislative action at a constitutional conven-
17 tion, he need only file reports during the calendar month following
18 a calendar month during which the constitutional convention was in
19 session.

20 (c) The period covered shall be the calendar month or the calen-
21 dar quarter, as applicable, and shall in any event cover the period
22 from the date of the last report filed under this chapter to the date
23 of the end of the calendar month or quarter, as applicable, for which
24 the report is being filed. The period covered shall not include any
25 months covered in previous reports filed by the same person. When
26 total amounts are required to be reported, totals shall be stated both
27 for the period covered by the statement and for the entire calendar
28 year to date.

29 * Sec. 11. AS 24.45.161(a)(1)(B) is amended to read:

1 (B) who limits his lobbying activities to appearances
2 before public sessions of the legislature or before public ses-
3 sions of a constitutional convention, or their [ITS] committee or
4 subcommittees, or to public hearings or other public proceedings
5 of state agencies;

6 * Sec. 12. AS 24.45.161(b) is amended to read:

7 (b) Nothing in this chapter may be construed as prohibiting or
8 affecting the rendering of professional services in drafting legis-
9 lative measures or in advising clients and in rendering opinions as to
10 the construction or effect of proposed or pending legislative or admin-
11 istrative action when these professional services are not otherwise
12 connected with influencing or attempting to influence legislative or
13 administrative action. Nor does anything in this chapter prevent
14 members of the legislature or delegates to a constitutional convention
15 from discussing with constituents the advisability of passing legis-
16 lation or proposals for amendments or revisions then pending before, or
17 proposed to be presented to, the legislature or a constitutional con-
18 vention.

19 * Sec. 13. AS 24.45.161(c) is amended to read:

20 (c) Either house of the legislature or a constitutional con-
21 vention [BY RESOLUTION, OR BOTH HOUSES OF THE LEGISLATURE BY CONCURRENT
22 RESOLUTION,] may by resolution invite a person to appear to speak
23 before it [THE LEGISLATURE OR EITHER HOUSE] with reference to any
24 pending matter. A standing, special or interim committee of either
25 house of the legislature or of a constitutional convention may, upon
26 the concurrence of a majority of its members, extend an invitation to
27 any person to appear before the committee to give information in regard
28 to, or explain, any matter pending before the committee.

29 * Sec. 14. AS 24.45.171(7) is amended to read:

1 (7) "legislative action" means the preparation, research,
2 drafting, introduction, consideration, modification, amendment, ap-
3 proval, passage, enactment, defeat or rejection of any bill, resolution,
4 proposition, amendment, revision, motion, report, nomination, appoint-
5 ment or other matter by the legislature or by a constitutional conven-
6 tion, or by a standing, interim or special committee of the legislature
7 or of a constitutional convention, or by a member or employee of the
8 legislature or of a constitutional convention acting in his official
9 capacity; it includes, but is not limited to, the action of the governor
10 in approving or vetoing a bill or the action of the legislature in
11 considering, overriding or sustaining that veto and the action of the
12 legislature in considering, confirming or rejecting an executive
13 appointment of the governor;

14 * Sec. 15. AS 15.50.090, 15.50.100, and 15.50.110 are repealed.

15 * Sec. 16. This Act takes effect immediately in accordance with AS 01.-
16 10.070(c).