

HB

449

HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF
HB 449

Single member Election Districts

Received January 26, 1990
by Reps. Hanley, Leman, Martin, C. Davis,
Zawacki

Heard February 15, 1990

Passed Out of Committee February 15, 1990
3 Do Pass
2 No Recommendation

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HOUSE COMMITTEE REPORT

(7)

Date Referred: January 26, 1990

FURTHER REFERRALS:

JUDICIARY

Date of Committee Action: _____

The STATE AFFAIRS Committee considered:

HB 449

HOUSE BILL NO. 449

SINGLE MEMBER ELECTION DISTRICTS

"An Act relating to election districts; and providing for an effective date."

RECOMMENDATIONS:

- [] be replaced with _____ [] the same title
[] a new title
[] have attached amendment(s)
[X] do pass
[] do not pass
[] no recommendation
[] individual recommendations
[] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

[X] fiscal impact Div of Elections

[] fiscal note(s) _____

[] zero fiscal note _____

[] zero fiscal note(s) _____

[] zero with analysis _____

[] zero fn/analysis _____

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not
Pass
No Rec
Amend

Chris Kealey
Jim [unclear]
[unclear]

	Do Not Pass	No Rec	Amend
<i>David Duley</i>		X	
<i>W. G. [unclear]</i>		✓	

W. G. [unclear]
Chairman's Signature

New House House
Dist.

BY REP. HANLEY, Leman, Martin, C.Davis, Zawacki

- give edge

1 IN THE HOUSE

2

HOUSE BILL NO. 449

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to election districts; and providing
for an effective date."

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

9

* Section 1. AS 15.35 is amended by adding new sections to article 2 to
read:

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Sec. 15.35.022. HOUSE ELECTION DISTRICTS. A member of the house
of representatives shall be elected by the qualified voters of a house
election district that was established in the most recent reapportion-
ment. Each member of the house of representatives shall be elected
under art. VI, sec. 6, Constitution of the State of Alaska, from a
single member district.

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Sec. 15.35.024. SENATE ELECTION DISTRICTS. A member of the
senate shall be elected by the qualified voters of a single member
senate election district that was established in the most recent
reapportionment. Each senate election district is composed of two
single member house election districts established under art. VI,
sec. 6, Constitution of the State of Alaska, and AS 15.35.022.

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* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

Reducing size of dist -

At elect.

"could look into on single member dist"

CONF OR CAMPAIGNING ->

FISCAL NOTE

REQUEST:

Revision Date: 2/14/90
Title: Relating to election districts; and providing for an effective date.
Sponsor: Rep. Hanley
Requestor: Rep. Hanley

Agency Affected: Office of the Governor
BRU: Elections
Components: I Elections
II - Primary & General Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	F/ 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	**	**	**	**	**
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	**	**	**	**	**

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The fiscal impact for FY 90 is -0- (For further explanation, see attached sheet).

Prepared by: Linda Zugeworth
Division: Division of Elections

Phone: 465-4611

Date: _____

Approved by Commissioner: [Signature]
Agency: Division of Elections

Date: 2-14-90

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impact Agency(ies)

CONTINUATION OF FISCAL NOTE - HOUSE BILL 449

Division of Elections

Passage of this bill would have the most immediate and direct impact on the Reapportionment Commission charged with responsibility to develop the state's reapportionment plan following the completion of the 1990 Census. Only upon formal adoption of the Reapportionment Plan by the Governor would the Division of Elections be impacted.

General Reapportionment Costs:

It should be noted that the Division would incur extensive, one-time costs in responding to the Reapportionment Plan. In FY82 costs incurred for the realignment of election districts and reassignment of voters came to \$128.1 with additional costs expended in FY83. (These costs were in addition to the FY81 funding of \$314.2 to the Office of the Governor.) The Division will require similar funding in FY92 and FY93 to cover the following:

1. Temporary staffing for programming and data entry to realign precincts, inputting new geographic identification codes, cross-REAA/CRSA district alignments and reassignment of voters in the Voter Registration and Election Management System (VREMS).
2. Printing and postage for new voter ID cards to affected voters (approximately \$290/M).
3. Statewide advertising.
4. Mapping Services (cartography and reproduction).
5. Rewrite of district and precinct legal boundary descriptions and adoption of precinct regulations and public notice under AS 44.62.

Additional Continuing Costs Based on Single Member House Districts:

With an increase from 27 House Districts to 40 House Districts and from 14 Senate Districts to 20 Senate Districts, the cost of conducting primary and general elections would increase in each major election year (odd-numbered fiscal years). The overall costs of Primary and General Elections would increase to accommodate extra printing charges and computer count programming charges for the 13 additional House Districts which would result from this legislation.

CONTINUATION OF FISCAL NOTE - HOUSE BILL 449

Division of Elections

Ballot Counting Program

\$ 2.5 per district X 13 House Districts X 2 Elections (Primary & General) (Includes Senate District Rotations)	\$ 65.0
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Ballot Printing and Rotation Plates

Primary: 13 Additional House Districts With Average of 2 Candidates (39 Rotation Plates)	6.2
---	-----

Primary: 6 Additional Senate Districts With Average of 3 Candidates (18 Rotation Plates)	2.8
---	-----

General: 13 Additional House Districts With Average of 2 Candidates (26 Rotation Plates)	4.2
---	-----

General: 6 Additional Senate Districts With Average of 2 Candidates (12 Rotation Plates)	1.9
---	-----

Official Election Pamphlet

\$ 2.2 Per Sample Ballot Page X 13 House Districts (Includes Senate District)	28.6
--	------

\$ 2.2 Per Map Page X 6 Additional Senate Districts (Will Include 2 House Districts Each)	13.2
--	------

TOTAL COSTS COMPONENT II PRIMARY AND GENERAL ELECTIONS (Odd Numbered Fiscal Years)	\$ 121.9
--	----------

Item 3

Alaska State Legislature House of Representatives



3111 "C" STREET, SUITE 410
ANCHORAGE, ALASKA 99503
(907) 561-2033

REPRESENTATIVE
ALYCE HANLEY
DISTRICT 9, SEAT B

DURING SESSION
P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4939

MEMBER
STATE AFFAIRS COMMITTEE
REGULATION REVIEW COMMITTEE

RECEIVED

JAN 31 1990

January 30, 1990

MEMORANDUM

TO: Representative Red Boucher, Chairman
House State Affairs Committee

FROM: Representative Alyce Hanley *A. Hanley*

SUBJECT: HB 449 - An act relating to election districts; and providing for an effective date.

HB 449 was introduced to accomplish meaningful campaign reform. There is a lot of public dissatisfaction with the high cost of political campaigns. By mandating in statute single member house and senate districts, the cost of campaigns will be significantly reduced. The current system of double member house and senate districts in urban areas drives the cost of campaigns higher and higher. By contrast the rural single member districts have lower costs even though greater distances must be covered.

It is with this in mind that I respectfully request a State Affairs Committee hearing be scheduled for HB 449 on behalf of myself as well as the cosponsors. I have enclosed a copy of HB 449 and related backup for your review.

The reapportionment process in Alaska allows the Governor to reapportion the legislature. This bill would not compromise the current procedure but would establish in statute the nature of each election district by adding language that provides for single member House Districts. The Senate Districts would be composed of two single member House Districts.

I believe that there are many good reasons to have single member House and Senate Districts. Listed below are some of the more compelling reasons:

1. The cost of campaigns would be reduced because candidates in both urban rural areas would be able to utilize less expensive forms of communication media such as door knocking, town meetings or community events.

2. Voters would identify their local area with the candidates /public officials and vice versa.
3. The election process would be open to a wider range of candidates for public office because of a smaller district size.
4. Greater legislative responsibility and accountability by public officials to the voters of the district and less to political parties or special interest groups.
5. Greater input by the public on issues facing their state and district.
6. The courts are less likely to set aside reapportionment plans because they favor single member districts. It is easier to identify if the one man vote rule is being violated. Most of the districts would be compact, contiguous and socially and economically similar.

A similar bill, HB 593, was introduced during the 14th Legislature. One committee hearing was held on that bill with three members voting do pass. The committee report as well as the minutes are included in the enclosed information.

Enclosures

ISER OCCASIONAL PAPERS

No. 17, September 1985

**Alaska's Elections,
1958-1984**

Thomas A. Morehouse



INSTITUTE OF SOCIAL AND ECONOMIC RESEARCH

UNIVERSITY OF ALASKA
Anchorage, Alaska

Item 4

ACKNOWLEDGMENTS

I wish to thank a number of people who helped me produce this study. ISER Research Associates Phil Rowe and Teresa Hull assembled the electoral data base and provided related assistance at several turns. Rowe also contributed many valuable suggestions for improving the presentation of findings. Gerald McBeath, Victor Fischer, Gordon Harrison, and Lee Gorsuch provided helpful comments as well. I further benefited from the careful readings and comments of students in the state and local government course given at the University of Alaska, Fairbanks, during the 1985 spring semester. Similarly, many good suggestions were made by participants in the Taft Institute for Teachers held at UAF in June 1985; Patrick O'Connell deserves special mention. Darla Siver typed several drafts of the study, and Kandy Crowe drew the figures. Ron Crowe and Kandy Crowe saw the manuscript through to its final, published form.

Thomas A. Morehouse

ISBN 0-88353-036-8

Series ISER Occasional Paper No. 17

Published by
Institute of Social and Economic Research
University of Alaska
707 A St., Suite 206
Anchorage, Alaska 99501
1985

ALASKA'S ELECTIONS, 1958-1984

Elections are the means by which citizens take part in choosing the officials who set governmental policy for nations, states, and communities. In the American states, elections are the most common way that people participate in government.

Elections would serve these purposes most effectively if large numbers of informed citizens were to go to the polls to choose between competing candidates offering clear choices for future policy. Ideally, the winning candidates would form a unified governing coalition: officials identified with one of the major political parties would lead both executive and legislative branches of government. In this way, officials could be held accountable in the next election for the record of government as a whole and for their individual performances.¹

These conditions are rarely if ever fulfilled in American elections (or in elections generally). In most state elections, only about half or less of the voting age population actually goes to the polls on election day. Party competition in state executive or legislative elections is often weak and sometimes absent altogether. Candidates tend to avoid committing themselves to party or other programmatic positions. And the elections result increasingly in state governments being divided along party lines, with one party controlling the governor's office and the other controlling either or both houses of the state legislature.

This paper examines the extent to which these different electoral patterns apply in Alaska. First, we broadly discuss the social and institutional setting of Alaska elections. Then, we examine in detail changing patterns of "turnout" or public participation in elections, party competition for office, and party control of state government. Overall, the paper shows how Alaska's elections have changed since statehood and how they compare to elections in the American states generally.

The Setting and Context of Alaska Elections

The character and outcomes of Alaska's elections are shaped by the state's changing electoral demography, campaign methods and

¹The characteristics and especially the limitations of the "party government" model in American politics are discussed fully by Frank J. Sorauf, *Party Politics in America*, 5th ed. (Boston: Little, Brown and Company, 1984), pp. 388-414.

technology, and state elections rules.

Electoral Demography

By "electoral demography" we mean analysis of the social characteristics of a voting-age population that may influence the political orientations and voting patterns of that population. Ultimately, we are interested in knowing such things as how likely people are to turn out to vote, which party the people are most likely to identify with and support, and what general policy preferences people are likely to have. Without survey data, what can be learned from demographic analysis is limited. Nonetheless, we can trace changes in Alaska's population over time, make comparisons with other states, and show some significant differences among the populations of Alaska's major regions. The resulting demographic profile will provide useful background for subsequent analysis of election returns.

Table 1 shows changes in Alaska's overall population between 1960 and 1980 and compares the state's population with the 1980 populations of the United States as a whole and of the Mountain States. We emphasize the Mountain States because they comprise the region of the United States most similar to Alaska in its population and economic characteristics.

We see that Alaska's population is becoming more like that of the United States as a whole and even more like that of the Mountain States: During the twenty-year period, the ratio of men to women evened out somewhat; the age structure of the population became more balanced; and Alaskans became a less transient, more settled people. Also, like Americans elsewhere in the states, fewer Alaskans were married (or they were marrying at a later age) and more were divorced or separated.

On the other hand, Alaska's population in 1980 was still younger, better educated, more mobile, and had proportionately more males than the populations of other states. It also had a significantly higher proportion of Native Americans. And Alaska's rapid growth rate of the 1960-80 period—among the very highest of the states—even accelerated during the early 1980s as the state spent billions of dollars of petroleum revenues.

In the mid-1980s, as at the beginning of statehood, the "typical" Alaska voter was a relatively young, well-educated person who tended to be on the move in pursuit of economic opportunity. Compared to his or her counterpart of twenty years earlier, this 1980s Alaskan was likely to be a few years older, better educated, and wealthier.

These demographic changes were concentrated in Alaska's two

Table 1

Alaska's Population, 1960-1980 Comparisons with Mountain States and United States, 1980

Characteristics	Alaska		Mountain States ^a	United States
	1960 (%)	1980 (%)	1980 (%)	1980 (%)
Sex (over age 20)				
Male	59.3	53.6	48.9	47.4
Female	40.7	46.4	51.1	52.6
Age				
Under 20	43.1	36.2	34.3	32.0
20-34	28.1	33.9	27.5	25.8
35-54	22.3	21.8	20.4	21.3
55 and over	6.5	8.1	17.7	20.9
Race (all persons)				
White	77.2	77.6	88.1	83.4
Native/Other	22.8	22.4	11.9	16.6
Residence (5 years earlier)				
Same State	53.4	68.6	77.0	88.4
Elsewhere	46.6	31.4	23.0	11.6
Marital Status (over age 15)				
Single	25.4	28.2	26.5 ^b	26.1
Married	66.5	58.8	57.1	57.8
Divorced/Separated	5.0	10.5	10.2	8.4
Widowed	3.1	2.7	6.2	7.6
Education (over age 25)				
0-8	26.4	9.0	12.4	18.3
9-11	18.9	8.5	12.4	15.3
High School Graduation	32.3	38.9	35.7	34.6
Some College	12.9	22.6	20.7	15.7
College Graduation & Above	9.5	21.0	18.8	16.2

^aIdaho, Montana, Wyoming, Nevada, Utah, Colorado, Arizona, New Mexico.

^bMountain States plus Alaska, Hawaii, Washington, Oregon, California.

Source: U.S. Bureau of the Census.

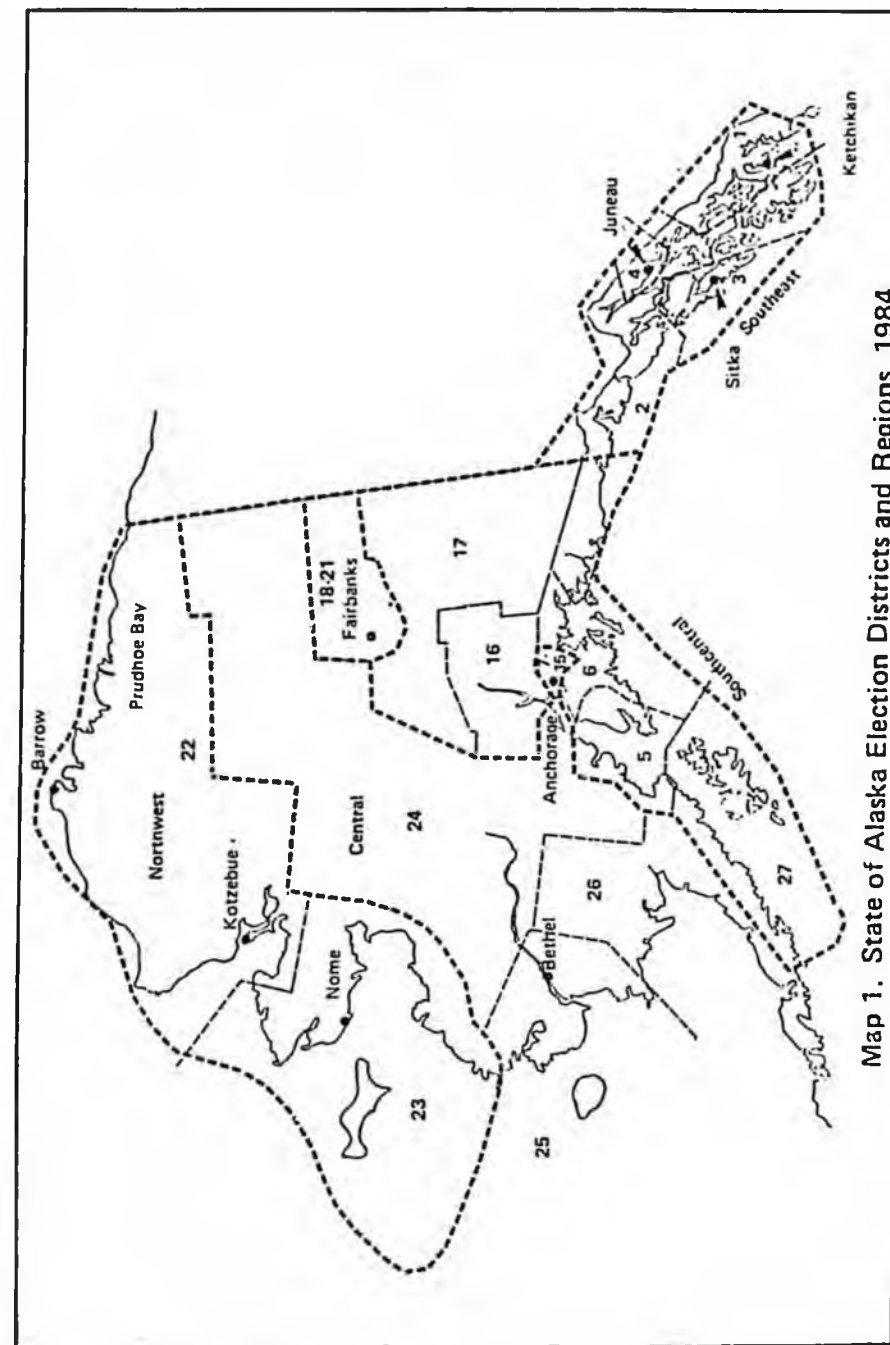
major cities—Anchorage, with over 40 percent of the state's population in 1980, and Fairbanks, with about 13 percent. Map 1 shows the state's election regions (and election districts within them) that are used in the electoral analysis below.² We have split the Anchorage and Fairbanks districts out of the southcentral and central regions in order to show how much they differ from the rest of the state both in their population and voting patterns. Table 2 shows that Alaska's younger, more mobile, and better-educated voters are concentrated in Anchorage and Fairbanks.

Populations in the central and northwest "bush" Native regions, on the other hand, tend to have much lower levels of education and heavily disproportionate numbers of unmarried young men. In the predominantly non-Native southeast and southcentral regions, we find a somewhat older, more settled population than in Anchorage and Fairbanks. In the southeast, there is a concentration of highly educated people in Juneau, the state capital.

These regional descriptions indicate that our "typical" Alaska voter is most likely to be an Anchorage or Fairbanks resident who is not representative of other parts of the state. In fact, the voters of Alaska's two major urban centers differ from citizens in small towns and rural areas in several ways that may be politically significant. In the United States generally, youth, increased incomes, education, and mobility are associated with independent and conservative political identifications.³ In Alaska, these distinguishing characteristics of the rapidly growing urban populations may be reinforcing the state's traditional regional divisions, in which Anchorage interests are increasingly opposed to those of the rest of the state. We might, therefore, expect some substantial regional variations in turnout, party preferences, and voting on statewide candidates and ballot issues in Alaska. We might also expect to find growing complexity and conflict in Alaska's electoral experience during the first quarter century of statehood.

Election Campaigns

Growth and change in Alaska's population since statehood have been accompanied by changes in the ways that candidates attempt to influence and attract voters. Two parallel developments have affected campaign methods in Alaska since statehood. First had been the



Map 1. State of Alaska Election Districts and Regions, 1984

²Although the map shows election districts and regions as of 1981, our electoral data for all previous election years conform approximately to these same regions.

³Shley R. Lyons, *Who Votes and Why: a Review of American Electoral Behavior* (New York: Robert A. Taft Institute of Government, 1981), pp. 15-32.

Table 2
Population of Alaska's Regions, 1980

Characteristics	Alaska	South- east	South- central	Anchorage	Fair- banks	North- west
Sex (over age 20)						
Male	53.6	52.8	54.3	52.0	58.6	54.7
Female	46.4	47.2	45.7	48.0	41.4	45.3
Age						
Under 20	36.2	35.1	36.8	35.0	40.5	35.0
20-34	33.9	30.7	31.1	35.1	33.6	37.4
35-54	21.8	22.9	22.8	23.0	18.2	20.8
55 and over	8.1	11.3	9.3	6.8	7.7	7.0
Race (all persons)						
White	77.6	78.0	87.8	85.2	38.0	85.4
Native/Other	22.4	22.0	12.2	14.8	62.0	14.6
Residence (5 years earlier)						
Same State	68.6	74.5	73.2	63.9	74.0	62.2
Elsewhere	31.4	25.5	26.8	36.1	26.0	37.8
Marital Status (over age 15)						
Single	28.2	27.7	25.6	27.5	38.1	28.5
Married	58.8	58.5	62.6	58.5	52.1	59.6
Divorced/Separated	10.5	10.4	9.2	11.9	6.4	9.7
Widowed	2.7	3.4	2.6	2.1	3.4	2.2
Education (over age 25)						
0-8	9.0	7.2	8.5	4.2	30.5	5.0
9-11	8.5	9.7	10.5	7.5	7.7	8.4
High School Grad.	38.9	37.7	41.6	39.6	32.9	41.6
Some College	22.6	21.6	22.7	25.1	14.9	23.1
College Grad. & Above	21.0	23.7	16.8	23.6	14.0	22.0

Source: U.S. Bureau of the Census.

growth of the population and its continued and increasing concentration in and around Anchorage and Fairbanks. Second has been the use of new communications technology and methods, including satellite television, that allows communication with even the most remote parts of the state.

These changes have meant that impersonal, professionally produced television appeals have increasingly replaced personal contact by candidates for political office, especially in the larger Anchorage and Fairbanks electoral "markets." In statewide elections, when candidates for governor, U.S. Senator, and U.S. Representative

attempt to reach all parts of the state, the "TV spots" are likely to be their only contact with the great majority of Alaska voters. Just as Alaska's population is becoming more like that of the nation as a whole, so are Alaska's election campaigns becoming more like those of more populous states.

Yet, with only about 500,000 population in the mid-1980s, Alaska is still small enough that candidates might personally meet a larger proportion of the electorate than is possible in most other states. This kind of "friends and neighbors" politics, however, which was common throughout the territorial period and in the early years of statehood, is increasingly rare in Anchorage and Fairbanks, which together account for 60 percent of the state's total population. In rural and small town communities, the old-style politics survive mainly in legislative and municipal elections, as opposed to statewide elections.

A further development in Alaska since statehood that has changed the way candidates communicate with voters has been the continued erosion of the major political party organizations. In Alaska, as elsewhere, weak political parties have resulted in "party-less" campaigning—elections in which individual candidates have formed personal campaign organizations and made individual appeals, identifying themselves with neither major party in their campaign advertising. This fading of party organizations and appeals has been part of a broader erosion of party loyalty on the part of voters. As we shall see below, it has been reflected in an increase in ticket-splitting and divided state government.

Another indicator of change in Alaska election campaigns is campaign financing. In Anchorage, from 1974 to 1984, the average amount spent by primary winners in both primary and general elections for the state house increased in 1984 dollars from about \$10,000 per candidate to over \$46,000. In state senate races, the corresponding increase was from under \$22,000 to over \$68,000. These are real increases—adjusted to account for inflation—of 367 percent and 216 percent, respectively.

As the costs of campaigns soared, the funding sources on which candidates for state office depended changed radically. Organized contributors and special interests began to displace individual contributors as significant sources of campaign funds. In 1978, contributions of unions, initiative committees, lobbyists, corporations, and other groups accounted for about one-third of all campaign expenditures for state offices. By 1980, they accounted for over half; in 1982, a big year for statewide initiative campaigns, these special

interest contributors covered over 90 percent of all reported campaign costs.⁴

Thus, candidates are increasingly ignoring their fading party organizations; turning to more expensive communications technology; and depending on organized, special-interest sources of campaign financing. During this century, these forces have transformed relationships between candidates and voters in all states. They have now caught up with Alaska, changing the nature of this state's election campaigns in little more than a generation.

Election Rules

Election rules comprise a third part of the setting of Alaska's elections. By election rules, we mean requirements for legislative districting and apportionment, voter registration, getting on the ballot, and voting in primary and general elections. These rules can have important effects on voter turnout and choice and on who is elected to office.

1. Legislative Districting and Apportionment. Because of uneven, rapid population growth, the Alaska Legislature was reapportioned to revised districts six times during the first twenty-five years of statehood. Under the state constitution, the governor—not the legislature, as is usually the case in other states—has the power to reapportion the legislature on the advice of a reapportionment board appointed by him.⁵ Typically, the governor's reapportionments have been followed by partisan political disputes in which the governor has been challenged by legislators or party officials. The perceived stakes at issue have been seats in the legislature that might, depending on the reapportionment plan, more likely be captured by one party or the other. The outcomes could therefore affect the balance of competition between the parties and, ultimately, party control of the legislature or the government as a whole. Another political effect of reapportionment that often cannot be avoided is the change and disruption in precinct and district boundaries. Such change can undermine voters' familiarity with candidates and officials and increase turnover in office.

2. Voter Registration. Registering to vote was first required of Alaskans for the 1970 elections. Before then, a person desiring to

vote merely had to appear at the polls and sign the voting list. Alaska's registration laws are now like those of most other states. In order to be a registered voter, a person must have lived in the state and the election district for at least thirty days and must register at least thirty days before the election. The most important electoral effect of registration (aside from minimizing fraud, which is the principal justification for the requirement) is to reduce voter turnout. The extent of the reduction depends on how difficult it is for a person to register and on the characteristics of voters. Generally, people with lower levels of education and income are less likely to register. Registration is probably not a significant deterrent to voting in Alaska, given the relative ease of registration and above-average education and income levels.

3. Getting on the Ballot. Once a person registers and goes to the polls, there is the question of the range of choices he or she will have among party-sponsored and independent candidates. All states place restrictions on whose names can be placed on the ballot, and this often handicaps prospective third-party and independent candidates. In Alaska, the law has required that if third-party or independent candidates wish to be on the ballot, they must first obtain signatures equal to 3 percent of the number of voters in the previous general election. Also, to be recognized as a "political party," a third party must have won at least 10 percent of the popular vote in the last gubernatorial election. (The Libertarian Party in Alaska met this requirement in the 1982 gubernatorial election, which is discussed in detail below.) These are onerous requirements, and they have been challenged in the Alaska Supreme Court. In 1983, the court ruled against both requirements, and the legislature then moved to reduce them to more acceptable levels.⁶

4. Primary and General Election Requirements. If a primary election is *closed*, voters must be registered in a party, and they can choose candidates only in that party's primary. If the primary is *open*, voters can choose which party primary they wish to vote in without having registered in either party. In the open primaries of some states, voters must publicly choose one party's ballot; in other states, they receive both ballots and, using one and discarding the other, preserve the secrecy of their choice.

Alaska (and only one other state, Washington) has the most open form of the open primary, the *blanket* primary. Here, voters receive ballots including candidates of both parties and can vote for Democratic candidates for some offices and Republicans for others,

⁶*Vogler v. Miller* (Alaska, 651 P. 2d 1).

⁴Alaska Public Offices Commission figures reported in "AKPIRG Legislative Alert," Anchorage, December 14, 1984. These figures exclude candidates' contributions to their own campaigns.

⁵See Gordon S. Harrison, *A Citizen's Guide to the Alaska Constitution* (Anchorage: Institute of Social and Economic Research, 1982), pp. 57-62.

as they wish. Alaska's blanket primary makes it especially easy for voters to "cross over," and vote for a candidate whom they consider especially attractive or whom they perceive to be weak and thus easier to beat in the general election.⁷

In addition to residency and registration, there is a minimum age requirement in Alaska as in all other states. Under Alaska's constitution, 19-year-olds were permitted to vote in state and local elections; in 1970, an amendment lowered the voting age to 18 years. (In 1971, the U.S. Constitution was amended to permit 18-year-olds to vote in all states.)

Lowered standards of residency and voting age probably have reduced voter participation rates in Alaska elections. Lowering the residency requirement from one year (which it was until 1972) to thirty days made it possible for many more Alaskans to go to the polls. We have already seen that Alaska has an unusually large proportion of recently arrived residents. But the very people who make up the expanded electoral base—new residents, in the state for less than one year—are also less likely than longer-term residents to be familiar with or involved in state and local politics and therefore less apt to vote. A similar observation could be made about the 18-year-olds, those who were first enfranchised in Alaska in 1970 and every group of them since. National surveys show that voting turnout generally increases with age (until the mid-60s age group), and that the youngest eligible voters are least likely of all age groups to go to the polls and vote.⁸ Thus, the voting population base has expanded, but the newly enfranchised groups are disproportionately likely to be nonvoters.

Levels of Participation: Turnout

Turnout refers only to the *amount* of voting, and it is usually measured as the percentage of the *voting-age* population that votes in a given election. Another measure of turnout is the percentage of

⁷ Although little is known about crossovers in primary elections, "it does appear that few voters shift primaries in a deliberate effort to choose the weaker candidate. They are much more likely to shift because they are particularly attracted to a candidate in the other party or because the other party has closer, more interesting primary contests." Malcolm E. Jewell and David M. Olson, *American State Political Parties and Elections* (Homewood, IL: The Dorsey Press, 1982), p. 109.

⁸ See Jerry Hagstrom, "Baby Boom Generation May Have to Wait a While to Show its Political Clout," *National Journal*, 16 (April 28, 1984), p. 809. In national and state elections from 1932 to 1982, turnout of voters aged 18-29 lagged behind national averages by 11 to 17 percent.

registered voters who actually vote. Both measures have their weaknesses. The voting-age criterion may not adequately account for institutionalized people, noncitizens, residency requirements, and other factors that reduce the effective population of eligible voters. And the registered voter criterion depends even more precariously on widely varying registration laws among the states and on voter registration lists that are not consistently kept current and accurate. With these limitations in mind, we will use both measures in examining turnout in Alaska.

Factors Affecting Turnout

Turnout can rise or fall, depending on voting and election rules, level of party competition, particular issues and candidates, and the characteristics of voters. Registration may be the most substantial deterrent to voting, causing as much as a 10-percent decline in turnout where registration rules are most restrictive.⁹ Other studies have found that party competition historically has been the chief factor explaining varying levels of turnout. The positive link between competition and turnout has been especially strong "where parties reach out to specific groups, especially those who are otherwise less likely to vote."¹⁰ Still other studies have found that differences in race, age, income, and educational level account for half or more of the variation in the voter turnout rates of the states.¹¹ There remains a great deal of uncertainty and controversy about the causes of turnout. On each of these measures, however, turnout in Alaska should be affected either positively or not at all, relative to all other states. Alaska's registration requirements are not unusually difficult, competition is relatively intense, and the state's majority urban population ranks well above average on socioeconomic measures.

Turnout in Alaska

While the rest of the United States experienced a continuing decline in turnout for presidential election years since 1960, Alaska held relatively steady and then had a significant upturn in the early

⁹ John F. Bibby et al., "Parties in State Politics," in Virginia Gray, Herbert Jacob, Kenneth Vines, *Politics in the American States*, 4th ed. (Boston: Little, Brown and Co., 1983), p. 64; also Richard G. Niemi and Herbert F. Weisberg, *Controversies in Voting Behavior*, 2nd ed. (Washington, D.C.: Congressional Quarterly Press, 1984), p. 26.

¹⁰ Niemi and Weisberg, *Controversies in Voting Behavior*, pp. 29-30.

¹¹ Thomas R. Dye, *Politics in States and Communities*, 4th ed. (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1981), p. 69.

1980s. Table 3 shows that even while the turnout of the voting-age population in the United States and Mountain States dropped between 1960 and 1976, Alaska's turnout still lagged by several percentage points. In 1980 and 1984, however, Alaska's turnout was 10 percentage points higher than in 1976, while turnout in the Mountain States and United States as a whole either flattened out or continued to drop closer to the 50 percent level.

Table 3

Turnout of Voting-Age Population in Presidential Election Years, 1960-1984: Alaska, Mountain States, and United States

Year	Alaska*	Mountain States	United States
1960	53.0%	68.7%	62.8%
1964	51.6	68.5	61.9
1968	55.8	65.5	60.9
1972	52.2	59.2	55.2
1976	50.7	56.8	53.5
1980	59.8	54.1	52.6
1984	60.0	NA	53.0

*The Alaska turnout percentages in Tables 3 and 4 are based on population totals that are adjusted to account for estimates of the nonresident military population.

Sources: Derived from Alaska Division of Elections, U.S. Bureau of the Census.

The substantial decline from 1968 to 1972 in all three cases may in part be explained by the lowering of the voting age to 18 years and the lack of intensity and strong competition (as reflected in pre-election polls) in the 1972 Nixon-McGovern presidential race compared to the Nixon-Humphrey race four years earlier. Another

factor was the much-commented-upon alienation of the American voter. In Alaska, there was the possible additional effect of the new registration requirements, first imposed two years earlier.

Table 4 compares turnout of the Alaska voting-age population in presidential and gubernatorial election years.¹² Until 1982, Alaskans, like voters elsewhere, had voted more in presidential years than gubernatorial years. From 1960 to 1978, gubernatorial election turnout ranged from one to seven percentage points lower than turnout in the previous presidential election. During those years, the average difference was about five percentage points. Then, in the 1982 gubernatorial election, two-thirds of Alaska's voting-age population turned out. This reversed the pattern of over two decades, surpassing even the 60 percent turnout for the 1980 presidential election.

The increased turnout in the 1980 presidential election year might be attributed in some part to the stabilizing of Alaska's population growth during the few years after the trans-Alaska oil pipeline

¹²In both sets of election years, there are also state legislative, U.S. House, and, sometimes, U.S. Senate races.

Table 4

Turnout of Alaska Voting-Age Population in Presidential and Gubernatorial Years, 1960-1984

Year	Presidential Election	Gov. Election	Percentage Difference
1960	53.0%		
1962		47.3%	-5.7%
1964	51.6		
1966		46.8	-4.8
1968	55.8		
1970		48.6	-7.2
1972	52.2		
1974		47.7	-4.5
1976	50.7		
1978		49.9	-0.8
1980	59.8		
1982		66.5	+6.7
1984	60.0		

Source: Derived from Alaska Division of Elections.

was built and before heavy spending by state government again led to high levels of in-migration. But even with the population surge of the early 1980s—bringing many newcomers who were presumably less likely to vote—the turnout rate soared in the 1982 gubernatorial year and held at the 60-percent level in the 1984 presidential election.

Rates of turnout of registered voters from 1974 to 1984, shown in Table 5, parallel the corresponding figures for the turnout of the voting age population presented in the preceding tables.¹³ The state's registered voters have turned out at increasing rates over the decade, with gains shown in virtually all regions. Two of these election years, 1978 and 1982, are unusual, and we have already commented on the surge in turnout in 1982. The 1978 decline in turnout in all regions may be attributed largely to population movements in and out of the state during the pipeline construction years. Many new voters came into the state in the early- to mid-1970s and left when construction ended in 1977. It is likely that many of them remained on voter registration lists for the 1978 elections, which would have artificially depressed the turnout rate.¹⁴ The smallest decrease was in the southeast, historically a high turnout region, where a 1978 ballot initiative, placing special financial restrictions on any capital move, undoubtedly had special attraction for voters of that region. The southeast, moreover, was the region most remote from and least affected by pipeline construction activity during the previous four years.

The cause of Alaska's high turnout rates in the early 1980s obviously lies in Alaska, rather than in national trends, since presidential election-year turnout in the United States continued at relatively low levels. In Alaska, there were some unusually competitive races for the U.S. Senate, for governor, and for the state legislature. But a more basic explanation may be that increasing numbers of Alaskans perceived greater stakes and benefits in voting. Their state government was now spending billions of dollars in oil revenues, and intense, competitive electoral politics tended to expose and aggravate Alaska's regional divisions. In addition, the 1982 election included some unusually controversial ballot propositions that further aggravated these divisions. We will explore this further in discussion of "Election Outcomes" below.

¹³Registered voter turnout rates are consistently higher because they are calculated on a smaller population base than that including all Alaskans over age 18.

¹⁴Alaska voter registration lists were purged (inactive voters' names were deleted) only every four years until after the 1978 election, when the purge period was shortened to two years.

Table 5
Turnout of Registered Voters by Region, 1974-1984

	1974	1976	1978	1980	1982	1984
State	58.2%	61.5%	54.5%	62.7%	74.9%	69.1%
Region						
Southeast	61.2	65.0	62.0	68.0	80.0	67.8
Southcentral	65.3	68.7	61.9	70.8	76.9	70.0
Anchorage	56.7	60.7	51.9	60.6	72.2	69.4
Central	64.0	65.7	57.4	66.6	76.8	71.0
Fairbanks	54.5	57.6	50.2	58.7	72.7	69.7
Northwest	60.0	61.9	56.8	64.2	78.7	62.0

Source: Alaska Division of Elections.

Interparty Competition

Interparty competition involves the competitive character of electoral contests and the choices of parties and candidates available to a state's voters. There are many ways to define and measure interparty competition in state politics: by voter identification with parties, frequency of both parties fielding candidates, turnover in offices, closeness of elections, and division of control of legislative and governor's offices, among others.¹⁵ Here, we will examine some causes and correlates of interparty competition and look at some electoral indicators of interparty competition in Alaska.

Patterns in the States

Generally, the competitive states are more urban and industrial than the less competitive states, and their populations tend to divide more definitely into separate socioeconomic groups. These differences in state socioeconomic characteristics have been diminishing, however, as population has shifted from Frost Belt to Sun Belt states. Overall, party competitiveness has been increasing in state elections, and, on balance, Democratic candidates for state legislatures and governors' offices have been the beneficiaries. This is mainly because older Republican states of the north became more competitive with the New Deal electoral "realignment" of the 1930s,

¹⁵Jewell and Olson, *American State Political Parties and Elections*, p. 4.

while the Southern Democratic states have been much slower to change. More recently, interstate migration and electoral "de-alignment"—the weakening of party loyalties and the crumbling of the old New Deal electoral coalition—are increasing the electoral opportunities of candidates from both parties in virtually all states.¹⁶

Interparty Competition in Alaska

Alaska reflects much of the political and socioeconomic coloration of the western states, and it can be classified as a competitive two-party state. As we look more closely at Alaska, we will see some important variations within the overall pattern of competition, including increasing differences between urban and rural regions and between levels of competition for statewide and legislative offices.

In presidential elections from 1960 to 1972, Alaskans divided their votes between the two major parties much as did voters in the nation as a whole. Table 6 shows that during those years a majority of Alaskans voted for a Democrat only once (Johnson in 1964), although the 1960 Kennedy-Nixon and 1968 Humphrey-Nixon elections were close in Alaska, as they were in the rest of the country. In 1976 and subsequent elections, Alaska became more strongly Repub-

¹⁶*Ibid.*, p. 44.

Table 6

Democratic Percentage of Vote* in Presidential Elections: Alaska, Mountain States, and United States, 1960-1984

Year	Alaska	Mountain States	United States
1960	49.1	46.4	50.1
1964	65.9	56.6	61.3
1968	48.8	41.8	49.6
1972	37.3	33.9	38.2
1976	38.1	42.5	51.1
1980	32.7	32.2	44.7
1984	30.7	33.1	41.0

*Percentage of total vote for Democratic and Republican candidates, excludes votes for minor-party and independent candidates.

Source: U.S. Bureau of the Census.

Table 7

Democratic Percentage of Vote* in Presidential Elections: State and Regions, 1960-1984

Year	State	South-east	South-central	Anchorage	Central	Fairbanks	North-west
1960	49.1	49.6	52.2	46.5	49.6	51.2	46.2
1964	65.9	71.1	66.5	59.9	77.8	59.6	80.8
1968	48.8	50.1	47.7	48.5	51.6	44.4	56.4
1972	37.3	41.3	34.4	31.3	43.9	41.2	51.9
1976	38.1	39.3	36.1	35.0	46.1	39.4	55.2
1980	32.7	40.0	25.7	28.1	53.0	31.3	51.4
1984	30.7	39.6	25.0	29.0	38.1	30.2	40.4

*Percentage of total vote for Democratic and Republican candidates; excludes votes for minor-party and independent candidates.

Source: Alaska Division of Elections.

lican in its presidential voting than the United States, much like the Mountain States region.

The two-party division of the presidential vote by regions within Alaska is shown in Table 7. As in the state as a whole, there have been steep Democratic declines, or Republican gains, in all regions. The predominantly Native northwest region, including Nome, Kotzebue, and Barrow, was the only Alaska region to give majorities of its votes to Democratic presidential candidates in the 1972, 1976, and 1980 elections. The central region (excluding Fairbanks), also mostly Native, followed next in Democratic presidential preference. In contrast, urban Alaska, centering on Anchorage and the southcentral region, saw the greatest Republican gains and corresponding Democratic declines.

The pattern of Democratic losses and Republican gains also shows up in elections to the statewide offices of governor, U.S. Senator, and U.S. Representative, although not as dramatically as in presidential elections (Table 8). The most competitive elections throughout the statehood period have been those for governor. Since 1958, when the first elections for state offices were held on the eve of statehood, Democrats have won four elections and Republicans three. In five of these elections, the winning majority was 55 percent or less.

Table 8
Winning Candidates for Statewide Offices, 1958-1984

Year	Governor		U.S. Senator		U.S. Representative	
	Name	% of Vote ^a	Name	% of Vote ^a	Name	% of Vote ^a
1958	Egan (D)	60.2	Bartlett (D) Gruening (D)	84.9 52.6	Rivers (D)	57.5
1960			Bartlett (D)	63.4	Rivers (D)	56.7
1962	Egan (D)	52.3	Gruening (D)	58.1	Rivers (D)	54.5
1964					Rivers (D)	51.5
1966	Hickel (R)	50.9	Bartlett (D)	75.5	Pollock (R)	51.7
1968			Gravel (D)	54.7	Pollock (R)	54.2
1970	Egan (D)	53.2	Stevens (R)	59.6	Begich (D)	55.1
1972			Stevens (R)	77.3	Begich (D)	56.2
1974	Hammond (R)	50.1	Gravel (D)	58.3	Young (R)	53.8
1976					Young (R)	71.0
1978	Hammond (R)	65.9 ^b	Stevens (R)	75.8	Young (R)	55.5
1980			Murkowski (R)	53.9	Young (R)	74.1
1982	Sheffield (D)	55.4 ^b			Young (R)	71.1
1984			Stevens (R)	71.3	Young (R)	56.5

^aPercentage of total vote for Democratic and Republican candidates; excludes votes for minor-party, independent, and write-in candidates.

^bThese were elections in which substantial portions of the vote went to third-party, independent, or write-in candidates. Hammond's plurality in 1978 was 39 percent, and Sheffield's in 1982 was 46 percent.

Source: Alaska Division of Elections.

In elections to the U.S. Senate, there has been a swing from strong Democratic to strong Republican voting. Both U.S. Senate seats were held by Democrats until the late 1960s,¹⁷ and their electoral margins were substantial. In the 1970s, each party held one U.S. Senate seat. After 1980, both were held by Republicans. Since the winning candidate has usually won heavy majorities, the balance of electoral strength has moved decisively toward the Republicans in these elections.

Elections to Alaska's one seat in the U.S. House of Representatives have swung back and forth between Democrats and Republicans, paralleling the U.S. Senate elections. First dominated by the Democrat Ralph Rivers, the seat was held next by Republican Howard Pollock and then by Democrat Nick Begich in the late 1960s and early 1970s. After the death of Representative Begich in 1972, Republican Don Young carried most of his six elections through 1984 by substantial margins.

If strong electoral competition contributes to higher turnout, the effect has been weak or obscured in Alaska's statewide elections. Except for several races for governor, most of the U.S. Senate and House races have reflected weak party or candidate competition. Yet, turnout rates held steady in the 1960s and 1970s and rose significantly in the 1980s. To the extent that competition is a factor in turnout, it may be found in state legislative races, which occur in every election year, as well as in races for governor.

In their overall results, elections to the state legislature have been very competitive throughout most of Alaska's statehood period. These results, presented in Table 9, show a close partisan division of the vote statewide, but much less competition within individual regions.¹⁸ The Native northwest region has been most consistently and strongly Democratic in legislative elections since statehood. In two legislative election years, 1974 and 1980, no Republican ran in any state legislative race in the northwest, and, often, specific races there were uncontested by Republicans. This absence of Republican opposition has also occurred with some frequency in recent years in legislative races in the Democratic southeast. The most competitive regions have been Fairbanks and central. The southcentral region

¹⁷In 1968, Republican appointee Ted Stevens replaced Democrat Bob Bartlett, who died in office that year.

¹⁸We have not analyzed individual races at the election district level. Therefore, these observations about "competition" in legislative elections refer to the aggregate pattern of party voting for both house and senate seats by statewide and regional electorates; they do not refer directly to the level of competition in individual legislative races.

(including Anchorage) is the only region where Republicans have gained and held a decisive electoral edge since the mid-1970s.

The figures in Table 9 for the 1984 election (all of the others are three-election averages) show the weight of the southcentral/Anchorage and Fairbanks votes in the state totals. They also suggest that, given their concentration in the state's largest urban centers, relatively more Republican votes for legislators may be "redundant" or "wasted" compared to Democratic votes. The latter are either more widely spread throughout the state's election districts, or, where they are concentrated, as in certain southeastern and bush districts, there are fewer of them to be wasted. Thus, while winning 56 percent of the vote statewide, Republican candidates captured less than half of the total number of available legislative seats in 1984. Another possibility is that legislative districting by the governor has helped create surpluses of voters who are likely to vote for legislative candidates of the other party. We will take a closer look at the gerrymander hypothesis below in discussion of party control of state government.

Table 10 shows changes in the average Democratic vote for all statewide (governor, U.S. Senator, and U.S. Representative) and all legislative offices for the 1960-72 and 1974-84 periods. These per-

Table 9

Democratic Percentage (Average) of Vote* in Alaska Legislative Elections: State and Regions, 1960-1984

Years	State	South-east	Southcentral (including Anchorage)	Central	Fair-banks	North-west
1960-66	49.6	57.1	47.8	61.4	51.1	68.3
1968-74	52.0	59.3	51.1	57.6	50.0	83.5
1976-82	50.1	71.0	43.1	50.2	52.7	83.7
1984	44.5	69.3	44.1	56.6	36.3	88.5

*Percentage of total vote for Democratic and Republican candidates; excludes votes for minor-party and independent candidates.

Source: Alaska Division of Elections.

Table 10

Democratic Percentage (Average) of Vote* in Statewide and Legislative Elections: State and Regions, 1958-1972 and 1974-1984

Regions	1958-1972		1974-1984	
	Statewide Elections	Legislative Elections	Statewide Elections	Legislative Elections
State	53.2%	50.1%	38.7%	50.0%
Southeast	58.3	56.7	45.9	70.3
Southcentral (incl. Anchorage)	49.0	49.1	35.2	44.1
Central	62.0	59.3	44.5	53.8
Fairbanks	51.5	49.7	38.2	51.3
Northwest	63.9	71.5	50.4	87.7

*Percentage of total vote for Democratic and Republican candidates; excludes votes for minor-party and independent candidates.

Source: Alaska Division of Elections.

iods roughly correspond to the state's two major eras of growth and change—the relatively slow-moving period of the 1960s and the continuing boom period of the 1970s and 80s, after the discovery of Prudhoe Bay, pipeline construction, and billion-dollar state capital budgets. The most significant feature of the table is the divergence in statewide and legislative election patterns from the earlier to the later period. In 1960-72, there was close correspondence in voting for statewide and legislative offices in all regions of the state. In the state as a whole, the parties were very competitive in both kinds of elections, though not in all individual races for specific offices. In each of the regions, statewide and legislative elections exhibited parallel divisions of party voting. Those parallels sharply diverged in the latter, 1974-84, period. Alaska voters in all regions became much more likely to vote split tickets—to vote in much larger proportions for Republicans for statewide office while continuing to vote for

Democrats, by large competitive margins, for the legislature. This Alaska pattern appears to reflect similar developments in the western states generally.

In statewide elections, Democratic voting eroded substantially while Republican voting correspondingly increased in all regions. In legislative elections, Democrats held their own or increased their margins in the southeast, Fairbanks, and the northwest, while losing ground in the southcentral/Anchorage region and the central region outside Fairbanks.

Anchorage and the southcentral region accounted for almost two-thirds of the total state vote in 1984 (Table 11), and population growth in these areas continued to lead the state in the mid-1980s. Republican voting is therefore likely to remain strong in statewide elections and, with legislative reapportionment, more legislative seats may be won by Republican candidates from that region as well.

Republican dominance in presidential and statewide elections in the 1970s and 1980s does not represent an electoral monopoly, as the competition in gubernatorial and state legislative elections demonstrates. Even the strong Republican showings in U.S. Senate and House races do not necessarily mean continuing weak competition from Democrats. Republicans gained control of two of those offices only after popular Democratic incumbents died in office. There has been a succession of weak Democratic candidates for the U.S. House and Senate in the 1970s and 1980s, but the Democrats may once again field strong candidates who can appeal to voters whose party loyalties are weak or nonexistent.

Table 11

Voters in State General Elections by Region,
Selected Years, 1960-1984

Year	Number of Voters State	Percentage of Votes					
		South- east	South- central	Anchorage	Central	Fair- banks	North- west
1960	50,343	23.0	16.7	32.1	8.1	14.1	6.1
1968	82,886	19.6	15.1	37.6	6.8	15.2	5.8
1978	129,705	16.5	17.0	41.0	7.7	14.3	3.4
1984	211,009	14.5	19.1	43.1	6.2	13.7	3.5

Source: Alaska Division of Elections.

Party Identification and Third-Party Voting

Voter registration by party is another indicator of the level of party competition in the states. Ideally, it would measure the extent to which each of the parties can claim a consistent following of voters. In reality, this is not the case. A growing number of voters have weak or no party identifications—increasingly identifying themselves as independents—and many states, like Alaska, do not require registration by party.

A majority of voters statewide, and in every region but one (northwest), register as "nonpartisans" (Table 12). From the 1970s to the 1980s, Democratic registration declined and Republican registration rose, each by about 5 percent. The Democrats suffered especially sharp declines in the urban southcentral region and the rural or "bush" northwest and central regions. These bush regions also experienced unusual increases in nonpartisan registration. Anchorage showed a significant gain in Republican registration, while its Democratic and nonpartisan lists showed losses.

About ten thousand Alaskans registered under "third party" labels and a variety of other group and individual designations in 1984. The single largest group of these voters, about three thousand, identified themselves as Libertarians. The Libertarian party appeal has been strong among Alaska voters compared to those in other states.

Table 12

Party Registration, Statewide and Regions, 1974, 1984

	1974 Percentages				1984 Percentages			
	Dem.	Rep.	N-P	Other	Dem.	Rep.	N-P	Other
Statewide	29.0	15.6	53.7	1.7	23.6	20.0	53.2	3.3
Regions								
Southeast	29.6	13.2	56.0	1.2	25.0	14.6	57.6	2.8
Southcentral	30.0	15.5	52.6	1.8	20.9	19.9	55.4	3.8
Anchorage	26.5	17.6	54.2	1.7	22.7	23.4	50.9	3.0
Central	38.4	13.3	46.4	1.9	31.9	12.7	52.5	2.9
Fairbanks	24.4	14.9	58.6	2.1	21.5	19.7	54.6	4.2
Northwest	46.5	13.5	38.7	1.4	37.8	12.3	46.4	3.5

* N-P = Nonpartisan.

Source: Alaska Division of Elections.

In recent years, Alaska voters have been attracted to third-party and independent candidates in presidential elections more than voters in the United States generally (Table 13). In the 1968 election, George Wallace's 13.5 percent of the national vote signaled his powerful appeal, and he ran nearly as well in Alaska, winning just over 12 percent of the vote. (In the Mountain States, Wallace won an average of 8.6 percent of the vote.) In the 1970s and 1980s, American Independent and Libertarian candidates, and Independent John

Anderson, have done better in Alaska than nationally. The best Alaska showing by any third-party or independent candidate for governor was made by Libertarian Dick Randolph in 1982, when he won 15 percent of the statewide vote.

In Alaska, as is generally true elsewhere, third-party, independent, and write-in campaigns are improbable ventures, given election laws, realities of campaign financing, and voter habits, among other factors. But such campaigns have not been altogether quixotic in Alaska, given the state's relatively fluid, independent electorate.

Table 13

Third-Party and Independent Voting in Alaska
Presidential and Gubernatorial Elections

Year	Candidate/Party*	Presidential Elections		Gubernatorial Elections	
		% AK Vote	% U.S. Vote	Candidate/Party*	% AK Vote
1968	Wallace, AI	12.1	13.5		
1970				Anderson, API	1.5
1972	Shmitz, AI	7.3	1.4		
1974				Vogler, AIP	5.0
1976	MacBride, L	5.3	0.0		
1978				Kelly, AKP	12.3
1980	Clark, L	11.7	1.2		
	Anderson, IA	7.0	6.6		
1982				Vogler, AIP	1.7
				Randolph, L	14.9
1984	Bergland, L	3.1	NA		

*AI = American Independent; L = Libertarian; IA = Independents for Anderson; AIP = Alaskan Independence Party; AKP = Alaskans for Kelly and Poland.

Source: Alaska Division of Elections, U.S. Bureau of the Census.

Election Outcomes

This final part focuses on election outcomes. We look first at party control of state government, including effects on state legislative elections of "coattails," incumbency, and reapportionment. We then turn to interactions of parties, candidates, and issues in the case of the 1982 race for governor.

Party Control in the States

Increasingly common in the states has been the situation of one of the major parties occupying the governor's office while the other controls one or both houses of the state legislature.¹⁹ Such divided control has, in fact, become the most common pattern.

Ticket-splitting, a key manifestation of party disintegration, may be a major cause of divided party government in the states.²⁰ Voters do not look for "responsible parties" or "party governments"; they look instead to individual candidates and issues that have themselves become detached from organized party bases.

An important force behind ticket-splitting is the electoral power of incumbency. In all of the states, it is increasingly difficult to dislodge incumbents from state legislative offices. Since the mid-1960s, about 90 percent of incumbent state legislators seeking re-election have been re-elected.²¹ Voters are increasingly inclined to vote for the more familiar candidate, usually the incumbent, regardless of party.²²

Institutional obstacles, weak parties, independent or nonpartisan voters, power of incumbency, and ticket-splitting have had strong disintegrative effects on electoral politics; they have produced

¹⁹Jewell and Olson, *American Political Parties and Elections*, p. 232.

²⁰*Ibid.*, p. 237.

²¹Bibby, "Parties in State Politics," pp. 150-152.

²²Jewell and Olson, *American State Political Parties and Elections*, p. 214.

divided governments not only in the states but also at all levels in the American political system.

Party Control in Alaska

These disintegrative forces emerged in Alaska's electoral politics roughly during the same period that they appeared most clearly on the national scene—the late 1960s and the 1970s. In Alaska, their appearance was probably accelerated by the petroleum boom of the 1970s and 1980s, which brought increased growth, diversity, and conflict to Alaska political life.

During the post-World War II period, states outside the South experienced divided party control of the governor's office and the lower house of the legislature about half the time.²³ Since 1959, Alaska has experienced such a division nearly 60 percent of the time. If state senates are included in the calculation, divided party control has occurred about 70 percent of the time both in Alaska and nationally (Table 14).

The most striking thing about Alaska's record of party control since statehood has been its complete change from the 1960s to the 1970s and 1980s. During the first decade of statehood, Alaska's Democratic leaders had been the most prominent leaders of the statehood movement during the 1950s. Democrats controlled the governor's office and both houses of the legislature most of the time.²⁴ Then, from 1969 through 1986, there were no instances of "unified"

²³*Ibid.*, pp. 232-233.

²⁴Except for two U.S. House terms at the end of the 1960s, Democrats controlled Alaska's three seats in the U.S. Congress as well.

Table 14

Divided Control of Alaska State Government, 1959-1986

	Total Years	Unified	Divided
1959-1968	10	8	2
1969-1986	18	0	18
Total Years	28	8	20
Percentages	100%	29%	71%

Table 15

Average Net Gains and Losses of Alaska Legislative Seats by Winning Party in Presidential and Gubernatorial Elections, 1960-1984

	Average Net Change in Senate	Average Net Change in House
1960-1984		
Presidential Elections	0.7	-1.7
Gubernatorial Elections	2.0	2.0
1960-1972		
Presidential Elections	1.3	7.0
Gubernatorial Elections	4.7	8.3
1974-1984		
Presidential Elections	0	1.7
Gubernatorial Elections	-0.7	-4.3

party control of state government at all. Governors elected under one party's banner invariably confronted a legislative leadership from the other party.

This dramatic reversal in the pattern of control went further than the change from unified to divided party control of state government. In the early 1980s, the legislative parties split further into cross-party *coalitions* that formed in both the house and the senate. This occurred largely as a result of regional and interfactional conflict over the division of the petroleum-revenue spoils.²⁵

Neither presidential nor gubernatorial coattails have been long enough to produce legislative majorities that might organize unified party governments. Table 15 shows the average number of state legislative seats picked up by the winning parties in presidential and gubernatorial elections since statehood. Over the whole period, the winning presidential party has averaged less than one additional seat in Alaska's senate (out of an average of twelve up for election) and slightly less than five additional seats (out of forty) in Alaska's house. The winning gubernatorial party has done little better, picking up an average of two seats each in the senate and house.

²⁵See Thomas A. Morehouse, ed., *Alaska Resources Development: Issues of the 1980s* (Boulder: Westview Press, 1981), pp. 176 ff.

The direction of change in this already-slight coattail effect is negative. During the most recent ten-year period, winning presidential parties have gained no seats in the state senate and less than two seats in the state house. And winning gubernatorial parties have actually lost ground in both senate and house. National, statewide, and local elections in Alaska—as elsewhere—are increasingly separate and insulated from one another as voters shed party loyalties and routinely split their tickets.

Incumbency is an additional factor that reinforces ticket-splitting in Alaska as it does elsewhere. Table 16 shows the differences in party turnover of state legislative seats with and without incumbents running for re-election. When incumbents run in either house or senate races, they lose their seats to the opposition party candidate only about one-fifth of the time. But when senate and house incumbents do not run, their parties' new candidates lose to the opposition party candidates nearly one-third of the time.²⁶

Legislative incumbents who are vulnerable tend to be from the largest and fastest-growing urban areas, where voters tend to be less familiar with public officials. This is clearly the case in Alaska, where incumbent losses are disproportionately concentrated in Anchorage and Fairbanks. These two cities account for about two-thirds of incumbent losses, but only about half of the contested legislative seats over the statehood period.

²⁶These figures do not include the first two legislative elections, when "incumbency" was still very fluid, or five elections immediately after redistricting and reapportionments, when incumbents and specific seats were recombined.

	House			Senate		
	Total Seats	Turn-overs	Percent	Total Seats	Turn-overs	Percent
Incumbents Running	192	41	21%	50	11	22%
Incumbents Not Running	87	27	31%	22	7	32%

	House, %		Senate, %	
Total Period	49		32	
1962-70		52		36
1972-84		46		27
Reapportioned	51		38	
Non-Reapportioned	46		23	

First-term office holders have been somewhat more numerous in Alaska's legislature than in legislatures elsewhere. In the states generally, about one-third of the members of each new legislature in recent decades have been first-termers—just over one-third in state houses and just under one-third in state senates.²⁷ In Alaska, as shown in Table 17, there has been more turnover in the house—an average of about one-half of each Alaska house has consisted of newly elected members, while the Alaska senate has experienced about the same amount of turnover as has occurred nationally. Table 17 also shows that turnover rates have slowed in the Alaska legislature from the 1960s to the '70s and '80s.

Reapportionment can be a threat to incumbency rule in Alaska's legislature, especially in the senate. Table 17 shows that in Alaska's six reapportioned legislatures through 1984, an average of 38 percent, or eight of the state senators, were first-termers as opposed to 23 percent, or five, in nonreapportioned legislatures. It does not appear, however, that the reapportionment power of the governor has had much partisan effect on this pattern. If governors have tried to improve the electoral opportunities of their party's legislative candidates through any form of gerrymandering, this is not apparent in election results. The five legislatures reapportioned by Democratic governors lost eleven Democratic house seats and six Democratic senate seats. The one legislature reapportioned by a Republican governor made small Republican gains—five house seats and one senate seat.

The higher turnover in reapportioned legislatures may be attributable simply to the fact that reapportionment creates new districts

²⁷Jewell and Olson, *American State Political Parties and Elections*, p. 229; Bibby, "Parties in State Politics," p. 156.

and constituencies. Thus, incumbent legislators will be more vulnerable to electoral challenges and, as a result, more likely to be defeated or less likely to seek re-election in the first place.

The 1982 General Election

Alaska's 1982 election represents an especially valuable case for examining relationships between candidates, issues, and regional voting patterns. There was a vigorous three-way race for governor. There were also several controversial ballot measures, or "propositions," and some of them were strongly divisive regionally. Further, candidates chose to or were forced to take stands, particularly on these regionally sensitive issues. These conditions make it possible to trace some of the effects of candidate-issue interactions and determine how they helped shape electoral outcomes in Alaska's regions.

In the race for governor, Democrat William Sheffield was elected with a 47 percent plurality over Republican Tom Fink (38 percent) and Libertarian Dick Randolph (15 percent). Voters also cast ballots on eight propositions, four of which are of interest here: (1) a constitutional amendment limiting increases in state appropriations, (2) an initiative claiming state ownership of most federal lands in Alaska ("tundra rebellion"), (3) an initiative abolishing special subsistence hunting and fishing preferences for rural Alaskans, and (4) a measure authorizing the legislature to spend money to move the state capital from Juneau to a new site at Willow, north of Anchorage. The statewide vote on these propositions was as follows:

	For, %	Against, %
Appropriations Limit	61	39
Tundra Rebellion	73	27
Subsistence Repeal	42	58
Capital Move	47	53

In the election campaign, the two major party candidates took strong, conflicting positions on two of these propositions. Democrat Sheffield opposed the subsistence preference repeal and the capital move, and Republican Fink favored them. Both of these propositions reinforced another political division in Alaska, that between urban and rural regions, or primarily between Anchorage and the rest of the state. The proposition to repeal subsistence preference represented a direct threat to the interests of Native Alaskans, who are the

majority population in the "bush"—the northwest region and the central region outside Fairbanks. The proposition to move the capital was the current version of a measure that has appeared on the ballot in various forms six times since statehood. In 1982, as in all previous elections in which it has appeared, the capital move proposal reflected economic, political, and social cleavages between the Anchorage area and much of the remainder of Alaska.

In part because of these cleavages and the candidates' positions on the issues, Fink was widely perceived as the candidate from Anchorage. Sheffield was widely, but perhaps more vaguely, perceived as the candidate from Alaska outside of Anchorage and its immediate southcentral region. (Both Sheffield and Fink were long-time Anchorage residents.)

The following figures show how voting in the state's twenty-seven election districts on the four propositions related to voting for governor. The districts are identified by region. In all cases, the figures relate district votes *against* the proposition to district and regional votes *for* Sheffield: Sheffield took positions against the capital move and against repeal of subsistence preference, and negative votes on the other two propositions can, with some license, be characterized as more "liberal" and, thus, closer to Sheffield's perceived orientation than to Fink's "conservative" image. There are very high correlations between the proposition votes and the Sheffield vote.²⁸ In two cases—capital move and subsistence preference—not only is the *statistical relationship* strong between the pro-Sheffield and anti-proposition vote, but the apparent *electoral effect* was also substantial.

Figures 1 and 2 show that voting against these measures by southeast and "bush" voters most clearly differentiated them from voters elsewhere in the state. (Fairbanks voters also voted heavily against the capital move.) These same southeastern and bush districts also gave Sheffield his heaviest majorities. The significance of these issues for voters of these regions, and the stands on them by the two candidates, probably were major factors in increasing 1982 registered voter turnout in the southeast and northwest regions by more than 15 percentage points over the average of the previous four elections (see Table 5, above).²⁹

²⁸Correlation coefficients, or "r" values, are capital move, 0.93; subsistence preference, 0.88; tundra rebellion, 0.86; and appropriation limit, 0.94. (N = 27 election districts.)

²⁹Table 5 shows that registered voter turnout in these two regions settled back to previous levels in the 1984 election. Although turnout increased in all regions (Continued on page 34)

Figure 1

Relationship Between Sheffield Vote and Capital Move Vote, 1982 Election

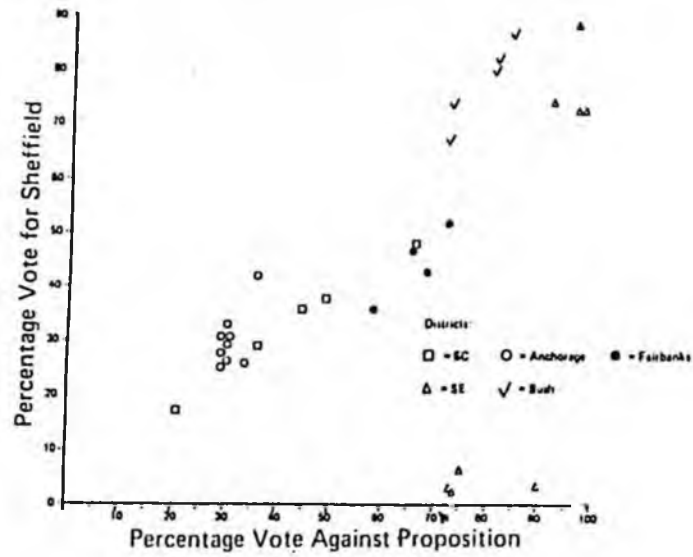


Figure 3

Relationship Between Sheffield Vote and Tundra Rebellion Vote, 1982 Election

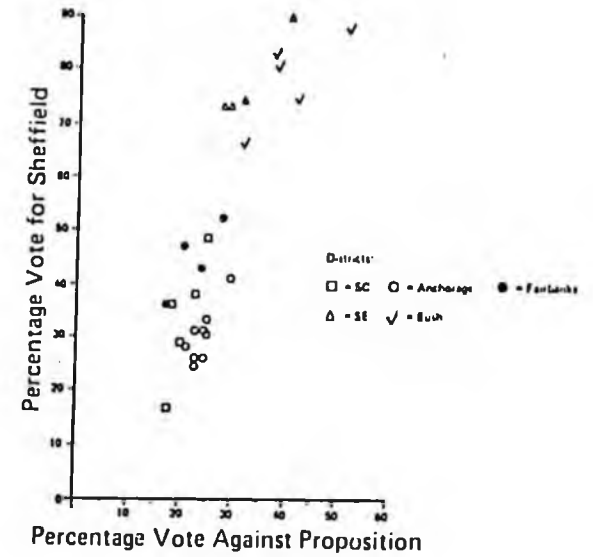


Figure 2

Relationship Between Sheffield Vote and Subsistence Preference Repeal Vote, 1982 Election

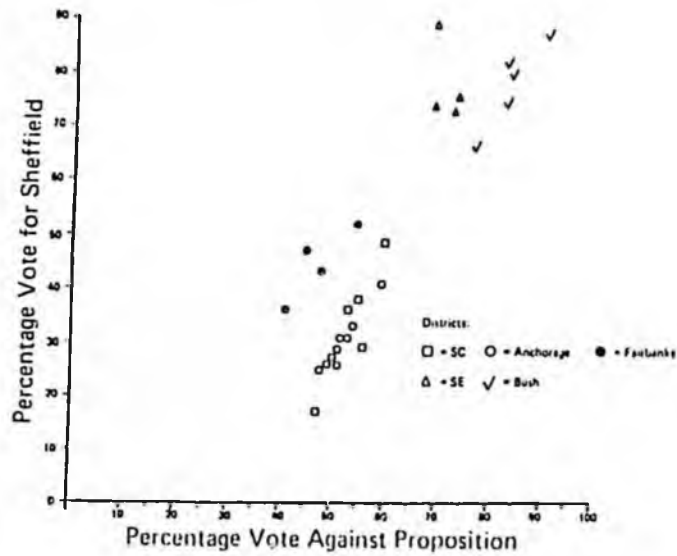
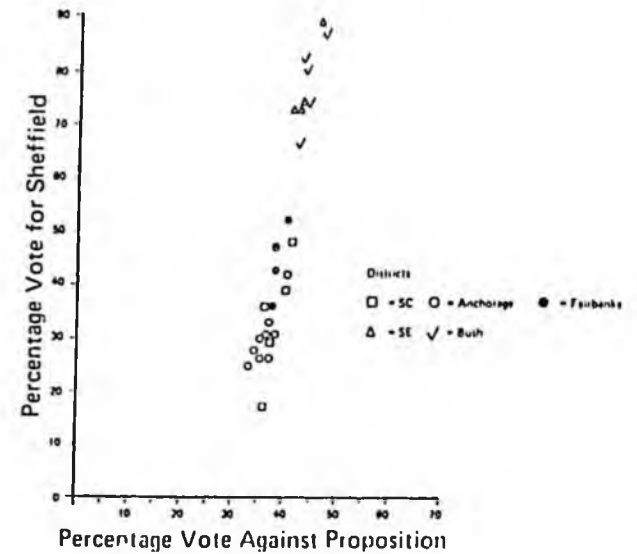


Figure 4

Relationship Between Sheffield Vote and Appropriation Limit Vote, 1982 Election



The strong regional differences on the capital move and subsistence preference issues were to be expected. These issues represented direct threats to southeastern and bush interests, respectively. The regional vote on these issues was also strongly related to the vote for governor, to the extent of directly reinforcing the vote for Sheffield. Since the two major candidates explicitly differentiated themselves on these issues, it appears that the strong votes against the propositions actually increased Sheffield's expected majorities in the southeast and bush regions.

Although much smaller in magnitude, there were also "expected" regional differences in voting on the tundra rebellion and appropriation limit propositions (Figures 3 and 4). The strongholds of the pro-tundra rebellion and pro-appropriation limit votes were southcentral, Anchorage, and Fairbanks. While the southeast and bush regions also supported the rebellion and the limit, neither voted quite as strongly for these propositions as did the other regions. In contrast to the capital move and subsistence preference cases, most voters in all regions voted for the rebellion and appropriations limit issues. There were smaller differences on these two issues between districts going to Sheffield and those going to either of the other two gubernatorial candidates.

Thus, the ballot issues on which the two major candidates most clearly differentiated themselves—capital move and subsistence—appear to have worked more strongly for Sheffield in the threatened southeast and bush regions than they worked against him in the regions that went to Fink (southcentral and Anchorage). Voting on two other propositions (tundra rebellion and appropriation limit), although highly correlated with the gubernatorial vote and reflecting "expected" regional differences in political or ideological orientations, had little or no apparent electoral effect.

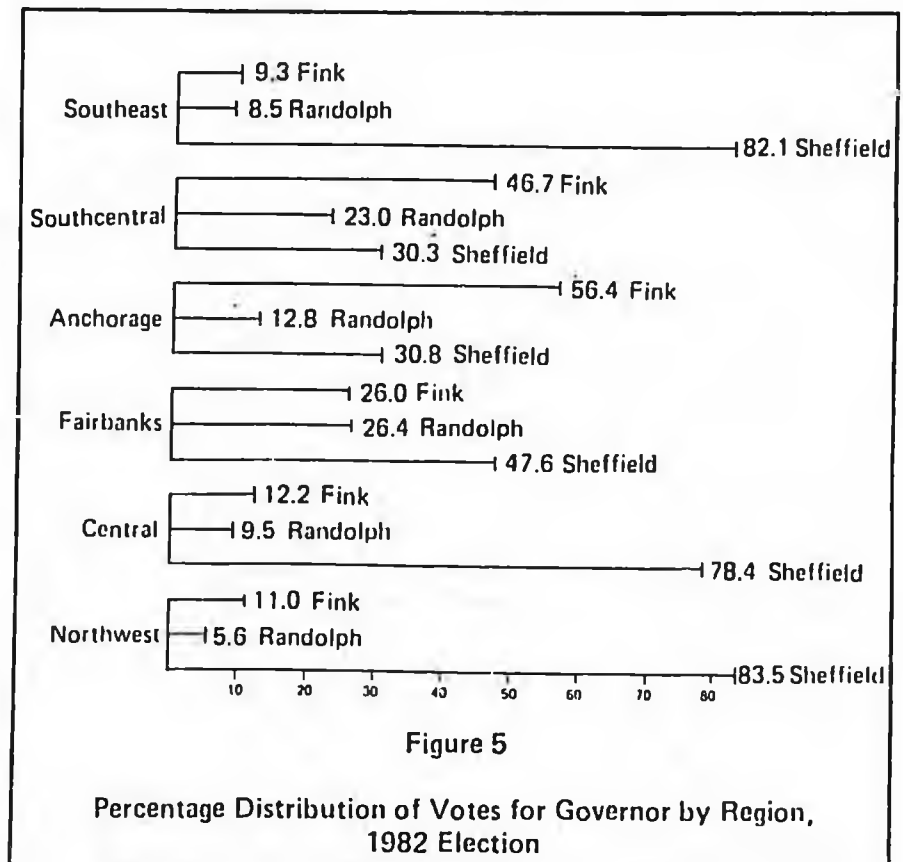
Libertarian candidate Randolph's role in this electoral interplay was that of "spoiler," insofar as Republican Fink's candidacy was concerned. Randolph and Fink tended to appeal to the same side of the political spectrum. Thus, Randolph probably took more votes away from Fink than from Sheffield. If so, Randolph hurt Fink in every region, particularly in southcentral and Anchorage, where Fink had to win by huge margins in order to overcome Sheffield's overwhelming support in Southeast and the bush (Figure 5). Randolph also edged Fink in Fairbanks, Randolph's hometown. In order to win

²⁹ (Continued from page 31)

in 1982, the extent of the increase in the more transient and growing Southcentral, Anchorage, and Fairbanks regions is probably overstated because of unpurged and inflated registration lists for these places in previous years.

the election, Fink would have needed less than two-thirds of Randolph's 29,000 votes. If Randolph had not run, Fink would likely have won the votes—particularly in Anchorage, Southcentral, and Fairbanks—necessary to edge Sheffield statewide. In any case, the combination of the Randolph vote and the regionally divisive capital move and subsistence preference issues appear sufficient to account for Sheffield's victory.

Only once before Sheffield's 1982 victory has a candidate won a statewide election while losing in both Anchorage and Southcentral regions. This happened in 1960, when Democrat Ralph Rivers was re-elected to his second term in the U.S. House over Republican Ron Rettig. After the mid-1960s, it became increasingly difficult for candidates to win statewide if they lost by a significant margin in Anchorage alone. Thus, Sheffield's statewide electoral majority in 1982 was built on a winning regional voting pattern that is unlikely to appear soon again in Alaska's elections.



Conclusions

Alaska's social and economic growth and diversification since statehood have been reflected in the state's elections. Unified leadership under the Democrats, the statehood party, gave way within a decade to a more fragmented and volatile pattern of control of state-wide and legislative offices.

The whole electoral pattern became increasingly complex in the 1970s and 1980s. *As Alaska's electoral politics have changed, they have become more clearly like those of the rest of the states.* At the same time, the traditional Alaska phenomena of "small town" and regional politics persist, though in diminished or modified form.

Political parties are increasingly weak organizers of voters, candidates, and election campaigns. In Alaska, historically, party weakness has probably been aggravated by the state's small population and a corresponding emphasis on personality and individual candidate appeals directly to voters. Voters' party loyalties are slight or nonexistent. A majority of Alaska voters continues to register as independents and nonpartisans. *These weak party ties are reflected in a widespread and growing tendency toward split-ticket voting,* which is a familiar pattern throughout the states.

Reinforcing the split-ticket vote is the power of incumbency. State legislators in particular enjoy lengthening tenure in office, and voters are increasingly inclined to re-elect incumbents regardless of party. The power of incumbency is not yet as strong in Alaska as it is in most other states, but it is growing.

With fading parties and party loyalties, *national electoral trends have decreasing influence on state elections, and, similarly, statewide elections have little effect on legislative and other elections within the state.* This too increases Alaska's electoral similarities to the states generally. Neither a president's nor a governor's coattails seem sufficiently long to consistently pull other party candidates into supporting offices.

As candidates have become increasingly detached from party organizations and programs, so also have electoral races become more insulated from one another. *Voters in Alaska, like those elsewhere, tend to vote for individual candidates, not for parties or party programs.*

Thus, strong interparty competition, as measured by relative shares of total votes in any given election or series of elections, does not necessarily refer to vigorous majority-opposition party contention. Increasingly, it means merely that a fluid and shifting electorate has divided its votes over time in ways that maintain the vi-

bility of candidates wearing either party's label. Such "competition" also does not necessarily stimulate turnout, as participation rates in national and state elections indicate. It is, instead, the intensity of individual races, the temporary salience of electorally related issues, and the sense of civic duty that motivate voters to go to the polls, despite the institutional obstacles and other costs of voting.

Recent high turnout rates in Alaska can, in part, be attributed to increases in perceived stakes in elections that have involved unusually controversial issues, including subsistence preference laws, capital move, and the spending of billions of dollars in petroleum revenues. These issues have also aggravated Alaska's traditional regional divisions.

One of the most critical outcomes of the electoral dynamics summarized above is the growing incidence of divided party government. As often as not, governors confront legislatures controlled in part or whole by opposition parties or unfriendly coalitions, and policy leadership and direction becomes obscured in complex legislative and executive gaming, bargaining, and conflict. This contrasts sharply with the elusive ideal of unified government, which envisions a governor and legislative leaders from the same party cooperatively developing policies consistent with their party's program and then standing before the electorate to account for their collective decisions.

A further departure from the ideal of unified government occurred in Alaska in the early 1980s, when cross-party coalitions formed in both houses of the legislature. This most recent political adaptation occurred largely as a product of interregional and inter-factional conflict over the issues of saving, spending, and distributing Alaska's petroleum revenue windfall.

Items



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

May 2, 1986

MEMORANDUM

TO: Representative Roger Jenkins
ATTN: Shirley Armstrong
FROM: Deb Pomeroy, Administrative Officer *DP*
RE: Apportionment of the Legislatures in the United States

You requested information on the number of states which had exclusively single-member election districts and those that had a combination of single and multi-member districts. I contacted the National Conference of State Legislatures (NCSL) to obtain this information. They warned that the data may not be totally accurate. In October 1985, NCSL received a request similar to this; they responded by updating a table prepared by the Council of State Governments in 1980. With the current perceived trend being toward single-member districts, NCSL contacted only those states that had multi-member or a combination of the districts to see if any had changed to single-member. The results were as follows:

- Thirty-five states have single-member election districts for both the House of Representatives and the Senate;
- Seven states have single-member districts for the Senate and either multi-member or a combination of districts for the House; and
- Eight states have a combination of single and multi-member districts for both the House of Representatives and the Senate.

I have attached a table listing the states in each of the above category. If you have any questions or would like additional information, please call.

DP

Attachment



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

April 12, 1985

MEMORANDUM

TO: Representative Roger Jenkins
ATTN: Shirley Armstrong
FROM: Deb Pomeroy, Administrative Officer *DKP*
RE: Representation in the Alaska Legislature
Research Request 85-293

You requested information regarding representation in the Alaska Legislature. Specifically you asked:

- What was the original rationale for the representation to the Alaska Legislature of 40 House members and 20 Senate members;
- How many election districts have more than one representative; and
- What is the ratio of population to legislators in Alaska and other states.

Rationale for Representation

According to the proceedings of the Constitutional Convention, there were several interwoven reasons for this specific number. First, there was the opinion that:

small houses focus the attention of the people upon the legislature better than do large ones, for the personalities and voting records of a few legislators may be understood by the public but they will not make the effort necessary to keep up with large houses. In small houses, moreover, the members may grow to know one another well and to proceed with the minimum formality.¹

¹Alaska Constitutional Convention, Commentary on the Legislative Article, Constitutional Convention Committee Proposal/5, December 14, 1955.

Representative Jenkins
April 12, 1985
Page Two

Convention Delegate George Cooper, a member of the Apportionment Committee, explained on the floor that while working out the apportionment for the state, the committee arrived at a figure of 20 seats for the Senate and 40 seats for the House. Steve McCutcheon, a member of the Committee on the Legislature, explained that his committee had concurred with this number partly because the Apportionment Committee had "developed a theory of apportionment which fitted this type of figuring." He also stated that it was the committee's intent to limit membership in the houses to 20 in the Senate and 40 in the House because:

...the Committee felt that the legislature should be somewhat larger than it is, but did not feel that we should fall in the error of a number of the states which have run their legislatures up to two or three hundred people...²

District Representation

Out of the 27 House districts, 13 have two seats (House Districts 1, 4, 5, 8-16, and 20). The remaining 14 districts have one representative (2, 3, 6, 7, 17-19, and 21-27). In the Senate, districts A-D, J, and L-M have only one Senate seat, while districts E-I and district K have two seats.

Ratio of Population to Legislator

In 1960 (one year after statehood), the population of Alaska was 226,167. At that time, there was one representative for every 5,654 residents and one Senator for every 11,308 residents. According to the State Demographer, Greg Williams, Alaska's population as of July 1983 (the most current official estimate) was 510,554. This produces a ratio of one Representative for every 12,764 residents and one Senator for every 25,528 residents.

The attached table lists the total population, the number of representatives and senators, and the ratio of population to legislators for all 50 states. The information is presented in descending order of the number of residents represented by each House member. For comparison purposes, I have used data taken from the 1984-1985 Book of the States which lists population data based on the U.S. Bureau of the Census, State Government Tax Collections in 1983.

²Proceedings of the Constitutional Convention, page 1576.

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Page Three

Alaska ranks 42nd in the number of residents represented. Only eight states have a lower ratio (South Dakota, Rhode Island, Montana, Wyoming, Maine, North Dakota, Vermont and New Hampshire). Alaska's ranking does not change if the Department of Labor's 1983 population estimate is used.

* * * *

I hope this information is useful to you. If you have any questions, or would like additional information, please call.

DP

Attachment



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

MAR 11 1985

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

March 11, 1985

MEMORANDUM

TO: Representative Roger Jenkins

ATTN: Dave Garrison

FROM: Mark Torgerson *MT*
Legislative Analyst

RE: Reapportionment Procedures in Other States
Research Request 85-189

You asked for information on legislative reapportionment procedures in other western states, specifically how these plans are approved. Reapportionment is a realignment of legislative districts, brought about by changes in population and mandated by the constitutional requirements of equality of representation. Article 1, Section 2 of the U.S. Constitution gives the states this redistricting authority and each state establishes its own procedure. Alaska's procedure is found in Article VI of its state constitution.

This report begins with a summary of the procedure in all states; Alaska's and Maryland's procedures are also specifically described in the summary. Then, the procedure in twelve western states is described.¹

Summary of Procedures in all States

Thirty-nine states give initial redistricting responsibility to the legislature. These states usually delegate this duty to a specific committee of each chamber, but some states utilize a joint committee. A majority of these states impose a deadline for the reapportionment process of either: 1) the first session following release of the census data; or 2) a specific date within two years of the census. The other states do not have a reapportionment deadline. Once the plan is adopted, most of the states give the governor veto power over the legislature's recommended plan, and judicial review is always available. If the

¹The states included are Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

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Page Two

legislatures fail to adopt plans: some states pass the redistricting responsibility to a commission appointed by the governor or the legislature. In other states, the courts adopt the plan.

Nine states give redistricting authority to a commission composed of representatives of government and the public.² Usually, the commission is given a specific time to prepare a preliminary plan. Then, a public hearing is held before the final plan is filed. In some states, any registered voter may petition the supreme court to review the plan. In other states, the final plan is submitted to the supreme court for review and possible revision.

Two states--Alaska and Maryland--give reapportionment responsibility to the governor. The Alaska governor appoints a five-member advisory board whose members must represent four designated districts. No advisory board member can be a public employee or official. The board prepares a redistricting plan and submits it to the governor within ninety days after the official census data becomes available. The governor then promulgates a plan, within ninety days, and issues the reapportionment proclamation with an explanation of any change from the board plan. Upon timely application by a qualified voter, the state's superior court has original jurisdiction to accept the governor's plan or devise its own plan.

In Maryland, the governor's prepared reapportionment is subject to legislative review. Under the Maryland constitution, the governor's plan becomes law unless the legislature adopts its own plan within forty-five days. The governor has no veto power over a legislatively adopted plan, but either plan is subject to review by the state court of appeals.

The reapportionment procedures in twelve western states is described below.

Arizona

In Arizona, the legislature is responsible for reapportionment. A Joint Select Committee on Reapportionment draws the plan, and no specific deadline is required. The governor has the power to veto the committee's plan.

²These states are Arkansas, Colorado, Hawaii, Michigan, Missouri, Montana, New Jersey, Ohio and Pennsylvania.

California

California delegates the reapportionment responsibility to the legislature. A Special Committee on Reapportionment draws the Assembly's plan, while the Senate assigns this duty to the Committee on Elections and Reapportionment. Each plan must be completed by the end of the first regular session following the decennial census. The governor has veto power over the final plan.

Colorado

In Colorado, a Reapportionment Commission, composed of eleven members, draws the plan. Four members are appointed by the legislature, three by the executive branch, and four by the judicial branch. Each of the state's congressional districts must be represented on the commission, and no more than six may be members of the same political party. Only four members of the commission may be legislators. The commission must draw a preliminary plan within ninety days after its first meeting, or ninety days after census data is available, whichever is later. Then, after public hearings are held, the commission submits the final plan to the supreme court for review.

Hawaii

The Hawaii constitution mandates reapportionment every eight years. While most states base apportionment on actual population, Hawaii's districting is based on the number of registered voters. The courts have upheld this practice as long as the number of registered voters approximates actual population [See Burns v. Richardson, 316 F. Supp. 285(1970)].

In Hawaii, a nine-member legislative commission draws the plan. The President of the Senate and the Speaker of the House each select two members, and the minority party of each chamber selects two members. These eight members then select a ninth person to act as chairperson of the commission. In addition, an advisory council representing each island unit is selected. The reapportionment commission must adopt a plan within 150 days after its formation, and public hearings must be held on each island unit. The governor has no veto power, but any registered voter may petition the supreme court to review the final plan.

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Idaho

In Idaho, the legislature has redistricting responsibility. The House and Senate State Affairs Committees draw the plans, and no deadline needs to be met. The governor has veto power.

Montana

Montana delegates reapportionment to a five-member commission. Four members are selected by the majority and minority leaders of the House and Senate. These four members select a fifth person who chairs the commission. If the chairperson is not selected within twenty days, a majority of the state's supreme court makes the selection. Members of the commission cannot be legislators, public officials, or candidates for the legislature until two years following the effective date of the plan.

The commission must hold at least one public hearing and must submit its plan to the legislature at the first regular session after its appointment, or after the census figures are available. Within thirty days, the legislature must return the plan with its recommendations; then, the commission must file a final plan with the Secretary of State during the next thirty days. The governor has no veto power over the plan.

Nevada

In Nevada, the legislature draws the reapportionment plan. There, the responsibility lies with the Assembly's Elections and Reapportionment Committee and the Senate's Governmental Affairs Committee. These legislative committees must complete a plan by the first legislative session following the decennial census, and the governor has authority to veto the plan.

New Mexico

New Mexico's legislature has responsibility for redistricting. This duty is delegated to the House Committee on Voters and Elections and to the Senate Rules Committee. Reapportionment must be completed once every ten years following availability of the census figures. The governor has veto power over the final plan.

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Oregon

In Oregon, the legislature delegates its redistricting responsibility to the House Committee on Elections and Reapportionment and the Senate Committee on Governmental Operations. The governor has veto power over the legislative plan. If these committees fail to complete their plans within the designated deadline, the Secretary of State is authorized to draw a plan. The state's supreme court has original jurisdiction to enact a plan if the Secretary of State is unable to complete a plan within 60 days.

Utah

In Utah, the legislature delegates its reapportionment duty to the House and Senate Reapportionment Committees. These committees must draw plans by the first regular session following the decennial census, and the governor has veto authority.

Washington

Washington's legislature draws the state's reapportionment plan. The responsible committees are the House Select Committee on Redistricting and the Senate Committee on Constitutions and Elections. Reapportionment must be drawn by the first session following the decennial census, and the governor has veto power.

Wyoming

Wyoming's reapportionment plan is drawn by the legislature which delegates the responsibility to the House and Senate Committees on Corporations, Elections and Political Subdivisions. The committees must complete their plans by the first session following the decennial census, and the governor has veto power.

Summary

Nine of the western states surveyed give reapportionment responsibility to their legislatures. In addition, the governor has veto power, and the supreme courts have jurisdiction to review the plans in each of these states. In the other three states, commissions are appointed, and their plans are subject to judicial review. Unlike the western states

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Page Six

surveyed, Alaska gives the reapportionment responsibility to the governor. Alaska is also unique because its reapportionment process excludes legislative participation.

I hope that this information is valuable for you. Please call if you have additional questions.

MT

LEGISLATIVE REPRESENTATION IN THE UNITED STATES

STATE	POPULATION	HOUSE REPRESENTED	POPULATION REPRESENTED	SENATE REPRESENTED	POPULATION REPRESENTED
California	24,887,000	80	311,088	40	622,175
New York	17,639,000	150	117,593	61	289,164
Ohio	10,733,000	99	108,414	33	325,242
Texas	15,577,000	150	103,847	31	502,484
Illinois	11,450,000	118	97,034	59	194,068
New Jersey	7,444,000	80	93,050	40	186,100
Florida	10,582,000	120	88,183	40	264,550
Michigan	9,058,000	110	82,345	38	238,368
Pennsylvania	11,883,000	203	58,537	50	237,660
Indiana	5,473,000	100	54,730	50	109,460
Virginia	5,387,000	100	53,870	40	134,675
North Carolina	5,976,000	120	49,800	50	119,520
Arizona	2,935,000	60	48,917	30	97,833
Wisconsin	4,750,000	99	47,980	33	143,939
Colorado	3,097,000	65	47,646	35	88,486
Tennessee	4,663,000	99	47,101	33	141,303
Oregon	2,660,000	60	44,333	30	88,667
Washington	4,242,000	78	43,286	49	86,571
Louisiana	4,407,000	105	41,971	39	113,000
Alabama	3,932,000	105	37,448	35	112,343
Kentucky	3,679,000	100	36,790	38	96,816
Massachusetts	5,752,000	160	35,950	40	143,800
Nebraska	1,585,000	49	32,347		
Oklahoma	3,264,000	101	32,317	48	68,000
Georgia	5,661,000	180	31,450	55	101,089
Minnesota	4,143,000	134	30,918	67	61,836
Missouri	4,953,000	163	30,387	34	145,676
Maryland	4,254,000	141	30,170	47	90,511
Idaho	2,903,000	100	29,030	50	58,060
South Carolina	3,199,000	124	25,798	46	69,543
Arkansas	2,318,000	100	23,180	35	66,229
Utah	1,612,000	75	21,493	29	55,586
Mississippi	2,565,000	122	21,025	52	49,327
Nevada	879,000	42	20,929	21	41,857
Connecticut	3,123,000	151	20,682	36	86,750
New Mexico	1,382,000	70	19,743	42	32,905
West Virginia	1,964,000	100	19,640	34	57,765
Kansas	2,397,000	125	19,176	40	59,925
Hawaii	968,000	51	18,980	25	38,720
Delaware	601,000	41	14,659	21	28,619
Idaho	983,000	70	14,043	35	28,086
Alaska	456,000	40	11,400	20	22,800
South Dakota	693,000	70	9,900	35	19,800
Rhode Island	950,000	100	9,500	50	19,000
Montana	812,000	100	8,120	50	16,240
Wyoming	510,000	64	7,969	30	17,000
Maine	1,136,000	151	7,523	33	34,424
North Dakota	669,000	106	6,311	53	12,623
Vermont	525,000	150	3,500	30	17,500
New Hampshire	954,000	400	2,385	24	39,750

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Source: 1984-1985 Book of the States, page 352

Prepared by the House Research Agency, April 1984.

Pennsylvania — Eastern: Alfred L. Looney, CJ; John P. Feltman, Charles R. Wesser, John B. Haasman, Oswald H. Haysen, Ed. Donald W. Van Arsdale, J. William Dittler Jr., Raymond J. Broderick, Clarence C. Newcomer, Clifford Scott Green, Louis Charles Beckler, Joseph L. McOlyras Jr., Edward N. Caha, Louis H. Polak, Norma L. Shapiro, James T. Glick, James McQuinn Kelly; Clerk's Office, Philadelphia 19104. Middle: William J. Nealon Jr., CJ, Malcolm Muir, Richard F. Conaboy, Sylvia H. Rambo, William W. Caldwell, Clerk's Office, Scranton 18501. Western: Hubert J. Tetzlbaum, CJ; Gerald J. Weber, Barron P. McCune, Maurice B. Cobell, r., Paul A. Semmons, Gustave Diamond, Donald E. Ziegler, Alan M. Black, Glenn E. Mencer, Carol Los Massamano; Clerk's Office, Pittsburgh 15210.

Rhode Island — Francis J. Boyle, CJ; Bruce M. Setys; Clerk's Office, Providence 02901

South Carolina — Charles E. Simons Jr., CJ; Solomon Blatt Jr., C. Weston Houch, Falcon B. Hawkins, Maribery J. Perry Jr., George R. Anderson Jr., William W. Wilkins Jr., Clyde H. Hamblton; Clerk's Office, Columbia 29202.

South Dakota — Andrew A. Bogus, CJ, Donald J. Porter, John Bailey Jolota; Clerk's Office, Sioux Falls 57102.

Tennessee — Eastern: Robert L. Taylor, CJ; H. Theodore Milburn, Thomas G. Hill; Clerk's Office, Knoxville 37901. Middle: L. Clure Morton, CJ, Thomas A. Wiggins Jr., John T. Nilon; Clerk's Office, Nashville 37203. Western: Robert M. McRae Jr., CJ; Odell Horton, Jules S. Gibbons; Clerk's Office, Memphis 38103.

Texas — Northern: Halbert O. Woodward, CJ; Eldon B. Malen, Robert M. Hill, Robert W. Porter, Mary Lou Robinson, Barfoot Sanders, David O. Belov Jr., Terry Bachmeyer, A. Joe Fink; Clerk's Office, Dallas 75242. Southern: John V. Singleton Jr., CJ; Carl O. Buz Jr., Robert O'Connor Jr., Ross N. Starling, Norman W. Black, James De Anda, George E. Clew, Gabriel K. McDonald, George P. Kazan, Hugh Gibson, Filomen B. Veda, Hayden W. Head Jr., Ricardo H. Hinojosa; Clerk's Office, Houston 77202. Eastern: William Wayne Justice, CJ; William M. Steger, Robert M. Parker; Clerk's Office, Beaumont 77701. Western: William S. Semmons, CJ; Lucius D. Baston, Ed. Harry Lee Hudspeth,

Humberto P. Garza, James R. Nowlin; Clerk's Office, San Antonio 78204.

Utah — Aldon J. Anderson, CJ; Bruce S. Jenkins, David E. Wambler; Clerk's Office, Salt Lake City 84110.

Vermont — Albert W. Coffrin, CJ; Clerk's Office, Burlington 05402.

Virginia — Eastern: John A. MacKinnin, CJ; Robert R. Marriage Jr., Albert V. Bryan Jr., D. Dorich Warriner, J. Calvitt Clark, Richard L. Williams, James C. Cacheris, Robert G. Downer; Clerk's Office, Norfolk 23510. Western: James C. Turk, CJ; Glen M. Williams, James H. Michard Jr., Jackson L. Kaur; Clerk's Office, Roanoke 24004.

Washington — Eastern: Robert J. McNichols, CJ; Justin L. Quackenbush; Clerk's Office, Spokane 99210. Western: Walter T. McGovern, CJ; Donald S. Voorhees, Jack E. Tanner, Barbara J. Rothstein, John C. Coughanour; Clerk's Office, Seattle 98104.

West Virginia — Northern: Robert Earl Maxwell, CJ; William M. Kidd; Clerk's Office, Elkins 26141. Southern: Charles H. Haden, Ed. CJ; Robert J. Staker, John T. Coppenbaver Jr., Elizabeth V. Hallahan; Clerk's Office, Charleston 25329.

Wisconsin — Eastern: John W. Reynolds, CJ; Robert W. Warren, Terence T. Evans, Thomas J. Curran; Clerk's Office, Milwaukee 53202. Western: Barbara B. Crabb, CJ; John C. Shabaz; Clerk's Office, Madison 53701.

Wyoming — Clarence A. Brimmer; Clerk's Office, Cheyenne 82001.

U.S. Territorial District Courts

Guam — Cristobal C. Dumaz; Clerk's Office, Agaña 96910.
Puerto Rico — Juan R. Torruella, CJ; Juan M. Perez-Gonzalez, Gilberto Gherbolini-Ortiz, Carmas Consuelo Corzo, Jaime Porras Jr., Raymond I. Acosta, Hector M. Lafitte; Clerk's Office, San Juan 00904.

Virgin Islands — Almeric L. Christie, CJ; David V. O'Brien; Clerk's Office, Charlotte Amalie, St. Thomas 00801.

State Officials, Salaries, Party Membership

Compiled from data supplied by state officials, mid-1964

Alabama

Governor — George Wallace, D., \$48,838.
Li. Gov. — Bill Bailey, D., \$95 per legislative day, plus annual salary of \$400 per month plus \$1,500 per month for expenses.
Sec. of State — Don Siegelman, D., \$32,940.
Atty. Gen. — Charles Graddick, D., \$38,000.
Treasurer — Mrs. Anne Laurie Hunter, D., \$45,000.
Legislative meets annually the 1st Tuesday in Apr. (first year of term of office, first Tuesday in Feb. (2d and 3d years), 2d Tuesday in Jan. (4th year) at Montgomery. Members receive \$600 per month plus \$95 per day during legislative sessions, and mileage of 10c per mile.
Senate — Dem., 28; Rep., 6; ind. 5. Total, 35.
House — Dem., 87; Rep., 11; ind. 6; vacancy, Total, 105.

Alaska

Governor — Bill Sheffield, D., \$81,648.
Li. Gov. — Stephen McAlpin, D., \$76,188.
Atty. General — Norman Cornsack, D., \$71,620.
Legislature meets annually in January at Juneau, for as long as may be necessary. First session in odd years. Members receive \$44,800 per year plus \$4,000 for postage, personal stationery, and other expenses.
Senate — Dem., 11; Rep., 9. Total, 20.
House — Dem., 21; Rep., 19. Total, 40.

Arizona

Governor — Bruce Babbitt, D., \$42,500.
Sec. of State — Ross Mofford, D., \$35,000.
Atty. Gen. — Bob Corbin, R., \$56,250.
Treasurer — Clark Durbin, R., \$37,500.
Legislature meets annually in January at Phoenix. Each member receives an annual salary of \$15,000.
Senate — Dem., 12; Rep., 18. Total, 30.
House — Dem., 21; Rep., 29. Total, 60.

Arkansas

Governor — Bill Clinton, D., \$35,000.
Li. Gov. — Wesley Bryant, D., \$14,000.
Sec. of State — Paul Rivers, D., \$32,500.
Atty. Gen. — Steve Clark, D., \$26,500.
Treasurer — Annice Lee Fisher, D., \$23,500.

General Assembly meets odd years in January at Little Rock. Members receive \$7,500 per year, \$45 a day while in regular session, plus 13c a mile travel expense.
Senate — Dem., 32; Rep., 3. Total, 35.
House — Dem., 95; Rep., 7. Total, 100.

California

Governor — George Deukmejian, R., \$49,100.
Li. Gov. — Leo T. McCarthy, D., \$42,500.
Sec. of State — March Fong Eu, D., \$42,500.
Attorney — Kenneth Cory, D., \$42,500.
Atty. Gen. — John Van de Kamp, D., \$47,500.
Treasurer — James M. Uzzell, D., \$42,500.
Legislature meets at Sacramento; regular sessions commence on the first Monday in Dec. of every even-numbered year; each session lasts 2 years. Members receive \$28,110 per year plus mileage and \$45 per diem.
Senate — Dem., 25; Rep., 14; ind. 1. Total, 40.
Assembly — Dem., 48; Rep., 32. Total, 80.

Colorado

Governor — Richard D. Lamm, D., \$40,000.
Li. Gov. — Nancy Dick, D., \$32,500.
Sec. of State — Natalie Meyer, R., \$32,500.
Atty. Gen. — Deane Woodard, R., \$40,000.
Treasurer — Roy Romer, D., \$32,500.
General Assembly meets annually in January at Denver. Members receive \$14,000 annually.
Senate — Dem., 14; Rep., 21. Total, 35.
House — Dem., 25; Rep., 40. Total, 65.

Connecticut

Governor — William A. O'Neill, D., \$45,000.
Li. Gov. — Joseph J. Paolino, D., \$40,000.
Sec. of State — John H. Tashjian, D., \$35,000.
Treasurer — Henry B. Parker, D., \$35,000.
Comptroller — J. Edward Childers, D., \$31,000.
Atty. Gen. — Joseph J. Liharsky, D., \$50,000.
General Assembly meets annually odd years in January and even years in February at Hartford. Salary \$21,000 per 2-year term plus \$2,500 per year for expenses, plus travel allowance.
Senate — Dem., 22; Rep., 13. Total, 35.
House — Dem., 84; Rep., 64; vacancy, Total, 151.

Delaware

Governor — Pierre S. du Pont 4th. R. \$70,000.
 Lt. Gov. — Michael N. Castle. R. \$16,600.
 Sec. of State — Oloren C. Kenton. R. \$46,700.
 Atty. Gen. — Charles Obarry 3d. D. \$39,600.
 Treasurer — Janet C. Kurewicz. R. \$23,700.
 General Assembly: meets annually at Dover from the 2d Tuesday in January to midnight June 30. Members receive \$12,215 base salary.

Senate — Dem. 13; Rep. 3. Total, 21.
 House — Dem. 24; Rep. 17. Total, 41.

Florida

Governor — Robert Graham. D. \$49,330.
 Lt. Gov. — Wayne Milton. D. \$40,433.
 Sec. of State — George Lewiston. D. \$39,383.
 Comptroller — Gerald Lewis. D. \$39,383.
 Atty. Gen. — Jim Smith. D. \$39,383.
 Treasurer — Bill Gunter. D. \$39,383.
 Legislature: meets annually at Tallahassee. Members receive \$12,000 per year plus expense allowance while on official business.

Senate — Dem. 27; Rep. 13. Total, 40.
 House — Dem. 80; Rep. 40. Total, 120.

Georgia

Governor — Joe Frank Harris. D. \$71,314.
 Lt. Gov. — Zell Miller. D. \$41,496.
 Sec. of State — Max Cleland. D. \$31,896.
 Comptroller General — Johnnie L. Caldwell. D. \$31,896.
 Atty. Gen. — Michael J. Bowers. \$37,641.
 General Assembly: meets annually at Atlanta. Members receive \$7,300 per year. During session \$59 per day for expenses.

Senate — Dem. 49; Rep. 7. Total, 56.
 House — Dem. 136; Rep. 34. Total, 180.

Hawaii

Governor — George R. Ariyoshi. D. \$39,000.
 Lt. Gov. — John Waihee. D. \$33,440.
 Atty. Gen. — Tsai Hong. \$30,490.
 Comptroller — Helen Muraoka. \$30,490.
 Dir. of Budget & Finance — James S. L. Ho. \$30,490.
 Legislature: meets annually on 3d Wednesday in January at Honolulu. Members receive \$13,630 per year plus expenses.

Senate — Dem. 20; Rep. 3. Total, 23.
 House — Dem. 43; Rep. 6. Total, 51.

Idaho

Governor — John V. Evans. D. \$50,000.
 Lt. Gov. — David H. Lary. R. \$14,000.
 Sec. of State — Pete T. Camarano. R. \$37,500.
 Treasurer — Maryjane Ruth Moom. D. \$37,500.
 Atty. Gen. — Jim Joser. R. \$42,000.
 Legislature: meets annually on the Monday after the first day in January at Boise. Members receive \$4,300 per year, plus \$25 per day when authorized, plus travel allowances.

Senate — Dem. 14; Rep. 21. Total, 35.
 House — Dem. 19; Rep. 51. Total, 70.

Illinois

Governor — James R. Thompson. R. \$58,000.
 Lt. Gov. — George H. Ryan. R. \$45,500.
 Sec. of State — Jim Edgar. R. \$30,500.
 Comptroller — Roland W. Burris. D. \$44,000.
 Atty. Gen. — Neil F. Haragan. D. \$30,500.
 Treasurer — James H. Donorwald. D. \$44,000.
 General Assembly: meets annually in January at Springfield. Members receive \$28,000 per annum.

Senate — Dem. 33; Rep. 24. Total, 59.
 House — Dem. 70; Rep. 44. Total, 114.

Indiana

Governor — Robert D. Orr. R. \$44,000 plus discretionary expenses.
 Lt. Gov. — John M. Metz. R. \$31,000 plus discretionary expenses.
 Sec. of State — Edwin J. Simon. R. \$44,000.
 Atty. Gen. — Lindsay E. Pearson. R. \$31,000.
 Treasurer — John Radtke. R. \$44,000.
 General Assembly: meets annually in January. Members receive \$11,400 per year plus \$63 per day while in session, \$13 per day while not in session.

Senate — Dem. 18; Rep. 32. Total, 50.
 House — Dem. 43; Rep. 57. Total, 100.

Iowa

Governor — Terry Branstad. R. \$44,000 plus \$3,724 expenses.
 Lt. Gov. — Robert Anderson. R. \$21,900 plus personal expenses and travel allowances at same rate as for a senator.

Sec. of State — Mary Jane Odell. R. \$41,000.
 Atty. Gen. — Tom Miller. D. \$34,000.
 Treasurer — Michael L. Fitzgerald. D. \$41,000.
 General Assembly: meets annually in January at Des Moines. Members receive \$14,000 annually plus maximum expense allowance of \$30 per day for first 120 days of first session, and first 100 days of 2d session; mileage expenses at 20¢ a mile.

Senate — Dem. 28; Rep. 12. Total, 50.
 House — Dem. 60; Rep. 40. Total, 100.

Kansas

Governor — John Carlin. D. \$34,774.
 Lt. Gov. — Tom Dochig. D. \$16,436 plus \$1,875 for expenses.
 Sec. of State — Jack H. Bras. R. \$13,480.
 Atty. Gen. — Robert T. Stephan. R. \$44,497.
 Treasurer — John Finney. D. \$33,480.
 Legislature: meets annually in January at Topeka. Members receive \$47 a day plus \$50 a day expenses while in session, plus \$400 per month while not in session.

Senate — Dem. 16; Rep. 24. Total, 40.
 House — Dem. 53; Rep. 72. Total, 125.

Kentucky

Governor — Martha L. Collins. D. \$40,000.
 Lt. Gov. — Steve Beshear. D. \$31,000.
 Sec. of State — Drexell R. Davis. D. \$31,000.
 Atty. Gen. — Dave Arrington. D. \$31,000.
 Treasurer — Frances J. Mills. D. \$31,000.
 Auditor — Mary A. Tobias. D. \$31,000.
 General Assembly: meets every year in January at Frankfort. Members receive \$100 per day and \$100 per day during session and \$950 per month for expenses for interim.

Senate — Dem. 30; Rep. 8. Total, 38.
 House — Dem. 77; Rep. 23. Total, 100.

Louisiana

Governor — Edwin W. Edwards. D. \$73,440.
 Lt. Gov. — Robert L. Frazier. D. \$43,367.
 Sec. of State — James H. Brown. D. \$40,169.
 Atty. Gen. — William J. Guste Jr. D. \$40,169.
 Treasurer — Mary Evelyn Parker. D. \$40,169.
 Legislature: meets annually for 60 legislative days commencing on 1st Monday in April. Members receive \$75 per day and mileage at 21¢ a mile for 13 round trips, plus \$1,400 per month expense allowance.

Senate — Dem. 38; Rep. 1. Total, 39.
 House — Dem. 93; Rep. 11; no party 1. Total, 105.

Maine

Governor — Joseph E. Brennan. D. \$35,000.
 Sec. of State — Rodney Quinn. D. \$30,000.
 Atty. Gen. — James Tierney. D. \$44,431.
 Treasurer — Samuel Shapiro. D. \$30,000.
 Legislature: meets annually in January at Augusta. Members receive \$4,500 for regular session, \$3,500 for special session plus expenses; presiding officers receive 30% more.

Senate — Dem. 23; Rep. 10. Total, 33.
 House — Dem. 93; Rep. 34. Total, 131.

Maryland

Governor — Harry Hughes. D. \$73,000.
 Lt. Gov. — J. Joseph Carron Jr. D. \$42,500.
 Comptroller — Louis L. O'Connell. D. \$42,500.
 Atty. Gen. — Stephen H. Sachs. D. \$42,500.
 Sec. of State — Lorraine Sheehy. D. \$45,000.
 Treasurer — William S. James. D. \$42,500.
 General Assembly: meets 90 days annually on the 2d Wednesday in January at Annapolis. Members receive \$22,000 per year.

Senate — Dem. 41; Rep. 6. Total, 47.
 House — Dem. 124; Rep. 17. Total, 141.

Massachusetts

Governor — Michael S. Dukakis. D. \$50,000.
 Lt. Gov. — John Kerry. D. \$40,000.
 Sec. of State — Michael Joseph Connelly. D. \$40,000.
 Atty. Gen. — Francis X. Bellon. D. \$45,000.
 Treasurer — Robert O. Crane. D. \$40,000.
 Auditor — J. An J. Flanagan. D. \$40,000.
 General Court: regular session each January in Boston. Members receive \$37,000 per annum.

Senate — Dem. 33; Rep. 7. Total, 40.
 House — Dem. 131; Rep. 24; no party 1. Total, 156.

Michigan

Governor — James J. Blanchard. D. \$78,800.
 Lt. Gov. — Martha W. Orrilla. D. \$33,500.
 Sec. of State — Richard H. Austin. D. \$73,800.
 Atty. Gen. — Frank J. Kelly. D. \$73,000.
 Treasurer — Robert A. Burrows. R-F. \$44,400.

Legislature meets annually in January at Lansing. Members receive \$73,200 per year, plus \$4,700 expense allowance.
 Senate — Dem., 18; Rep., 20. Total, 38.
 House — Dem., 62; Rep., 46; 2 vacancies. Total, 110.

Minnesota

Governor — Rudy Perpich, DFL, \$64,500.
 Lt. Gov. — Markon Johnson, DFL, \$60,000.
 Sec. of State — Jory Anderson Grove, DFL, \$34,000.
 Atty. Gen. — Hubert H. Humphrey 3d, DFL, \$34,000.
 Treasurer — Robert W. Mattson, DFL, \$34,000.
 Auditor — Arne H. Carlson, IR, \$34,000.
 Legislature meets for a total of 120 days within every 2 years at St. Paul. Members receive \$18,500 per year, plus expense allowance during sessions.
 Senate — DFL, 42; IR, 25. Total, 67.
 House — DFL, 76; IR, 58. Total, 134.
 (DFL means Democratic-Farmer-Labor; IR means Independent Republicans.)

Mississippi

Governor — William A. Allain, D., \$43,000.
 Lt. Gov. — Brad Dye, D., \$34,000 per regular legislative session, plus expense allowance.
 Sec. of State — Dick Mofson, D., \$45,000.
 Atty. Gen. — William L. Pittman, D., \$51,000.
 Treasurer — William J. Cole 3d, D., \$45,000.
 Legislature meets annually in January at Jackson. Members receive \$4,100 per regular session plus travel allowance, and \$210 per month while not in session.
 Senate — Dem., 49; Rep., 3. Total, 52.
 House — Dem., 117; Rep., 3. Total, 122.

Missouri

Governor — Christopher S. Bond, R., \$53,000.
 Lt. Gov. — Kenneth J. Rothman, D., \$50,000.
 Sec. of State — James C. Kirkpatrick, D., \$42,500.
 Atty. Gen. — John Ashcroft, R., \$45,000.
 Treasurer — Mel Carnahan, D., \$42,500.
 General Assembly: meets annually in Jefferson City on the first Wednesday after first Monday in January; adjournment in odd-numbered years by June 30, in even-numbered years by May 15. Members receive \$15,000 annually.
 Senate — Dem., 22; Rep., 12. Total, 34.
 House — Dem., 110; Rep., 53. Total, 163.

Montana

Governor — Ted Schwinden, D., \$47,963.
 Lt. Gov. — George Turman, D., \$34,344.
 Sec. of State — Ivo Waltermire, R., \$31,692.
 Atty. Gen. — Mike Grady, D., \$41,745.
 Legislative Assembly: meets odd years in January at Helena. Members receive \$49.50 per legislative day plus \$45 per day for expenses while in session.
 Senate — Dem., 26; Rep., 24. Total, 50.
 House — Dem., 45; Rep., 55. Total, 100.

Nebbraska

Governor — Robert Kerrey, D., \$40,000.
 Lt. Gov. — Donald F. McGreeley, D., \$32,000.
 Sec. of State — Allen J. Beckmann, R., \$32,000.
 Atty. Gen. — Paul Douglas, R., \$39,500.
 Treasurer — Kay Orr, R., \$32,000.
 Legislature: meets annually in January at Lincoln. Members receive salary of \$4,800 annually plus travelling expenses for one round trip to and from session.
 Unicameral body composed of 49 members who are elected on a nonpartisan ballot and are divided as senators.

Nevada

Governor — Richard Bryan, D., \$65,000.
 Lt. Gov. — Robert Cashell, R., \$10,500 plus \$104 per day when acting as governor and president of the Senate during legislative sessions.
 Sec. of State — William D. Swackhammer, D., \$42,500.
 Comptroller — Darrel Duane, R., \$41,000.
 Atty. Gen. — Bruce McKay, R., \$32,500.
 Treasurer — Phyllis Cafforata, R., \$41,000.
 Legislature: meets odd years in January at Carson City. Members receive \$104 per day for 60 days (20 days for special sessions), plus per diem of \$30 per day for entire length of session. Travel allowance of 20¢ per mile.
 Senate — Dem., 17; Rep., 4. Total, 21.
 Assembly — Dem., 23; Rep., 19. Total, 42.

New Hampshire

Governor — John H. Sununu, R., \$44,520.
 Sec. of State — William M. Gardner, D., \$31,270.
 Atty. Gen. — Gregory H. Smith, \$33,490.
 Treasurer — Robert W. Flanders, R., \$31,270.
 General Court (Legislature) meets odd years in January at Concord. Members receive \$200; presiding officers \$250.
 Senate — Dem., 9; Rep., 14; 1 vacancy. Total, 24.
 House — Rep., 234; Dem., 154; 2 ind., 6 vacancies. Total, 402.

New Jersey

Governor — Thomas H. Kean, R., \$45,000.
 Sec. of State — Jane Burgoon, R., \$66,000.
 Atty. Gen. — Irena I. Kimmelman, R., \$70,000.
 Treasurer — Michael M. Horn, R., \$70,000.
 Legislature meets throughout the year at Trenton. Members receive \$25,000 per year, except president of Senate and speaker of Assembly who receive 1/3 more.
 Senate — Dem., 21; Rep., 17. Total, 40.
 Assembly — Dem., 44; Rep. 36. Total, 80.

New Mexico

Governor — Toney Anaya, D., \$60,000.
 Lt. Gov. — Mike Ruane, D., \$38,500. Acting governor, \$150 per day.
 Sec. of State — Clara Jones, D., \$38,500.
 Atty. Gen. — Paul G. Bardacke, D., \$44,000.
 Treasurer — Earl Edward Hartley, D., \$38,500.
 Legislature meets in January at Santa Fe: odd years for 60 days, even years for 30 days. Members receive \$75 per day while in session.
 Senate — Dem., 23; Rep., 19. Total, 42.
 House — Dem., 46; Rep., 24. Total, 70.

New York

Governor — Mario M. Cuomo, D., \$100,000.
 Lt. Gov. — Alfred B. Del Bello, D., \$85,000.
 Sec. of State — Gail S. Shaffer, D., \$45,700.
 Comptroller — Edward V. Regan, R., \$85,000.
 Atty. Gen. — Robert Abrams, D., \$85,000.
 Legislature: meets annually in January at Albany. Members receive \$12,960 per year.
 Senate — Dem., 27; Rep., 34. Total, 61.
 Assembly — Dem., 91; Rep., 52. Total, 150.

North Carolina

Governor — James B. Hunt, Jr., \$60,768 plus \$11,500 per year expenses.
 Lt. Gov. — James C. Groom, D., \$50,328 per year, plus \$11,500 per year expense allowance.
 Sec. of State — Thad Eure, D., \$50,328.
 Atty. Gen. — Rufus L. Edmiston, D., \$53,976.
 Treasurer — Harlan E. Boyles, D., \$50,328.
 General Assembly: meets odd years in January at Raleigh. Members receive \$6,936 annual salary and \$2,064 annual expense allowance, plus \$50 per diem subsistence and travel allowance while in session.
 Senate — Dem., 44; Rep., 6. Total, 50.
 House — Dem., 102; Rep., 18. Total, 120.

North Dakota

Governor — Allen J. Olson, R., \$60,861 plus \$13,862 expenses.
 Lt. Gov. — Ernest Sands, R., \$12,500.
 Sec. of State — Ben Moran, R., \$43,180 plus \$9,180 expenses.
 Atty. Gen. — Bob Welsh, R., \$49,209 plus \$11,206 expenses.
 Treasurer — John Lunsmeier, R., \$43,180 plus \$9,180 expenses.
 Legislature: Assembly: meets odd years in January at Bismarck. Members receive \$90 per day expenses during session and \$180 per month when not in session.
 Senate — Dem., 21; Rep., 32. Total, 53.
 House — Dem., 55; Rep., 51. Total, 106.

Ohio

Governor — Richard F. Celeste, D., \$60,000.
 Lt. Gov. — Myrl H. Shoemaker, D., \$35,000.
 Sec. of State — Sherrod Brown, D., \$50,000.
 Atty. Gen. — Anthony J. Celebrezze Jr., D., \$50,000.
 Treasurer — Mary Ellen Wilhrow, D., \$50,000.
 Auditor — Thomas E. Ferguson, D., \$50,000.
 General Assembly: meets odd years at Columbus on first Monday in January for the 1st session, and no later than Mar. 15th of the following year for the 2d session. Members receive \$22,500 per annum.
 Senate — Dem., 17; Rep., 18. Total, 35.
 House — Dem., 62; Rep., 37. Total, 99.

Oklahoma

Governor — George Nigh, D., \$70,000.
 Lt. Gov. — Spencer T. Bernard, D., \$40,000.
 Sec. of State — Jesseette B. Edmondson, D., \$37,000.
 Atty. Gen. — Mike Turpen, D., \$55,000.
 Treasurer — Leo Winters, D., \$50,000.
 Legislature: meets annually in January at Oklahoma City. Members receive \$20,000 annually.
 Senate — Dem., 34; Rep., 14. Total, 48.
 House — Dem., 76; Rep., 23. Total, 101.

Oregon

Governor — Victor Atiyeh, R., \$32,092, plus \$1,000 monthly expenses.
 Sec. of State — Norma Paulsen, R., \$42,864.
 Atty. Gen. — David B. Frohman, R., \$50,105.

Treasurer — Will Rutherford, R., \$42,864.
 Legislative Assembly; meets odd years in January at Salem.
 Members receive \$638 monthly and \$64 expenses per day while in session, \$300 per month while not in session.
 Senate — Dem., 21; Rep., 9, Total, 30.
 House — Dem., 24; Rep., 24, Total, 60.

Pennsylvania

Governor — Dick Thornburg, R., \$75,000.
 Lt. Gov. — William W. Scranton Jr., R., \$57,500.
 Sec. of the Commonwealth — William R. Davis, R., \$48,000.
 Atty. Gen. — Larry S. Zimmerman, R., \$35,000.
 Treasurer — H. Budd Dwyer, R., \$48,000.
 General Assembly — convenes annually in January at Harrisburg. Members receive \$23,000 per year plus \$15,000 for expenses.
 Senate — Dem., 23; Rep., 27, Total, 50.
 House — Dem., 103; Rep., 100, Total, 203.

Rhode Island

Governor — J. Joseph Garrahy, D., \$49,500.
 Lt. Gov. — Thomas R. DiLuglio, D., \$43,500.
 Sec. of State — Susan Farmer, R., \$31,500.
 Atty. Gen. — Dennis J. Roberts 2d, D., \$41,875.
 Treasurer — Anthony J. Solomon, D., \$35,500.
 General Assembly; meets annually in January at Providence. Members receive \$5 per day for 60 days, and travel allowance of \$c per mile.
 Senate — Dem., 29; Rep., 21, Total, 50.
 House — Dem., 85; Rep., 15, Total, 100.

South Carolina

Governor — Richard W. Riley, D., \$60,000.
 Lt. Gov. — Michael Daniel, D., \$35,000.
 Sec. of State — John T. Campbell, D., \$55,000.
 Comptroller Gen. — Earle E. Morris Jr., D., \$55,000.
 Atty. Gen. — T. T. Medlock, D., \$55,000.
 Treasurer — G. L. Patterson Jr., D., \$55,000.
 General Assembly; meets annually in January at Columbia. Members receive \$10,000 per year and expense allowance of \$50 per day, plus travel and postage allowance.
 Senate — Dem., 39; Rep., 6, 1 vacancy, Total, 46.
 House — Dem., 100; Rep., 22, 2 vacancies, Total, 124.

South Dakota

Governor — William J. Janklow, R., \$49,025.
 Lt. Gov. — Lowell C. Hanson 2d, R., \$4,800 plus \$50 per day during legislative session.
 Sec. of State — Alice Kunderl, R., \$33,275.
 Treasurer — David Volk, R., \$33,275.
 Atty. Gen. — Mark Meserbian, R., \$41,675.
 Auditor — Verano Larson, R., \$33,275.
 Legislative meets annually in January at Pierre. Members receive \$1,200 for 40-day session in odd-numbered years, and \$2,800 for 35-day session in even-numbered years, plus \$50 per legislative day.
 Senate — Dem., 8; Rep., 27, Total, 35.
 House — Dem., 16; Rep., 54, Total, 70.

Tennessee

Governor — Lamar Alexander, R., \$44,224.
 Lt. Gov. — John S. Wilder, D., \$4,308.
 Sec. of State — Gentry Crowder, D., \$51,510.
 Comptroller — William Snodgrass, D., \$51,510.
 Atty. Gen. — William M. Leach, D., \$64,494.
 General Assembly; meets annually in January at Nashville. Members receive \$4,308 yearly plus \$64.47 expenses for each day in session, plus mileage and expense allowance.
 Senate — Dem., 22; Rep., 11, Total, 33.
 House — Dem., 60; Rep., 38, 1nd., 1, Total, 99.

Texas

Governor — Mark White Jr., D., \$44,800.
 Lt. Gov. — Bill Hobby, D., \$7,200, plus living quarters. Governor's salary when acting as governor.
 Sec. of State — John W. Pister Jr., D., \$61,200.
 Comptroller — Bob Bollock, D., \$69,000.
 Atty. Gen. — Joe Marler, D., \$69,000.
 Treasurer — Aas W. Richards, D., \$69,000.
 Legislative meets odd years in January at Austin. Members receive annual salary not exceeding \$7,200, per diem while in session, and travel allowance.
 Senate — Dem., 24; Rep., 5, Total, 31.
 House — Dem., 114; Rep., 34, Total, 150.

Utah

Governor — Scott M. Matheson, D., \$52,000.
 Lt. Gov. — David S. Monson, R., \$35,500.
 Atty. Gen. — David L. Wilkinson, R., \$41,000.
 Treasurer — Edward T. Altar, D., \$35,500.

Legislative convenes for 60 days on 2d Monday in January in odd-numbered years; for 20 days in even-numbered years; members receive \$25 per day, \$15 daily car allowance, and mileage.
 Senate — Dem., 5; Rep., 24, Total, 29.
 House — Dem., 14; Rep., 59, Total, 73.

Vermont

Governor — Richard A. Snodgrass, R., \$50,000.
 Lt. Gov. — Peter Smith, R., \$22,000.
 Sec. of State — James H. Douglas, R., \$30,000.
 Atty. Gen. — John J. Easton Jr., R., \$40,000.
 Treasurer — Emory Richard, R., \$30,000.
 Auditor of Accounts — Alexander V. Ansohn, R., \$30,000.
 General Assembly; meets odd years in January at Montpelier. Members receive \$270 weekly while in session, with a limit of \$9,500 for a regular session and \$50 per day for special session, plus per diem expenses.
 Senate — Dem., 13; Rep., 17, Total, 30.
 House — Dem., 65; Rep., 84; 1 Ind., Total, 150.

Virginia

Governor — Charles S. Robb, D., \$75,000.
 Lt. Gov. — Richard J. Davis, D., \$20,000.
 Atty. Gen. — Gerald L. Ballias, D., \$54,000.
 Sec. of the Commonwealth — Laurie Monmouth, D., \$36,410.
 Treasurer — C. J. Bush, \$60,812.
 General Assembly; meets annually in January at Richmond. Members receive \$11,000 annually plus expense and mileage allowances.
 Senate — Dem., 32; Rep., 8, Total, 40.
 House — Dem., 65; Rep., 34; 1 Ind., Total, 100.

Washington

Governor — John Spellman, R., \$61,000.
 Lt. Gov. — Joke A. Chertberg, D., \$26,600.
 Sec. of State — Ralph Munro, R., \$31,000.
 Atty. Gen. — Ken Eikenberry, R., \$47,100.
 Treasurer — Robert S. O'Brien, D., \$37,200.
 Legislative meets annually in January at Olympia. Members receive \$13,750 monthly plus per diem of \$44 per day and 10¢ per mile while in session, and \$50 per diem for attending coverings during interim.
 Senate — Dem., 26; Rep., 23, Total, 49.
 House — Dem., 51; Rep., 45, Total, 96.

West Virginia

Governor — Jay Rockefeller, D., \$60,000.
 Sec. of State — A. James Maschke, D., \$34,000.
 Atty. Gen. — Chauncey Browning, D., \$42,000.
 Treasurer — Larrie Bailey, D., \$42,000.
 Comm. of Agric. — Gus R. Douglass, D., \$39,000.
 Auditor — Glen B. Gaezer Jr., D., \$39,000.
 Legislative meets annually in January at Charleston. Members receive \$5,134.
 Senate — Dem., 31; Rep., 3, Total, 34.
 House — Dem., 87; Rep., 13, Total, 100.

Wisconsin

Governor — Anthony S. Earl, D., \$75,377.
 Lt. Gov. — James T. Pflanz, D., \$41,390.
 Sec. of State — Douglas La Follette, D., \$37,334.
 Treasurer — Charles P. Smith, D., \$37,334.
 Atty. Gen. — Bronson C. La Follette, D., \$54,139.
 Superintendent of Public Instruction — Herbert J. Crover, \$54,139.

Legislative meets in January at Madison. Members receive \$22,632 annually plus \$41.63 per day expenses.
 Senate — Dem., 18; Rep., 14, 1 vacancy, Total, 33.
 Assembly — Dem., 34; Rep., 40, 1 vacancy, Total, 99.

Wyoming

Governor — Ed Herschler, D., \$70,000.
 Sec. of State — Tyrus Thompson, R., \$52,500.
 Atty. Gen. — A. G. McClintock, \$52,500.
 Treasurer — Stan Smith, R., \$52,500.
 Legislative meets odd years in January, even years in February, at Cheyenne. Members receive \$30 per day while in session, plus \$40 per day for expenses.
 Senate — Dem., 11; Rep., 19, Total, 30.
 House — Dem., 28; Rep., 35; 1 Ind., Total, 64.

Puerto Rico

Governor — Carlos Romero Barcelo.
 Secretary of State — Carlos S. Quader.
 Secy. of Justice — Nelson Martinez Acosta, act.
 These officials belong to the New Progressive Party.
 Legislative composed of a Senate of 27 members and a House of Representatives of 31 members. Majority of the members of both chambers belongs to the Popular Democratic Party. They meet annually on the 2d Monday in January at San Juan.

Item 7

Section 5. General Elections. General elections shall be held on the second Tuesday in October of every even-numbered year, but the month and day may be changed by law.

Revisor's note. — Exercising its authority under this section, the legislature has provided that the date of general elections is the Tuesday after the first Monday in November in every even-numbered year. See AS 15.15.020.

Article VI

Legislative Apportionment

Section 1. Election Districts. Members of the house of representatives shall be elected by the qualified voters of the respective election districts. Until reapportionment, election districts and the number of representatives to be elected from each district shall be as set forth in Section 1 of Article XIV.

Cross references. — For current (1974-1980) description of election districts, see note following section 3, article XIV of this constitution. For current election districts, see note following section 1 of Article XIV of this constitution.

The legislature may not break election districts down into wards or subdistricts. 1961 Op. Att'y Gen., No. 20.

Section 2. Senate Districts. Members of the senate shall be elected by the qualified voters of the respective senate districts. Senate districts shall be as set forth in Section 2 of Article XIV, subject to changes authorized in this article.

Cross references. — See note to Alaska Const., art. XIV. States supreme court. Groh v. Egan, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

For current (1974-1980) description of election districts see note following section 3, Article XIV of this constitution. Intent of constitutional convention as to reapportionment of senate. — See Wade v. Nolan, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

See notes on redistricting under section 6, Article VI of this constitution. The senate was unconstitutionally apportioned. Wade v. Nolan, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

Senate must be apportioned according to population. — Since the adoption of the Alaska Constitution in 1956 the United States supreme court has ruled that both houses of a state legislature must be apportioned according to population. Egan v. Hammond, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972). An analysis of the Alaska legislature's apportionment indicated that the senate was not then apportioned on a population basis within the meaning of the United States supreme court's reapportionment rulings. 1964 Op. Att'y Gen., No. 4.

Reapportionment of senate must be similar to reapportionment of house. — Although no provision comparable to this article governs reapportionment of the senate, the supreme court has held that the senate, too, must be reapportioned similarly to the house of representatives in order to conform to constitutional requirements imposed by the United States supreme court. And this affected entire legislative apportionment system. — A court can declare Alaska's entire legislative apportionment system unconstitutional on the ground that the senate's apportionment is invalid. 1964 Op. Att'y Gen., No. 4.

Regardless of whether or not house was validly apportioned. — See 1964 Op. Att'y Gen., No. 4.

No specific provision is made for changing senatorial representation. *Wade v. Nolan*, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

But it is the intent of the constitution that the function of reapportionment be performed only by the governor with the assistance of the reapportionment board. *Wade v. Nolan*, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

An enlightened construction of this article which permits realization of its fundamental purpose, that reapportionment not be dependent in any manner on legislative initiative and that effective means of enforcement be readily available to any voter, is that its remaining constitutional provisions provide the implied power in the governor and the reapportionment board to reapportion the senate on an interim basis. *Wade v. Nolan*, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

Because the Alaska Constitution makes no provision for reapportionment of the senate, the supreme court has held that on an interim basis until amendment of the Alaska Constitution the governor has the power to reapportion the senate in the same manner as specified by the constitution for the reapportionment of the house. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Not the legislature. — No part of the authority or responsibility for

apportionment was intended to be entrusted to the legislature. *Wade v. Nolan*, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

Constitutional amendment providing for senate reapportionment urged. — Since the constitution does not specifically provide for senate reapportionment and impermissibly limits the house reapportionment base to civilian population, the supreme court has strongly urged that an appropriate amendment to the constitution be prepared and presented to the electorate. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

The reapportionment plan proclaimed by the governor on September 3, 1966 (see note to Alaska Const., art. XIV), was declared to be effective for the 1966 primary and general elections and thereafter until the state constitution has been amended to provide a valid, permanent reapportionment plan for the senate. *Wade v. Nolan*, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

The interim reapportionment plan fashioned by the supreme court for the 1972 legislative elections, with population variations ranging from +23.75 to -45.93 per cent in the house and from +26.14 to -17.22 per cent in the senate violated the United States constitutional guarantee of equal protection. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Section 3. Reapportionment of House. The governor shall reapportion the house of representatives immediately following the official reporting of each decennial census of the United States. Reapportionment shall be based upon civilian population within each election district as reported by the census.

Cross references. — See notes to Alaska Const., art. XIV, §§ 1-C. See note to § 2 of this article.

House must be apportioned according to population. — Since the adoption of the Alaska Constitution in 1956 the United States supreme court has ruled that both houses of a state legislature must be apportioned according to population. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Military personnel cannot be arbitrarily eliminated from population base. — Military personnel as a class

cannot be deprived of the right to vote, and they cannot be arbitrarily eliminated in a population base used to design an apportionment scheme. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

In the absence of reliable data, the elimination of the military from the population base as a class of persons would be a denial of equal protection of the law.

prohibited by the 14th amendment to the United States Constitution. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Alaska's constitution requires that the requisite population total be arrived at by use of the census data. It does not mandate a population base composed exclusively of registered voters, citizens who have previously voted in Alaska, or only those people living in Alaska with the intention of making Alaska their home. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

But some military may be excluded as device to limit impact of transients. — But while the clause of the Alaska Constitution seeking to exclude military as a class is unconstitutional, that is not to say that some military cannot be excluded as a permissible device for limiting the impact of transients and nonresidents on legislative districting. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

It is necessary to distinguish the degree of precision required in dealing with representational rights as against the strict right to vote. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

The substantial military population present in the state because of military orders and without intention to make Alaska their home can easily give an unbalanced representation to areas abutting their bases. But there is a need for a permanent plan which achieves a level of accuracy of their voting participation which is closer than either including or excluding all military as a class. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

It is not offensive to notions of equal protection to exclude from the population base even military personnel who have lived in Alaska for substantial periods of time, so long as those people have exercised their option to remain residents and domiciliaries of other states. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

This section is invalid insofar as it is based on "civilian population". — The provision basing reapportionment upon civilian population within each election district as reported by the census is invalid insofar as it is based on "civilian population." *Egan v. Hammond*, Sup. Ct.

Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Exclusion of military from population base in 1974 revised reapportionment plan. — In the 1974 revised reapportionment plan, there was no discrimination against all military as a class and no improper exclusion of military personnel based on the nature of their employment. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Provision requiring exclusive use of census is not severable. — The provisions of that portion of this section requiring that "reapportionment shall be based upon civilian population within each election district as reported by the census" is not severable. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

The constitutional provision requiring exclusive use of the census would not have been enacted independently of the void reference to "civilian population." *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

If the requirement to use census figures were to be retained after striking the provision which limited the base to civilian population, the apparent intent of the members of the constitutional convention to prevent the large number of military personnel concentrated in small areas of the state, who do not regard the state as their home and do not actively participate in its affairs, from distorting the representational base might be frustrated. Only skeletal information of location and mobility characteristics of the military can be extrapolated from census data. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Alternatives to the census base should be permitted. — Because the equal protection clause of the United States Constitution requires more specific factual justification than the census for eliminating portions of the military from the population base, the board and the governor should be permitted to use alternates to the census base. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

For a discussion of alternative plans which may be available to handle the problem of developing a reapportionment plan which achieves an accurate assessment of the military vote, see *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and

830 (File No. 1711), 502 P.2d 856 (1972).

There is no longer a specific constitutional mandate as to the population base to be utilized by the governor. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

In the absence of a constitutional amendment reestablishing specific guidelines, the governor has the power to select alternative bases for reapportionment purposes, such as a registered voter, state citizenship or state residency base. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

The governor may select from among different available statistical compilations. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

This section places in the executive the full authority and responsibility for reapportionment. *Wade v. Nolan*, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

The governor, with the assistance of the reapportionment board, must reapportion representation in the house of representatives on a method of equal proportions every 10 years. *Wade v. Nolan*, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

Because the Alaska Constitution makes no provision for reapportionment of the senate, the supreme court has held that on an interim basis until amendment of the Alaska Constitution the governor has the power to reapportion the senate in the same manner as specified by the constitution for the reapportionment of the house. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Reapportionment by legislature was specifically rejected. — The drafters of the constitution put reapportionment in the hands of the governor, acting on the advice of a reapportionment board, and specifically rejected the idea of giving reapportionment to the legislature. 1964 Op. Att'y Gen., No. 4.

As legislature cannot be expected to reapportion itself. — The Alaska constitutional convention reports and minutes indicate that the delegates who drafted this article gave the duty of reapportioning to the governor for one reason: a legislature cannot and should not

be expected to properly reapportion itself. 1964 Op. Att'y Gen., No. 4.

Constitution provides widely used population-based method. — Alaska Const., art. VI, § 4, provides that the house will be apportioned on the "method of equal proportions," which is a population-based method widely used in reapportionment of Congressional districts. 1964 Op. Att'y Gen., No. 4.

Transfer of population to adjacent district. — When a concentrated area of population, not having a sufficient population to become a district in itself, prefers to be transferred to its adjacent district within the local senate district, the transfer is possible under the constitution, provided that all constitutional requirements for redistricting are met. 1961 Op. Att'y Gen., No. 20.

Constitutional amendment urged. — Since the constitution does not specifically provide for senate reapportionment and impermissibly limits the reapportionment base to civilian population, the supreme court strongly has urged that an appropriate amendment to the constitution be prepared and presented to the electorate. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

The interim reapportionment plan fashioned by the supreme court for the 1972 legislative elections, with population variations ranging from + 23.75 to -45.93 per cent in the house and from + 26.14 to -17.22 per cent in the senate violated the United States constitutional guarantee of equal protection. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Use of 1970 census data in determining population base to be used for reapportionment in 1974 revised reapportionment plan did not constitute error. — See *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Limited supreme court review. — Since the governor's authority to choose census data as a population base is not limited by either the state or the federal constitution, supreme court review is restricted to whether that authority has been exercised in a rational as opposed to an arbitrary manner. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Section 4. Method. Reapportionment shall be by the method of equal proportions, except that each election district having the major fraction of the quotient obtained by dividing total civilian population by forty shall have one representative.

Cross reference. — See note to Alaska Const., art. VI, § 3.

This section establishes the formula for reapportionment. *Wade v. Nolan*, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

Application of section. — This section applies equally to all present and future election districts without any restriction to the original districts. 1961 Op. Att'y Gen., No. 21.

Section 5. Combining Districts. Should the total civilian population within any election district fall below one-half of the quotient, the district shall be attached to an election district within its senate district, and the reapportionment for the new district shall be determined as provided in Section 4 of this article.

Application of section. — This section applies equally to all present and future election districts without any restriction to the original districts. 1961 Op. Att'y Gen., No. 21.

Stated in *Wade v. Nolan*, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

Section 6. Redistricting. The governor may further redistrict by changing the size and area of election districts, subject to the limitations of this article. Each new district so created shall be formed of contiguous and compact territory containing as nearly as practicable a relatively integrated socio-economic area. Each shall contain a population at least equal to the quotient obtained by dividing the total civilian population by forty. Consideration may be given to local government boundaries. Drainage and other geographic features shall be used in describing boundaries wherever possible.

The need for numerical adjustment is the very focus of the mandate to reapportion. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

State must make good-faith effort to achieve equality. — The Equal Protection Clause of the United States Constitution requires that a state make an honest and good-faith effort to construct districts, in both houses of its legislature, as nearly of equal population as is practicable. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972); *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Rigid standards for reapportionment applied in *Egan v. Hammond*, Sup. Ct. Op. Nos. 815 and 830 (File No.

1711), 502 P.2d 856 (1972), have been somewhat ameliorated. — See *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Showing of justification required for deviations in reapportionment. — In the absence of a showing that the manner of reapportioning a state was improperly motivated or had an impermissible effect, deviations of up to 10 per cent require no showing of justification. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

The state has the burden of showing that deviations in excess of 10 per cent are "based on legitimate considerations incident to the effectuation of a rational state policy." *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

When variances permitted under *Egan v. Hammond*. — Only after a good-faith effort has been made to achieve precise mathematical equality may variances be permitted. And then the state has the burden of justifying in detail each such variance. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

The standard for reapportionment allowed two separate justifications for deviation from the ideal population figures. The first was that variance occurring because of uncontrollable factors, despite a good-faith effort to achieve mathematical precision. The second acceptable deviation was that which "the state must justify" — the implication being that while it had been a controllable deviation, other factors "incident to the effectuation of a rational state policy" could be advanced in justification. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

However, acceptable state policies to justify deviation were greatly limited. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

In permissible factors in justifying disparities under *Egan v. Hammond*. — Neither history alone, nor economic or other sorts of group interests, were permissible factors in attempting to justify disparities from population-based representation. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Modern developments and improvements in transportation and communications made rather hollow, in the mid-1960's, most claims that deviations from population-based representation could validly be based solely on geographical considerations. Arguments for allowing such deviations in order to insure effective representation for sparsely settled areas and to prevent legislative districts from becoming so large that the availability of access of citizens to their representatives was impaired were today, for the most part, unconvincing. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

But insuring voice in legislature to political subdivision was consideration of substance. — A consideration that appeared to be of more substance in justifying some deviations from population-based representation in state

legislatures was that of insuring some voice to political subdivisions, as political subdivisions. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

No adequate justification offered for variances in 1971 interim reapportionment plan. — The 1971 interim reapportionment plan fashioned by the supreme court for the 1972 legislative elections was held unconstitutional since there was no adequate justification offered for the variances which range from +23.35 to -45.93 per cent in the house districts, and from +26.14 to -17.2 per cent in the senate districts. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

It is significant to note that in no case coming before the supreme court of the United States have population variances approaching those of the 1971 plan been upheld, while less substantial variances have been repeatedly rejected as unconstitutional. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Burden of challenging unconstitutionality of method or motive of districting. — Where the method or motive of districting rather than the mathematical precision of the apportionment is being challenged, the challenger bears the burden of proving unconstitutionality. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Difficulty of creating districts of equal population under this section. — The supreme court recognizes the difficulty of creating districts of equal population while also conforming to the Alaska constitutional mandate that the districts "be formed of contiguous and compact territory containing as nearly as practicable a relatively integrated socio-economic area." *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

When Alaska's geographical, climatical, ethnic, cultural and socio-economical differences are contemplated the task of creating districts of equal population while conforming to this section assumes Herculean proportions commensurate with Alaska's enormous land area. The problems are multiplied by Alaska's sparse and widely scattered population and the relative inaccessibility of portions of the state. Surprisingly small changes in district boundaries create large

percentage variances from the ideal population. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

When confronted with conditions so different from those of any other single state in the continental United States, it is readily apparent that it becomes well nigh impossible to achieve the mathematical precision of equal proportions which is feasible in those other states. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

For discussion of geographical, demographical, ethnical, cultural, and economical conditions in Alaska in relation to redistricting, see *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Meaning of the term "socio-economic area". — See *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

A community such as the Greater Anchorage Borough might be considered a socio-economic area. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Power of governor to authorize constitutional device to accomplish redistricting. — Redistricting is inseparable from reapportionment and the governor should be able to authorize any constitutional device to accomplish the task. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Such as terminating senate terms. — The governor has the power to terminate senate terms as incidental to his general reapportionment powers. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

A need to truncate the terms of incumbents may arise when reapportionment results in a permanent change in district lines which either excludes substantial numbers of constituents previously represented by the incumbent or includes numerous other voters who did not have a voice in the selection of that incumbent. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

The discretionary authority to require mid-term elections when necessary is well established. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

And designating seats within multi-member districts. — The governor's general power to reapportion

includes the right to utilize the tool of designated seats within multi-member districts. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

And changing boundaries and areas. — It is clear that the governor is authorized to redistrict by changing boundaries and areas. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

The creation of single-member districts from multi-member districts is within the powers available to the governor. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

The creation of single-member districts from multi-member districts would appear to be a concomitant power under the authorization to redistrict. Furthermore, this authority is inherent in the general power to reapportion the legislature. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

The governor may create single-member districts from multi-member districts. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

The power to create single-member districts applies to integrated socio-economic areas as well as to other areas. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

The supreme court does not construe the Alaska constitutional requirement that districts be formed from contiguous, compact, relatively integrated socio-economic areas to prohibit smaller districts within such areas. The smaller districts would still conform to the constitutional standard. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Plan whereby Anchorage was divided into six election districts upheld. — See *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Implied power to reapportion senate on interim basis. — Under the Alaska Constitution the governor with the assistance of the reapportionment board has the implied power to reapportion the senate on an interim basis. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

The Advisory Reapportionment Board may always divide a district into smaller districts provided the requirements laid down in the Alaska

Const., art. VI, § 6, are complied with. No. 346 (File No. 731), 414 P.2d 689 (1966).
1961 Op. Att'y Gen., No. 20.
Stated in *Wade v. Nolan*, Sup. Ct. Op.

Section 7. Modification of Senate Districts. The senate districts, described in Section 2 of Article XIV, may be modified to reflect changes in election districts. A district, although modified, shall retain its total number of senators and its approximate perimeter.

This section is clearly invalid under the United States supreme court's reapportionment rulings. 1964 Op. Att'y Gen., No. 4.

This section, which requires virtually unchangeable senate districts based on area, must give way to the United States supreme court's rulings on reapportionment. 1964 Op. Att'y Gen., No. 4.

But it is severable from the rest of this article. 1964 Op. Att'y Gen., No. 4.

And with this section excised, this article is constitutional and workable, so long as it is administered in compliance with the United States supreme court reapportionment decisions. 1964 Op. Att'y Gen., No. 4.

Quoted in *Wade v. Nolan*, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

Section 8. Reapportionment Board. The governor shall appoint a reapportionment board to act in an advisory capacity to him. It shall consist of five members, none of whom may be public employees or officials. At least one member each shall be appointed from the Southeastern, Southcentral, Central, and Northwestern Senate Districts. Appointments shall be made without regard to political affiliation. Board members shall be compensated.

Revisor's note. — The governor's September 3, 1965 Proclamation of Reapportionment and Redistricting abolished the senate districts referred to in this section.

Purpose of provision that appointments be made "without regard to political affiliation." — The obvious purpose of the constitutional provision that appointments be made "without regard to political affiliation" was to prevent the appointment of a board whose efforts might result in a politically motivated reapportionment plan. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Bi-partisan board not required. — The phrase "without regard to political affiliation" is not the equivalent of requiring a "bi-partisan" board. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

But certain political considerations are germane. — In reviewing the validity of the appointment of a board, some (although not necessarily all) of the following considerations would appear to be germane: The political affiliation of members of the board; the nature of their activities in partisan politics, particularly if from one political party only; and the expertise and general qualifications which members bring to the board. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Quoted in *Wade v. Nolan*, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966); *Begich v. Jefferson*, Sup. Ct. Op. No. 481 (File No. 894), 441 P.2d 27 (1968).

Cited in *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Section 9. Organization. The board shall elect one of its members chairman and may employ temporary assistants. Concurrence of three

members is required for a ruling or determination, but a lesser number may conduct hearings or otherwise act for the board.

Quoted in *Wade v. Nolan*, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

Section 10. Reapportionment Plan and Proclamation. Within ninety days following the official reporting of each decennial census, the board shall submit to the governor a plan for reapportionment and redistricting as provided in this article. Within ninety days after receipt of the plan, the governor shall issue a proclamation of reapportionment and redistricting. An accompanying statement shall explain any change from the plan of the board. The reapportionment and redistricting shall be effective for the election of members of the legislature until after the official reporting of the next decennial census.

Commencement of board's function. — The constitutional convention provided that the reapportionment board should automatically commence to function after the decennial census, without any direction from the governor. *Wade v. Nolan*, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

How plan becomes law. — Once a valid reapportionment plan has been established and proclaimed, it becomes law, or "effective," by the force of the

constitution. *Wade v. Nolan*, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

1960's apportionment plan could not remain in effect until 1970. — This section's mandate that 1960's reapportionment plan remain in effect until 1970 had to give way to the United States supreme court's rulings on reapportionment. 1964 Op. Att'y Gen., No. 4.

Section 11. Enforcement. Any qualified voter may apply to the superior court to compel the governor, by mandamus or otherwise, to perform his reapportionment duties or to correct any error in redistricting or reapportionment. Application to compel the governor to perform his reapportionment duties must be filed within thirty days of the expiration of either of the two ninety-day periods specified in this article. Application to compel correction of any error in redistricting or reapportionment must be filed within thirty days following the proclamation. Original jurisdiction in these matters is hereby vested in the superior court. On appeal, the cause shall be reviewed by the supreme court upon the law and the facts.

Legislative intent. — The drafters of this provision intended that appellate review be in the nature of a de novo proceeding, but without additional evidence being presented. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

This section does not confer upon the supreme court the power to decide what is preferable between alternative rational plans. If that were the case, there would be little reason to provide for the governor to promulgate the reapportionment plan after receiving the

recommendations of the Advisory Reapportionment Board. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

The constitutional authority to reapportion resides in the executive, not the courts. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Since the governor's authority to choose census data as a population base was not limited by either the state or the federal constitution, supreme court review was restricted to whether that authority has been exercised in a rational as opposed to an arbitrary manner. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

When jurisdiction conferred on courts. — Jurisdiction is conferred on the courts only when an application is made to compel the governor "to perform his reapportionment duties or to correct any error in redistricting or reapportionment." *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

It cannot be said that what the supreme court may deem to be an unwise choice of any particular provision of a reapportionment plan from among several reasonable and constitutional alternatives constitutes "error" which would invoke the jurisdiction of the courts. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Standard of review. — See *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Reapportionment matter is considered de novo on appeal. — In reviewing a reapportionment plan the supreme court will consider the matter de novo upon the record developed in the superior court. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Stated in *Wade v. Nolan*, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

Cited in *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Article VII

Health, Education and Welfare

Section 1. Public Education. The legislature shall by general law establish and maintain a system of public schools open to all children of the State, and may provide for other public educational institutions. Schools and institutions so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private educational institution.

Editor's note. — An amendment to this section was proposed by House Joint Resolution No. 73, SLA 1976, but was rejected at the general election held in November, 1976.

Intent of section. — This section was intended to ensure that the legislature establish a system of education designed to serve children of all racial backgrounds. *Hootch v. Alaska State-Operated School Sys.*, Sup. Ct. Op. No. 1154 (File No. 2157), 536 P.2d 793 (1975).

This section guarantees all children of Alaska a right to public education. *Breese v. Smith*, Sup. Ct. Op. No. 827 (File No. 1614), 501 P.2d 159 (1972).

Education is a matter of statewide concern. *Macauley v. Hildebrand*, Sup. Ct. Op. No. 741 (File No. 1550), 491 P.2d 120 (1971).

This section was designed to commit Alaska to the pursuit of public, not private education, without requiring absolute governmental indifference to any student choosing to be educated outside the public school system. *Sheldon Jackson College v. State*, Sup. Ct. Op. No. 1916 (File Nos. 3978, 4002), 599 P.2d 127 (1979).

Section constitutes mandate for pervasive state authority in field of education. — The constitutional mandate of this section for pervasive state authority in the field of education could not be more clear. First, the language is mandatory, not permissive. Second, this section not only requires that the legislature "establish" a school system but also gives to that body the continuing obligation to "maintain" the system. Finally, the provision is unqualified; no other unit of government shares responsibility or

HOUSE
COMMITTEE REPORT

(7)

Date referred: 2/14/86

FURTHER REFERRALS: JUDICIARY

DATE: 5/2/86

The STATE AFFAIRS Committee has considered HB 593

"An Act relating to election districts; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with _____ same title
- _____ new title

and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

[Signature]

[Signature]

[Signature]

SIGNING OTHER RECOMMENDATIONS:

Katie Hurley - No Rec

Bette Cat - no Rec

Katie Hurley
Chairman

HOUSE STATE AFFAIRS
STANDING COMMITTEE
May 2, 1986
3:00 p.m.

Members Present:

Rep. Katie Hurley, Chair
Rep. Mike Navarre, Vice Chair
Rep. H.A. Boucher
Rep. Bette Cato
Rep. Virginia Collins
Rep. Roger Jenkins
Rep. M.M. Miller

COMMITTEE CALENDAR

CSSB 278:

An Act relating to impoundment and registration of motor vehicles; senior citizen motor vehicle tax exemptions; licensing of certain drivers; fees for driver's licenses and permits; refusal to submit to a chemical test for intoxication; and the driver's license compact.

HB 593:

An Act relating to election districts.

WITNESS REGISTER

Linda Edgeworth
Director of Elections
P. O. Box AF
Juneau, AK 99811
Telephone: 465-4611

ACTION NARRATIVE

TAPE 117 SIDE ONE
Number 008

Chair Hurley called the House State Affairs Committee meeting to order at 3:10 p.m. Members present were Reps. Cato, Hurley, Jenkins and Navarre.

Chair Hurley brought CSSB 278 before the committee for consideration. She noted that Senator Kerttula had agreed to the deletion of his Senate floor amendments and to adoption of a letter of intent which covers due process rights. These changes had been incorporated in a committee substitute for the committee's review.

Rep. Navarre moved that HCS CSSB 278 (SA) be adopted. There being no objection, it was so ordered.

There was a brief at ease to await the arrival of Rep. Collins.

Number 070

Rep. Collins arrived and stated that she was interested in amending the bill to add a section regarding reexamination of drivers. There was discussion about the appropriateness of amending this bill. Chair Hurley suggested that another piece of legislation might be a better vehicle, especially since Rep. Collins did not have the wording for her amendment prepared.

Rep. Boucher arrived and Reps. Cato and Nevarre left at 3:15 p.m. Rep. Miller arrived at 3:19 p.m.

Number 249

Rep. Boucher moved that HCS CSSB 278 (SA) pass out of committee with individual recommendations. There being no objection, it was so ordered.

Chair Hurley read the language for the letter of intent for HCS CSSB 278 (SA) as follows:

The Legislature intends that when taking action under the Compact for offenses under AS 28.37.140, the Division of Motor Vehicles shall give the effect to the conduct that is provided by the laws of the home state if the offense has elements or due process rights similar to those of the home state as defined in the home state at the time the offense was committed.

Number 260

Rep. Boucher moved that the letter of intent pass out of committee with individual recommendations.

Number 272

Chair Hurley brought HB 593 regarding election districts before the committee for consideration.

Rep. Jenkins, prime sponsor, explained that the reapportionment process in Alaska allows the Governor to reapportion the legislature. He feels that this bill would not compromise the current procedure but would establish in statute the nature of each election district by adding language that provides for single member House Districts. The Senate Districts would be composed of two single member House Districts.

Rep. Jenkins cited the following reasons for having single member districts:

1. The cost of campaigns would be reduced because candidates in both urban and rural areas would be able to utilize less expensive forms of communication media.
2. Voters would identify their local area with the candidates/public officials and vice versa.
3. The election process is open to a wider range of candidates for public office because of district size.
4. Greater legislative responsibility and accountability of public officials to the voters of the district and less to political parties.
5. Greater input by the public on issues facing their state and district.
6. The courts are less likely to set aside reapportionment plans because they favor single member districts. It is easier to identify if the one man, one vote rule is being violated. Most of the districts would be compact and contiguous.

Number 472

Rep. Miller stated that although the bill has merits he felt that the current system is fine. He noted that in some places it makes sense to have double member districts.

Number 506

Rep. Boucher complimented Rep. Jenkins on the documentation and backup materials provided on this bill. He asked how campaign costs would be reduced under this legislation.

Number 515

Rep. Jenkins responded that candidates would have a smaller area to cover and lower media costs.

Number 545

Rep. Boucher stated that lowering the cost of campaigns is important to him. He commented that media expenses have escalated the cost of campaigning in Anchorage and other areas of the state.

Number 584

Chair Hurley stated that her preference would not be to have single member districts but rather that the Senate should not have been reapportioned. She added that some segments of the population may end up unrepresented.

Committee discussion followed regarding the merits of single member districts and unicameral vs. bicameral legislatures.

Number 622

Linda Edgeworth, Division of Elections, testified that her agency has no position regarding this legislation. She noted that they had prepared a fiscal note. Ms. Edgeworth explained that it is very difficult to predict what the cost of such an action would be five years hence. She offered to answer any questions committee members might have regarding the fiscal note.

(Tape number 117 malfunctioned and a new tape was started.)

TAPE 118 SIDE ONE

Number 008

Committee discussion continued regarding the fiscal impact of HB 593.

Rep. Miller left at 3:55 p.m.

Number 047

Rep. Jenkins noted for the record that 35 states have single member districts.

Number 097

Chair Hurley stated that she felt that the issue should be debated and discussed by the legislature. She added that it would be a good subject for discussion by the committee of whole.

Number 120

Rep. Collins moved that HB 593 pass out of committee with individual recommendations. There being no objection, it was so ordered.

Number 138

Chair Hurley adjourned the meeting at 4:05 p.m.

Introduced: 2/14/86
Referred: State Affairs
and Judiciary

1 IN THE HOUSE

BY JENKINS

2

HOUSE BILL NO. 593

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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

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

9 * Section 1. AS 15.35 is amended by adding new sections to article 2 to
10 read:

11 Sec. 15.35.022. HOUSE ELECTION DISTRICTS. A member of the house
12 of representatives shall be elected by the qualified voters of a house
13 election district that was established in the most recent reapportion-
14 ment. Each member of the house of representatives shall be elected
15 from a single member district in accordance with art. VI, sec. 6,
16 Constitution of the State of Alaska.

17 Sec. 15.35.024. SENATE ELECTION DISTRICTS. A member of the
18 senate shall be elected by the qualified voters of a single member
19 senate election district that was established in the most recent
20 reapportionment. Each senate election district is composed of two
21 single member house election districts established under art. VI,
22 sec. 6, Constitution of the State of Alaska, and AS 15.35.022.

23 * Sec. 2. This Act takes effect on the official reporting of the next
24 decennial census of the United States.

WORK OF THE REAPPORTIONMENT BOARDS

The first Reapportionment Board under Chairman Douglas Gray of Juneau convened on September 15, 1964; it held hearings in Juneau, Anchorage, Fairbanks, Nome, and Sitka, submitting a report to the governor on December 10. The board had considered ten different plans and recommended that the state be divided into twenty election districts very nearly equal in population, each district electing two representatives and one senator. An alternative plan using forty election districts was preferred by the board but was ruled out because of the state constitutional requirement that newly drawn election districts contain a population equal to at least one-fortieth of the population of the state.

While complying exactly with all United States Supreme Court rulings made up to that time, this plan was drastic, calling for a recasting of all political boundaries in the state. It was never published. During the ninety-day period constitutionally allowed before the governor would have had to publish a plan, the appearance of additional United States Supreme Court decisions made it seem advisable for him to look at the problem again; he convened a new Reapportionment Board on March 6, 1965.

The plans examined and then rejected by the board under Chairman Gray were as follows:

- (1) to retain the existing districting and apportionment and to give senators multiple votes, ranging from one vote for District F (Cordova-Valdez to nineteen votes for District G (Anchorage-Palmer);
- (2) to apportion the twenty senators among the four regional senate districts (A, E, J, and N) by the method of equal proportions;
- (3) to apportion the twenty senators among the twelve small senate districts by the method of equal proportions;
- (4) to apportion the twenty senators among five new senate districts;
- (5) to create twenty small single-member senate districts, each consisting of one or two existing house districts;
- (6) to create districts based on the number of persons who actually voted at the last presidential election;
- (7) to create wedge-shaped districts, the apex being in an urban area and the base in a rural area;
- (8) to create twenty new single-member senate districts approximately equal in population; two representatives would run at large in thirteen of these districts, and the remaining seven would be divided into an urban half and a rural half for house elections; and
- (9) to create forty new election districts equal in population, assigning one representative to each and one senator to each pair.

Governor Egan gave two reasons for reconvening the Reapportionment Board: (1) the United States Supreme Court in *Fortson v. Dorsey*¹⁶ had accepted as constitutional a mixture of single-member and multimember districts in the same house—a circumstance which would make possible a less drastic reapportionment plan in Alaska; and (2) it seemed possible that military population might have to be included for reapportionment purposes instead of civilian population only, as required by the Alaska Constitution.

Felix Toner, chairman of the reconvened Reapportionment Board, raised these matters with Attorney General Warren Colver. The board was reviewing the existing multimember house districts in Fairbanks and Anchorage and also, in response to local requests, was examining the possibility of making a large multimember district out of the old Northwestern Division. The need for multimember districts in Fairbanks and Anchorage arose because the census data are enumerated in such a way as to render impossible the construction of single districts of known population and because, in the case of Anchorage, the 1964 earthquake had effected a substantial population dispersal, the extent of which would not be known until the 1970 Census.

The attorney general, in his reply on June 1, 1965, referred to the United States Supreme Court case *Fortson v. Dorsey*. The court had upheld the use of some multimember districts in Georgia but had warned that multimember district apportionment schemes might "operate to minimize or cancel out the voting strength of racial or political elements of the voting population."¹⁷ In Alaska, political or racial minorities might be expected to argue that multimember districts minimize or cancel out their voting strength. In the Northwestern region such minorities would probably have a good case and be able to demonstrate that a multimember district would be unconstitutional. In Fairbanks and Anchorage the retention of multimember districts would be justified by the practical impossibility of creating single districts; also, since both are compact areas, the probability of serious impairment of voting strength would be slight. These two multimember districts would therefore probably be deemed constitutional.

Concerning the question of including military personnel as part of the population for apportionment purposes, the attorney general said that the Alaska Constitution requires reapportionment to be based on civilian population as reported by the census and that this stipulation clearly means that military personnel cannot be included. The United States Supreme Court has not been asked directly to determine the constitutionality of excluding military personnel, and until it gives a ruling, the board must be bound by the Alaska Constitution. In *Holt v. Richardson*, however, the federal district court refused to invalidate Hawaii's Constitution for basing reapportionment on registered

voters rather than on total population. The court pointed out that basing reapportionment on total population in an area where nonresident military personnel form a substantial fraction of the total population and cause it to fluctuate widely and rapidly could lead to "grossly absurd and dangerous results." In the *Burns* case, decided the following year (1966),¹⁸ the United States Supreme Court upheld the use of registered voters as the basis for determining apportionment, but restricted the scope of the ruling just to the specific conditions in Hawaii. In 1960, military personnel formed 10 percent of Hawaii's population and 15 percent of Alaska's.

A question could be raised concerning the constitutionality of excluding military personnel who are also residents of the state. However, according to a letter received from the Alaskan Command Headquarters on April 16, 1965, there were at that time only 111 Alaskan residents in the military forces stationed in Alaska. Even if concentrated all in one area, 111 persons would not suffice to affect reapportionment action significantly.

The Reapportionment Board submitted a unanimous report to Governor Egan on June 4, 1965, following hearings in Fairbanks, Nome, Anchorage, and Juneau. The board recommended that the districting and apportionment of the house, described above, remain unchanged except for District 8 (Anchorage), which should be subdivided into four new districts called Anchorage City, Anchorage North, Anchorage Southeast, and Anchorage Southwest. The Anchorage City district would have eight house seats and four senate seats assigned to it, and the other three new districts would each have two house seats and one senate seat. The senate would be completely redistricted and reapportioned. There would be fourteen new districts, six coinciding with house districts and eight being composed of two adjacent house districts. The Fairbanks and Anchorage City districts would each have four senators running at large, and all other senators would be chosen from single-member districts.

The board retained multimember districts unwillingly, and mainly because of the inadequacy of census data. Criticizing the federal census, the board stated that "the use of enumeration districts encompassing more than 1/400th of the population of the State as well as enumeration districts totally surrounding other enumeration districts creates situations which make redistricting and reapportioning the State extremely difficult."¹⁹

THE GOVERNOR'S REAPPORTIONMENT

On September 3, 1965, Governor Egan issued his second Proclamation of Reapportionment and Redistricting. The governor's plan was based on the

report of the Reapportionment Board, but it discarded the board's proposal to subdivide District 8 (Anchorage). In an accompanying statement explaining his deviation from the board's plan, the governor stated:

It would be unwise and unfair . . . to divide District 8 into more than one legislative district on the basis of the 1960 census figures. These figures became obsolete with the March 27, 1964, earthquake which . . . resulted in radical population dislocation and movement of unknown proportions. Therefore, any reapportionment plan based on the 1960 census which would split District 8 into several legislative districts could result in over-representation of districts which have lost a considerable part of their population and under-representation of districts which gained substantially in population as a result of the earthquake and subsequent dislocation.

Furthermore, Anchorage has traditionally been a multi-member district with all of its candidates for the Legislature running at large. This system has proved workable and fair in the past, and is the most equitable one which can be devised under existing circumstances.²⁰

The governor's plan, therefore, made no change in the districting and apportioning of the house, which remained as designated by the governor's Proclamation of Reapportionment and Redistricting of December 7, 1961, discussed previously. The senate was completely redistricted and reapportioned, each new district consisting of one or two house districts. Nine are single-member districts, Fairbanks is a four-member district, and Anchorage is a seven-member district. Table III shows the new arrangement.

In a statement accompanying his proclamation, Governor Egan said:

Making this proclamation today has not been an easy task for me. My personal feelings and my duties and obligations as Governor under the Constitution of Alaska do not exactly coincide.

Nearly 10 years ago at the Constitutional Convention, I was one of those who worked hard and saw to it that the apportionment of the State Senate would take into consideration factors other than just population. We considered, among other things, geography, socio-economical needs, the relationships of contiguous areas, and the future possibilities of growth.

It was my view, as well as that of a majority of the other delegates, that it was in the public interest to have one house of the Legislature apportioned more by area than population, to serve as a check and balance on the other. This is still my view.

However, this is a land ruled by law, not me. The Supreme Court of the United States is our final arbiter of justice.

Our Nation's highest court has ruled that each citizen's vote must count as much as another's, and we must abide as closely as possible by that decision. In this instance it was with reluctance that I approached my duty, but as your Governor I took an oath to uphold both the Constitution of the United States and the Constitution of the State of Alaska.²¹



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IMPACT OF REAPPORTIONMENT ON THE THIRTEEN WESTERN STATES

Edited by ELEANORE BUSHNELL



University of Utah Press

Salt Lake City, Utah

choices. Platorial (overlapping) districts have been used for years in a few states. Multimember districts themselves may be modified by addition of local residence requirements or by a requirement that each candidate run for a "place," rather than against all other candidates. If proportionate representation of minority groups, in order to enhance their influence on legislative outcomes, is deemed to be of prime importance, less common variants such as limited voting, cumulative voting, or pure proportional representation, command attention.

1. SINGLE-MEMBER VERSUS MULTIMEMBER DISTRICTS

There has been a strong trend toward adoption of single-member districts, but multimember districts also have been used since colonial times and are still common. A survey several years before *Baker v. Carr* indicated that in the then 48 states, 88 percent of state senators and 55 percent of lower house members were elected in single-member districts.¹² On the eve of *Baker v. Carr* another survey indicated a three to one preference (3179 to 927) for single-member districts over multimember districts for lower houses in 49 states (excluding Nebraska). But in terms of legislators there was a close division (3179 from single-member districts and 2704 from multimember districts), because each multimember district elected on the average nearly three legislators. For the state senates (including unicameral Nebraska) there was a marked preference for single-member districts: only 127 were multimember, electing 305 legislators; 1589 were single-member.¹³ Accurate post-*Reynolds* counts are not yet possible, but the reapportionment revolution seems to have enhanced the pressure for single-member districts, especially within state metropolitan areas, e.g., Maryland, Michigan, Ohio, Oklahoma, Pennsylvania, Tennessee.

Speculative evaluations of single-member districts, only occasionally supported by detailed empirical inquiry, have produced at least nine supposed effects of single-member districts, and inferentially nine opposite effects of multimember districts.¹⁴ Five of the supposed effects of single-member districts may be said under critical analysis to relate more to the factor of

12. Maurice Klain, "A New Look at the Constituencies," 49 *Am. Pol. Sci. Rev.* 1105, 1113-16 (1955).

13. Paul T. David and Ralph Eisenberg, *State Legislative Redistricting: Major Issues in the Wake of Judicial Decision 20* (Chicago: Public Administration Service, 1962).

14. See Ruth C. Silva, "Compared Values of the Single- and the Multi-Member Legislative District," 17 *Western Pol. Quart.* 504, 506-9 (1964), and authorities cited, on whom I have relied heavily at this point. See especially James D. Barnett, "Unitary-Multiple Election Districts," 39 *Am. Pol. Sci. Rev.* 65-67 (1945); Duncan Black, "The Theory of Elections in Single-Member Constituencies," 15 *Canadian J. Econ. & Pol. Sci.* 158-75 (1949); Maurice Duverger, *Political Parties* 44-45, 59-60 (New York: Wiley, 1954).

small size of the district than to the fact that only one legislator is elected. Hence these factors are correctable, to the extent that they do exist, simply by having smaller legislatures and larger districts, while at the same time retaining the single-member tradition. These five supposed effects are: (1) localism; (2) less able candidates; (3) weak and decentralized parties; (4) emphasis on candidates rather than parties or issues; (5) a particular kind of legislative responsibility to the electorate, which may give the legislator some independence from his own party (a factor obviously overlapping with the two preceding points).

A sixth supposed effect of single-member districts—shorter legislative tenure—is rebutted by some empirical studies.¹⁵ A seventh—more gerrymandering opportunity—is not shown in practice to have any more relation to single-member than to multimember districts. A large multimember district, by eliminating line-drawing within the area covered by the district, eliminates that kind of gerrymandering associated with line-drawing. But as pointed out by several writers, and documented by studies of several states, large multimember districts may facilitate gerrymandering within the state as a whole if a winner-take-all voting system is employed within each district.¹⁶ An eighth and ninth supposed effect of single-member districts—a less representative legislature, and maintenance of a two-party rather than a multiparty system—relate (like the foregoing gerrymandering claim) as much to the kind of *electoral system* employed as the number of legislators in a district.

The almost universal American electoral system, used in both single and multimember districts, is *single-ballot-plurality voting*. (The alternative of using some form of proportionate electoral system to improve representativeness can be used, of course, only in multimember districts or with at-large voting.) In other words, under the simple plurality system, each voter casts the same number of votes as there are offices to be filled, and the candidates with the highest numbers of votes win. If there are numerous candidacies and no provision for a run-off election, the resulting split in the popular vote, even in a single-member district, may elect candidates whose winning pluralities are less than a majority of the total number of votes cast for a given office. In either a single-member or multimember system, a simple plurality rule may enable the dominant party to capture seats in excess of its popular voting strength.

Mis-representativeness, i.e., undue repression of the weaker party, seems

15. Charles S. Hyneman, "Tenure and Turnover of the Indiana General Assembly I & II," 32 *Am. Pol. Sci. Rev.* 51, 54, 311, 312-13 (1938); and his "Tenure and Turnover of Legislative Personnel," 195 *Annals* 21 (1938).

16. Silva, *supra* note 14, at 513; Howard D. Hamilton, "Legislative Constituencies: Single-Member Districts, Multi-Member Districts, and Floterial Districts," 20 *Western Political Quarterly* 321, 325-28 (1967).

to be greater in multimember than in single-member districts according to several studies, thus bearing out the logical expectation, although at least one recent study finds important local exceptions to this generalization. In states with a fairly strong tradition of a two-party government, the dominant party's weakest nominee in a multimember district may prevail over the minority party's strongest nominee. In the 1962 legislative elections in Pennsylvania, for example, only two of the state's 41 multimember districts split their representation between the two parties; 39 districts were one-party monopolies. Evidence of this clean-sweep tendency in multimember districts has been found in Colorado, Ohio, Michigan, and two-party parts of Texas.¹⁷ "In general," Professor Ruth C. Silva has stated, "the more members per district, the greater the disproportion between each party's share of the statewide vote and its share of seats in the chamber."¹⁸

Professor Howard D. Hamilton has also found that a party sweep is the "usual occurrence" in multimember districts.¹⁹ However, his survey of election results in Indiana, Michigan, and Ohio suggests that the corollary is not necessarily true, i.e., that a conversion to single-member districts would always yield party seats, in the legislature as a whole, in closer proportion to party statewide vote. In pre-reapportionment Ohio, for example, Democratic sweep of multimember districts partly offset Republican dominance in single-member districts.

The Hamilton survey also indicated that apart from the impact on statewide party totals flowing from use of multimember districts, a use of single-member districts—or a series of small multimember districts—will provide greater minority party representation inside metropolitan areas than use of large multimember districts. For example, in Multnomah County, Oregon, a division into five small multimember districts in 1955 resulted in election of seven Republicans and nine Democrats to the Oregon lower house. This provided some minority party representation within the county, which as one large multimember district would normally have had an all-Democratic delegation. Within each of the five small multimember districts, however, there was a strong tendency for one party to take all of the seats.

The results of additional studies of districting in four metropolitan areas—Atlanta, New Orleans, Miami (Dade County) and Oklahoma

17. See William P. Irvin, "Colorado: A Matter of Balance"; H. Dicken Cherry, "Texas: Factions in a One-Party Setting"; Herbert Waltzer, "Apportionment and Districting in Ohio: Components of Deadlock"; Karl A. Lamb, "Michigan Legislative Apportionment," in Malcolm E. Jewell, editor, *The Politics of Reapportionment* 64, 120, 173, 267 (New York: Atherton, 1962). See also Jewell, "Minority Representation: A Political or Judicial Question," 53 *Ky. L. J.* 267 (1965).

18. Silva, *infra* note 60, at 767.

19. Hamilton, *supra* note 16, at 325; see also Hamilton, "Some Observations in Ohio: Single-Member Districts, Multi-Member Districts and the Floating Fraction," *Reapportioning Legislatures* 73 (Columbus, Ohio: Charles E. Merrill, 1966).

City—in the main are in accord with the foregoing generalizations and qualifications.²⁰ For the Miami, Florida, metropolitan area, which became a 22-man multimember district under reapportionment, Professor Manning J. Dauer has recommended adoption of the Multnomah County, Oregon, system of using several small multimember districts to provide better representation within the metropolitan area.²¹

The decision to subdistrict large metropolitan areas, or to leave them as multimember at-large monoliths, may crucially affect representativeness, and hence governmental tone, of states where one huge metropolitan area has almost half of the state's population. California House Speaker Jesse M. Unruh, although himself from southern California, favored subdistricting, including subdistricting of Los Angeles County which went from one to 15 senators (one shared with Orange County) under reapportionment. He said:

It may have been the intention of the Supreme Court to end the domination of state legislatures by small, rural counties, but, surely, it could not have been intended that prevailing partisan political sentiment in one county should dominate the entire state.²²

Although the foregoing studies, as well as the logic of the matter, indicate that multimember districts do tend to operate as political monoliths, their effect on statewide party totals will be affected by such variables as party member residence distribution in a given state and the manner of construction of the multimember districts themselves. The Oregon experience does seem to bear out this hypothesis: the larger the district, the greater the distortion. So far as constitutionality is concerned, the Supreme Court precedents discussed in Chapter XVIII in cases from Georgia, Hawaii, and Texas²³ indicate that all forms of multimember districting are still permissible. They are subject to judicial challenge, however, if a plaintiff can demonstrate serious racial or political mis-representativeness in the operation of the districting system.

20. Morris W. H. Collins, Jr., Manning J. Dauer, Paul T. David, Alex B. Lacy, Jr., George J. Mauer, *Evolving Issues and Patterns of State Legislative Redistricting in Large Metropolitan Areas* (Oklahoma City: Oklahoma City University Institute of Metropolitan Studies, 1966).

21. Manning J. Dauer, *Multi-Member Districts in Dade County: Study of a Problem and a Delegation* (Tallahassee: Florida State University Institute of Governmental Research, 1965).

Compare similar comments with respect to local government in George E. Berkley, "Flaws in At-Large Voting," 55 *Nat. Civ. Rev.* 370 (1966).

22. Speech on "1965 Legislative Session" before Greater Los Angeles Press Club, April 15, 1965, p. 4.

23. *Fortson v. Dorsey*, 379 U.S. 433 (1965); *Burns v. Richardson*, 384 U.S. 73 (1966); *Kilgardin v. Hill*, 387 U.S. 120 (1967).

party to win seats. But such effects must be demonstrated by evidence."⁵⁵ Thus again, for lack of proof, the Court turned aside an allegation that mixed use of multimember and single-member districts amounted to a gerrymander producing unfair political representation results. But after reiterating the above-quoted *Fortson v. Dorsey* dictum, Justice Brennan added the following additional warnings concerning the possible unconstitutionality of multimember districting in particular circumstances:

It may be that this invidious effect can more easily be shown if, in contrast to the facts in *Fortson*, districts are large in relation to the total number of legislators, if districts are not appropriately subdistricted to assure distribution of legislators that are resident over the entire district, or if such districts characterize both houses of a bicameral legislature rather than one. But the demonstration that a particular multi-member scheme effects an invidious result must appear from evidence in the record.⁵⁶

Another Anti-Multimember District Dictum. Not since *Burns* in 1966 has the Supreme Court addressed itself, after full briefing and oral argument, to the question of alleged political gerrymandering by use of multimember districts. In the 1967 Texas legislative apportionment case (Chapter XVII), handled *per curiam* and without oral argument, the Supreme Court reversed, solely on arithmetic equality grounds, the district court's acceptance of the plan despite challenges to its multimember districting features. Although the Supreme Court did not have to reach the multimember districting issues, it did take pains to say: "Our cases do not foreclose attempts to show that in the particular circumstances of a given case multi-member districts are invidiously discriminatory." In a concurring opinion Justice Douglas more explicitly added this warning:

. . . I reserve decision on one aspect of the problem concerning multi-member districts.

Under the present regime each voter in the district has one vote for each office to be filled. This allows the majority to defeat the minority on all fronts. . . .

I am not sure in my own mind how this problem should be resolved.⁵⁷

The challengers had failed to convince the district court that the multimember districts had effected both a political and racial gerrymander.⁵⁸

55. 384 U.S. at 88 n.14.

56. *Id.* at 88.

57. *Kilgartin v. Hill*, 386 U.S. 120, 122 (1967).

58. *Kilgartin v. Martin*, 252 F. Supp. 424 (S.D. Tex. 1966). The district court doubted the justiciability of a "political" gerrymander, and felt that a racial gerrymander had not been intended and could not be proven to be a necessary result of the multimem-

Multimember Districts Ruled Unconstitutional in Iowa. In one instance where a lower court had invalidated a multimember districting scheme the United States Supreme Court did not grant review and reverse, in contrast to its action in *Fortson* and *Burns*. The case was *Kruindener v. McCulloch*⁵⁹ from Iowa in which a several hundred page record was compiled in the spirit of the *Fortson v. Dorsey* warnings that a cancelling out of "the voting strength of racial or political elements" must be "demonstrated" and not merely asserted. Plaintiffs, two Republicans and two Democrats, objected to the mixed use of single and multimember districts in Iowa's hastily enacted 1964 temporary reapportionment plan (re-enacted in 1965 without significant change on this point), particularly the provision for the election of eleven representatives at-large in Polk County (Des Moines).

Construing *Fortson's* "political elements" term broadly, plaintiffs sought to adduce proof of submergence in Polk County of three minorities: the "rural minority"; the suburban "communities of interest" (using Democratic suburban leaders as witnesses); and the Republican minority (using as witness a defeated Republican candidate who had "won" in her residence area but lost in the county at large). The Democratic party clean sweep of Polk's (and other) multimember seats in 1964 made the Republican minority claim especially pressing. Reliance on it alone seemed inadvisable, however, because the Polk eleven at-large plan was created by the 1964 Republican legislature and was merely continued by the 1965 "Goldwaterized" Democratic legislature. Plaintiffs sought to support these claims with political profile data based on 1964 party registrations and voting behavior, and with testimony comparing single-member districts and large multimember districts in such matters as constituent-legislator relationships, campaign problems, the role of campaign funds and the length of the ballot.

In a confusing mixture of opinions a 5 - 4 state supreme court majority, without relying on the record compiled by the plaintiff, held void in principle the *mixed use* of single and multimember districts for any legislative house unless specially justified. The majority placed its ruling both under the state constitution and the Fourteenth Amendment of the federal Constitution. Regarding the state constitution, the majority felt that multimember districts offended the old, "uniform operation"⁶⁰ of laws clause, which they seemingly reconstructed now in the light of the new

ber districts until an election had been held under the challenged plan. (The district court did object to some flatorial districts because the component parts did not have their proportionate share of a seat; it ordered modification for the future or conversion to plain multimember districts.)

59. 385 U.S. 851 (1966).

60. *Kruindener v. McCulloch*, 258 Iowa 1121, 142 N.W. 2d 355 (1966).

federal "one man-one vote" theory. The thought was that the resident of a multimember district has greater "voting power" than a single-member district resident both in regard to legislators and in regard to the legislature's committee system. "He has a much greater opportunity to find legislators to espouse his cause and a much greater chance that one or more of his representatives will be on the committee to which his legislation is assigned."⁶¹

The court's reasons for invalidity under the Fourteenth Amendment's equal protection clause were essentially the same and were presented much more elaborately. Noting that in *Fortson v. Dorsey* and *Lucas v. Colorado General Assembly* the United States Supreme Court had indicated that a mixed single-member and multimember districting system was not per se unconstitutional, the Iowa majority said:

[The United States Supreme Court has] not considered the problem from the standpoint of the resident of a single-member district. . . . In view of the deep concern the Supreme Court has repeatedly shown for the rights of the individual and for ultimate fairness, we believe it will hold such scheme violates the Equal Protection Clause when the argument here advanced is presented. Consistent application of the principles announced in *Reynolds v. Sims* seems to compel that result.⁶²

Significantly, the Iowa court would place the burden of proof on the proponent of a mixed single-member and multimember district system in regard to both state and federal constitutional claims.

Four justices dissented from this per se invalidation of mixed use of single-member and multimember districts, but joined the majority on the invalidation of the eleven-member Polk County district on the basis of some of the plaintiffs' special proofs. They were impressed with (a) voter difficulty in making an intelligent choice in the face of the long and cumbersome ballot; (b) lack of identifiable constituencies within the county; (c) the fact that multimember district residents have no "personal" representative. But they specifically rejected plaintiffs' proofs on submergence of large Republican and rural minorities in the Polk County eleven-man district.

Thus, in *Kruidenier* both wings of the state supreme court avoided the real issue of political discrimination. But for different reasons both wings agreed on invalidation of the eleven-man Polk County district. Five justices focused on comparative voting power—including influence in the legislature—of residents of different-size constituencies, and voided all districting systems which permit voters to be represented by differing

61. *Id.* at 363.

62. *Id.* at 363.

DEMOCRATIC REPRESENTATION

*Reapportionment in Law
and Politics*

ROBERT G. DIXON, Jr.

NEW YORK
OXFORD UNIVERSITY PRESS

LONDON TORONTO

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