

HJR

18

<TARGET><BILL>HJR 18</BILL><SUBJECT>HJR
18</SUBJECT><COMM>HJUD28</COMM></TARGET>

ALASKA STATE LEGISLATURE

Co-Chair:
House Finance Committee

Chair:
House Finance Subcommittees for;
Department of Public Safety
Department of Law
Alaska Court System

Member:
Legislative Council
Committee on Committees
Legislative Budget & Audit (alt)



Session:
Alaska State Capitol, Rm 515
Juneau, AK 99801-1182
Phone: (907) 465-4958
Fax: (907) 465-4928


District:
600 E. Railroad Ave.
Wasilla, AK 99654
Phone: (907) 376-4958
Fax: (907) 376-4928

BILL STOLTZE
STATE REPRESENTATIVE
Representative_Bill_Stoltze@legis.state.ak.us

Toll Free: 1-866-465-4958

Memorandum

TO: Representative Wes Keller, Chairman
House Judiciary Committee

FROM: Bill Stoltze 

DATE: February 13, 2014

RE: Hearing request for House Joint Resolution 18 - *"Proposing amendments to the Constitution of the State of Alaska relating to the office of attorney general."*

I request that House Joint Resolution 18 be calendared for a hearing before the House Judiciary Committee at the earliest possible time. I appreciate your consideration of this resolution dealing with Amending the Constitution of the Alaska to allow for the election of an Attorney General.

Thank you for your consideration.

Contact my staff member Darrell Breese (465-4958) for additional information.

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Sponsor Statement

House Joint Resolution 18

"Proposing amendments to the Constitution of the State of Alaska relating to the office of attorney general."

The State of Alaska has grown from being a frontier state in 1959 to being a major player in the world's oil and gas industry today. With economic growth, has come vast growth in population.

As the state looks to the future, and the challenges of emerging as a strong independent state, it is time to examine how the state selects its Attorney General.

Alaska is one of seven states that currently does not elect its Attorney General in a general election, by the people. In addition to Alaska, Hawaii, New Hampshire, New Jersey and Wyoming leave selection of the Attorney General to an appointment by the governor. The Attorney General in Maine is elected by the Legislature and the Tennessee Supreme Court elects the Attorney general.

The people of Alaska would like to have an attorney general that is accountable to the people.

Voting for HJR 18 and passing it along to the voters will show Alaskans that we are willing to move forward and trust the people of Alaska to select an Attorney General who will vigorously represent the will of the people of our great state.

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE LYNN

TO: HJR 18

1 Page 2, lines 6 - 7:

2 Delete all material and insert:

3 "(b) A person who has been elected attorney general is subject to the same
4 limit on tenure as the governor under Section 5 of this article."

Article 3 ~ The Executive

Article 3, Sections:

1. Executive Power
2. Governor: Qualifications
3. Election
4. Term of Office
5. Limit on Tenure
6. Dual Office Holding
7. Lieutenant Governor Duties
8. Election
9. Acting Governor
10. Succession: Failure to Qualify
11. Vacancy
12. Absence
13. Further Succession
14. Title and Authority
15. Compensation
16. Governor's Authority
17. Convening Legislature
18. Messages to Legislature
19. Military Authority
20. Martial Law
21. Executive Clemency
22. Executive Branch
23. Reorganization
24. Supervision
25. Department Heads
26. Boards and Commissions
27. Recess Appointments

§ 1. **Executive Power** ~ The executive power of the State is vested in the governor.

§ 2. **Governor: Qualifications** ~ The governor shall be at least thirty years of age and a qualified voter of the State. He shall have been a resident of Alaska at least seven years immediately preceding his filing for office, and he shall have been a citizen of the United States for at least seven years.

§ 3. **Election** ~ The governor shall be chosen by the qualified voters of the State at a general election. The candidate receiving the greatest number of votes shall be governor.

§ 4. **Term of Office** ~ The term of office of the governor is four years, beginning at noon on the first Monday in December following his election and ending at noon on the first Monday in December four years later.

§ 5. **Limit on Tenure** ~ No person who has been elected governor for two full successive terms shall be again eligible to hold that office until one full term has intervened.

§ 6. **Dual Office Holding** ~ The governor shall not hold any other office or position of profit under the United States, the State, or its political subdivisions.

§ 7. **Lieutenant Governor Duties** ~ There shall be a lieutenant governor. He shall have the same qualifications as the governor and serve for the same term. He shall perform such duties as may be prescribed by law and as may be

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: HJR 18
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HJR018-OOG-DOE-1-31-14
Title: CONST. AM: ELECTED ATTORNEY GENERAL
Sponsor: STOLTZE
Requester: House State Affairs

Department: Office of the Governor
Appropriation: Elections
Allocation: Elections
OMB Component Number: 21

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services	1.5							
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	1.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

1004 Gen Fund	1.5							
Total	1.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial Version

Prepared By: Gail Fenumiai, Director Phone: (907)465-2644
Division: Division of Elections Date: 01/31/2014 11:59 AM
Approved By: Guy Bell, Administrative Director Date: 01/31/14
Agency: Division of Administrative Services, Office of the Governor

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. HJR18 _____

Analysis

Passage of this resolution would require the constitutional amendment to appear on the 2014 general election ballot. The cost of providing information about the constitutional amendment in the Official Election Pamphlet, as required by AS 15.58, is \$1.5. Should the addition of this resolution require printing an 8-1/2 by 18 inch ballot, the cost will increase to \$22.0.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: HJR 18
Fiscal Note Number: 1
(H) Publish Date: 2/12/14

Identifier: HJR18-LEG-SESS-01-31-14
Title: CONST. AM: ELECTED ATTORNEY GENERAL
Sponsor: STOLTZE
Requester: House State Affairs

Department: Alaska Legislature
Appropriation: Legislative Operating Budget
Allocation: Session Expenses
OMB Component Number: 782

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency?
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial Version

Prepared By: Jessica Geary, Finance Manager
Division: Legislative Affairs Agency
Approved By: Pamela Varni, Executive Director
Agency: Legislative Affairs Agency

Phone: (907)465-6626
Date: 01/31/2014 03:48 PM
Date: 01/31/14

FISCAL NOTE ANALYSIS #1

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. HJR 18

Analysis

This Legislative has zero fiscal impact on the Legislative Affairs Agency.

Statewide Elections By State

State	Major Executive Officers Elected Statewide
<u>Alabama</u>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018. Elected separately from the Governor • Secretary of State: 4 year term, Election Cycle: 2014, 2018 • Attorney General: 4 year term, Election Cycle: 2014, 2018 • Treasurer: 4 year term, Election Cycle: 2014, 2018 • Auditor: 4 year term, Election Cycle: 2014, 2018 • Commissioner of Agriculture and Industries: 4 year term, Election Cycle: 2014, 2018
<u>Alaska</u>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018. Elected on a ticket with (but <u>nominated</u> separately from) the Governor
<u>Arizona</u>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: The Governor cannot serve for more than 8 years • Secretary of State: 4 year term, Election Cycle: 2014, 2018 • Attorney General: 4 year term, Election Cycle: 2014, 2018 • Treasurer: 4 year term, Election Cycle: 2014, 2018 • Mine Inspector: 4 year term, Election Cycle: 2014, 2018 • Superintendent of Public Instruction: 4 year term, Election Cycle: 2014, 2018
<u>Arkansas</u>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: No one can serve more than 2 4-year terms in a lifetime • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018 • Secretary of State: 4 year term, Election Cycle: 2014, 2018 • Attorney General: 4 year term, Election Cycle: 2014, 2018 • Treasurer: 4 year term, Election Cycle: 2014, 2018 • Auditor: 4 year term, Election Cycle: 2014, 2018 • Commissioner of State Lands: 4 year term, Election Cycle: 2014, 2018
<u>California</u>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018 • Secretary of State: 4 year term, Election Cycle: 2014, 2018 • Controller: 4 year term, Election Cycle: 2014, 2018 • Treasurer: 4 year term, Election Cycle: 2014, 2018 • Attorney General: 4 year term, Election Cycle: 2014, 2018 • Insurance Commissioner: 4 year term, Election Cycle: 2014, 2018 • Superintendent of Public Instruction: 4 year term, Election Cycle: 2014, 2018
<u>Colorado</u>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018. Elected on a ticket- and <u>nominated</u>- with the Governor • Secretary of State: 4 year term, Election Cycle: 2014, 2018 • Treasurer: 4 year term, Election Cycle: 2014, 2018 • Attorney General: 4 year term, Election Cycle: 2014, 2018
<u>Connecticut</u>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: None • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018. Elected on a ticket with- but <u>nominated</u> separately from- the Governor; • Secretary of State: 4 year term, Election Cycle: 2014, 2018 • Treasurer: 4 year term, Election Cycle: 2014, 2018 • Comptroller: 4 year term, Election Cycle: 2014, 2018 • Attorney General: 4 year term, Election Cycle: 2014, 2018
<u>Delaware</u>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2012, 2016. Term Limit: No one can serve more than 2 4-year terms in a lifetime • Lieutenant Governor: 4 year term, Election Cycle: 2012, 2016. Elected separately from Governor • Attorney General: 4 year term, Election Cycle: 2014, 2018 • Treasurer: 4 year term, Election Cycle: 2014, 2018 • Auditor: 4 year term, Election Cycle: 2014, 2018 • Commissioner of Insurance: 4 year term, Election Cycle: 2012, 2016

<p><u>Florida</u></p>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018. Elected on ticket with Governor • Attorney General: 4 year term, Election Cycle: 2014, 2018 • Chief Financial Officer: 4 year term, Election Cycle: 2014, 2018 • Commissioner of Agriculture and Consumer Services: 4 year term, Election Cycle: 2014, 2018
<p><u>Georgia</u></p>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018. Elected separately from Governor • Secretary of State: 4 year term, Election Cycle: 2014, 2018 • Attorney General: 4 year term, Election Cycle: 2014, 2018 • Comptroller General/Commissioner of Insurance: 4 year term, Election Cycle: 2014, 2018 • Commissioner of Agriculture: 4 year term, Election Cycle: 2014, 2018 • Superintendent of Education: 4 year term, Election Cycle: 2014, 2018 • Commissioner of Labor: 4 year term, Election Cycle: 2014, 2018
<p><u>Hawaii</u></p>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018. Elected on same ticket with Governor; nominated separately from Governor
<p><u>Idaho</u></p>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: None • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018. Elected separately from Governor • Secretary of State: 4 year term, Election Cycle: 2014, 2018 • Attorney General: 4 year term, Election Cycle: 2014, 2018 • Treasurer: 4 year term, Election Cycle: 2014, 2018 • Controller: 4 year term, Election Cycle: 2014, 2018 • Superintendent of Public Instruction: 4 year term, Election Cycle: 2014, 2018
<p><u>Illinois</u></p>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: None • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018. Elected on a ticket with the Governor (effective 2011: jointly nominated at the primary election) • Secretary of State: 4 year term, Election Cycle: 2014, 2018 • Attorney General: 4 year term, Election Cycle: 2014, 2018 • Treasurer: 4 year term, Election Cycle: 2014, 2018 • Comptroller: 4 year term, Election Cycle: 2014, 2018
<p><u>Indiana</u></p>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2012, 2016. Term Limit: No more than 2 4-year terms in any 3-term period • Lieutenant Governor: 4 year term, Election Cycle: 2012, 2016. Elected on a ticket with Governor. • Secretary of State: 4 year term, Election Cycle: 2014, 2018 • Attorney General: 4 year term, Election Cycle: 2012, 2016 • Treasurer: 4 year term, Election Cycle: 2014, 2018 • Auditor: 4 year term, Election Cycle: 2014, 2018 • Superintendent of Public Instruction: 4 year term, Election Cycle: 2012, 2016
<p><u>Iowa</u></p>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: None • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018. Elected on a ticket with Governor. • Secretary of State: 4 year term, Election Cycle: 2014, 2018 • Attorney General: 4 year term, Election Cycle: 2014, 2018 • Treasurer: 4 year term, Election Cycle: 2014, 2018 • Auditor: 4 year term, Election Cycle: 2014, 2018 • Secretary of Agriculture and Land Stewardship: 4 year term, Election Cycle: 2014, 2018
<p><u>Kansas</u></p>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018. Elected on a ticket with Governor • Secretary of State: 4 year term, Election Cycle: 2014, 2018 • Attorney General: 4 year term, Election Cycle: 2014, 2018 • Treasurer: 4 year term, Election Cycle: 2014, 2018 • Commissioner of Insurance: 4 year term, Election Cycle: 2014, 2018

<p><u>Kentucky</u></p>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2011, 2015. Term Limit: 2 consecutive 4-year terms • Lieutenant Governor: 4 year term, Election Cycle: 2011, 2015. Elected on a ticket with Governor; no separate Primary for Lt Gov from Gov • Secretary of State: 4 year term, Election Cycle: 2011, 2015 • Attorney General: 4 year term, Election Cycle: 2011, 2015 • Treasurer: 4 year term, Election Cycle: 2011, 2015 • Auditor of Public Accounts: 4 year term, Election Cycle: 2011, 2015 • Commissioner of Agriculture: 4 year term, Election Cycle: 2011, 2015
<p><u>Louisiana</u></p>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2011, 2015. Term Limit: 2 consecutive 4-year terms • Lieutenant Governor: 4 year term, Election Cycle: 2011, 2015. Elected separately from Governor. • Secretary of State: 4 year term, Election Cycle: 2011, 2015 • Attorney General: 4 year term, Election Cycle: 2011, 2015 • Treasurer: 4 year term, Election Cycle: 2011, 2015 • Commissioner of Agriculture and Forestry: 4 year term, Election Cycle: 2011, 2015 • Commissioner of Insurance: 4 year term, Election Cycle: 2011, 2015
<p><u>Maine</u></p>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms. Governor is the only Statewide elected officer
<p><u>Maryland</u></p>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018. Elected on same ticket with the Governor. No separate Primary for Lt Gov from Gov • Attorney General: 4 year term, Election Cycle: 2014, 2018 • Comptroller: 4 year term, Election Cycle: 2014, 2018
<p><u>Massachusetts</u></p>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: None • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018. Elected on a ticket with (but nominated separately from) the Governor • Secretary of the Commonwealth: 4 year term, Election Cycle: 2014, 2018 • Attorney General: 4 year term, Election Cycle: 2014, 2018 • Treasurer and Receiver-General: 4 year term, Election Cycle: 2014, 2018 • Auditor: 4 year term, Election Cycle: 2014, 2018
<p><u>Michigan</u></p>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms. Nominated by convention separately from the gubernatorial primary; elected on same ticket with Governor. • Secretary of State: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms • Attorney General: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms
<p><u>Minnesota</u></p>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: None • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018. Elected on a ticket with the Governor. • Secretary of State: 4 year term, Election Cycle: 2014, 2018 • Attorney General: 4 year term, Election Cycle: 2014, 2018 • Auditor: 4 year term, Election Cycle: 2014, 2018
<p><u>Mississippi</u></p>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2011, 2015. Term Limit: No one can serve more than 2 4-year terms in a lifetime • Lieutenant Governor: 4 year term, Election Cycle: 2011, 2015 • Secretary of State: 4 year term, Election Cycle: 2011, 2015 • Attorney General: 4 year term, Election Cycle: 2011, 2015 • Treasurer: 4 year term, Election Cycle: 2011, 2015 • Auditor of Public Accounts: 4 year term, Election Cycle: 2011, 2015 • Commissioner of Agriculture and Commerce: 4 year term, Election Cycle: 2011, 2015 • Commissioner of Insurance: 4 year term, Election Cycle: 2011, 2015
<p><u>Missouri</u></p>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2012, 2016. Term Limit: No one can serve more than 2 4-year terms in a lifetime • Lieutenant Governor: 4 year term, Election Cycle: 2012, 2016 • Secretary of State: 4 year term, Election Cycle: 2012, 2016 • Attorney General: 4 year term, Election Cycle: 2012, 2016 • Treasurer: 4 year term, Election Cycle: 2012, 2016 • Auditor: 4 year term, Election Cycle: 2014, 2018

<u>Montana</u>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2012, 2016. Term Limit: No more than 2 4-year terms in any 4-term period • Lieutenant Governor: 4 year term, Election Cycle: 2012, 2016. Elected on a ticket with the Governor. • Secretary of State: 4 year term, Election Cycle: 2012, 2016 • Attorney General: 4 year term, Election Cycle: 2012, 2016 • Auditor: 4 year term, Election Cycle: 2012, 2016 • Superintendent of Public Instruction: 4 year term, Election Cycle: 2012, 2016
<u>Nebraska</u>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018. Elected on a ticket with the Governor • Secretary of State: 4 year term, Election Cycle: 2014, 2018 • Attorney General: 4 year term, Election Cycle: 2014, 2018 • Treasurer: 4 year term, Election Cycle: 2014, 2018 • Auditor of Public Accounts: 4 year term, Election Cycle: 2014, 2018
<u>Nevada</u>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms • Secretary of State: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms • Attorney General: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms • Treasurer: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms • Controller: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms
<u>New Hampshire</u>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 2 year term, Election Cycle: 2014, 2016. Term Limit: None. Governor is the only Statewide elected officer
<u>New Jersey</u>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2013, 2017. Term Limit: 2 consecutive 4-year terms • Lieutenant Governor (2010--): 4 year term, Election Cycle: 2013, 2017. Elected on same ticket with Governor; following his/her nomination, the Gubernatorial candidate has 30 days to select a running mate.
<u>New Mexico</u>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018. Elected on a ticket with (but nominated separately from) the Governor • Secretary of State: 4 year term, Election Cycle: 2014, 2018 • Attorney General: 4 year term, Election Cycle: 2014, 2018 • Treasurer: 4 year term, Election Cycle: 2014, 2018 • Auditor: 4 year term, Election Cycle: 2014, 2018 • Commissioner of Public Lands: 4 year term, Election Cycle: 2014, 2018
<u>New York</u>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: None • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018. Elected on a ticket with the Governor • Attorney General: 4 year term, Election Cycle: 2014, 2018 • Comptroller: 4 year term, Election Cycle: 2014, 2018
<u>North Carolina</u>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2012, 2016. Term Limit: 2 consecutive 4-year terms • Lieutenant Governor: 4 year term, Election Cycle: 2012, 2016 • Secretary of State: 4 year term, Election Cycle: 2012, 2016 • Attorney General: 4 year term, Election Cycle: 2012, 2016 • Treasurer: 4 year term, Election Cycle: 2012, 2016 • Auditor: 4 year term, Election Cycle: 2012, 2016 • Commissioner of Agriculture: 4 year term, Election Cycle: 2012, 2016 • Commissioner of Insurance: 4 year term, Election Cycle: 2012, 2016 • Commissioner of Labor: 4 year term, Election Cycle: 2012, 2016 • Superintendent of Public Instruction: 4 year term, Election Cycle: 2012, 2016
<u>North Dakota</u>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2012, 2016. Term Limit: None • Lieutenant Governor: 4 year term, Election Cycle: 2012, 2016. Elected on a ticket with the Governor • Secretary of State (2006--): 4 year term, Election Cycle: 2014, 2018 • Attorney General (2006--): 4 year term, Election Cycle: 2014, 2018 • Treasurer: 4 year term, Election Cycle: 2012, 2016 • Auditor: 4 year term, Election Cycle: 2012, 2016 • Commissioner of Agriculture (2006--): 4 year term, Election Cycle: 2014, 2018 • Tax Commissioner: 4 year term, Election Cycle: 2014, 2018 • Commissioner of Insurance: 4 year term, Election Cycle: 2012, 2016 • Superintendent of Public Instruction: 4 year term, Election Cycle: 2012, 2016

Ohio	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms. Elected on a ticket with the Governor. No separate primaries for Gov and Lt Gov. • Secretary of State: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms • Attorney General: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms • Treasurer: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms • Auditor: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms
Oklahoma	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018 • Attorney General: 4 year term, Election Cycle: 2014, 2018 • Treasurer: 4 year term, Election Cycle: 2014, 2018 • Auditor and Inspector: 4 year term, Election Cycle: 2014, 2018 • Commissioner of Labor: 4 year term, Election Cycle: 2014, 2018 • Insurance Commissioner: 4 year term, Election Cycle: 2014, 2018 • Superintendent of Public Instruction: 4 year term, Election Cycle: 2014, 2018
Oregon	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: No more than 2 4-year terms in any 3-term period • Secretary of State: 4 year term, Election Cycle: 2012, 2016 • Attorney General: 4 year term, Election Cycle: 2012, 2016 • Treasurer: 4 year term, Election Cycle: 2012, 2016 • Commissioner of Labor and Industries (2012--): 2 year term, Election Cycle: 2014, 2016. The term of office [...in...] 2012 shall be two years. [651.030 Sec. 22a.]
Pennsylvania	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018. Elected on a ticket with the Governor • Attorney General: 4 year term, Election Cycle: 2012, 2016 • Treasurer: 4 year term, Election Cycle: 2012, 2016 • Auditor General: 4 year term, Election Cycle: 2012, 2016
Rhode Island	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018 • Secretary of State: 4 year term, Election Cycle: 2014, 2018 • Attorney General: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms • General Treasurer: 4 year term, Election Cycle: 2014, 2018
South Carolina	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018. (Beginning in 2018, the Lieutenant Governor will be elected on same ticket with the Governor.) • Secretary of State: 4 year term, Election Cycle: 2014, 2018 • Attorney General: 4 year term, Election Cycle: 2014, 2018 • Treasurer: 4 year term, Election Cycle: 2014, 2018 • Comptroller General: 4 year term, Election Cycle: 2014, 2018 • Adjutant General: 4 year term, Election Cycle: 2014, 2018 • Commissioner of Agriculture: 4 year term, Election Cycle: 2014, 2018 • Superintendent of Education: 4 year term, Election Cycle: 2014, 2018
South Dakota	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018. Elected on a ticket with the Governor. No separate primaries for Gov and Lt Gov. • Secretary of State: 4 year term, Election Cycle: 2014, 2018 • Attorney General: 4 year term, Election Cycle: 2014, 2018 • Treasurer: 4 year term, Election Cycle: 2014, 2018 • Auditor: 4 year term, Election Cycle: 2014, 2018 • Commissioner of School and Public Lands: 4 year term, Election Cycle: 2014, 2018
Tennessee	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: 2 consecutive 4-year terms. GOVERNOR is the only Statewide elected officer

<p><u>Texas</u></p>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: None • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018 • Attorney General: 4 year term, Election Cycle: 2014, 2018 • Comptroller of Public Accounts: 4 year term, Election Cycle: 2014, 2018 • Commissioner of Agriculture: 4 year term, Election Cycle: 2014, 2018 • Commissioner of General Land Office: 4 year term, Election Cycle: 2014, 2018
<p><u>Utah</u></p>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2012, 2016. Term Limit: None • Lieutenant Governor: 4 year term, Election Cycle: 2012, 2016. Elected on a ticket with the Governor • Attorney General: 4 year term, Election Cycle: 2012, 2016 • Treasurer: 4 year term, Election Cycle: 2012, 2016 • Auditor: 4 year term, Election Cycle: 2012, 2016
<p><u>Vermont</u></p>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 2 year term, Election Cycle: 2014, 2016. Term Limit: None • Lieutenant Governor: 2 year term, Election Cycle: 2014, 2016 • Secretary of State: 2 year term, Election Cycle: 2014, 2016 • Attorney General: 2 year term, Election Cycle: 2014, 2016 • Treasurer: 2 year term, Election Cycle: 2014, 2016 • Auditor of Accounts: 2 year term, Election Cycle: 2014, 2016
<p><u>Virginia</u></p>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2013, 2017. • Lieutenant Governor: 4 year term, Election Cycle: 2013, 2017 • Attorney General: 4 year term, Election Cycle: 2013, 2017
<p><u>Washington</u></p>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2012, 2016. Term Limit: None • Lieutenant Governor: 4 year term, Election Cycle: 2012, 2016 • Secretary of State: 4 year term, Election Cycle: 2012, 2016 • Attorney General: 4 year term, Election Cycle: 2012, 2016 • Treasurer: 4 year term, Election Cycle: 2012, 2016 • Auditor: 4 year term, Election Cycle: 2012, 2016 • Commissioner of Public Lands: 4 year term, Election Cycle: 2012, 2016 • Insurance Commissioner: 4 year term, Election Cycle: 2012, 2016 • Superintendent of Public Instruction: 4 year term, Election Cycle: 2012, 2016
<p><u>West Virginia</u></p>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2012, 2016. Term Limit: 2 consecutive 4-year terms • Secretary of State: 4 year term, Election Cycle: 2012, 2016 • Attorney General: 4 year term, Election Cycle: 2012, 2016 • Treasurer: 4 year term, Election Cycle: 2012, 2016 • Auditor: 4 year term, Election Cycle: 2012, 2016 • Commissioner of Agriculture: 4 year term, Election Cycle: 2012, 2016
<p><u>Wisconsin</u></p>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: None • Lieutenant Governor: 4 year term, Election Cycle: 2014, 2018. Elected on a ticket with- but nominated separately from- the Governor; • Secretary of State: 4 year term, Election Cycle: 2014, 2018 • Attorney General: 4 year term, Election Cycle: 2014, 2018 • Treasurer: 4 year term, Election Cycle: 2014, 2018 • Superintendent of Public Instruction: 4 year term, Election Cycle: 2013, 2017
<p><u>Wyoming</u></p>	<p><u>2014 Office holders</u></p> <ul style="list-style-type: none"> • Governor: 4 year term, Election Cycle: 2014, 2018. Term Limit: No more than 2 4-year terms in any 4-term period. • Secretary of State: 4 year term, Election Cycle: 2014, 2018 • Treasurer: 4 year term, Election Cycle: 2014, 2018 • Auditor: 4 year term, Election Cycle: 2014, 2018 • Superintendent of Public Instruction: 4 year term, Election Cycle: 2014, 2018

State by State Selection of Attorneys General

State	Method of Selection	Length of Regular Term	Maximum Terms
Alabama	Elected	4 Years	2 Terms
Alaska	Appointed by Governor	At pleasure of Governor	*
Arizona	Elected	4 Years	2 Terms
Arkansas	Elected	4 Years	2 Terms
California	Elected	4 Years	2 Terms
Colorado	Elected	4 Years	2 Terms
Connecticut	Elected	4 Years	No Limit
Delaware	Elected	4 Years	No Limit
Florida	Elected	4 Years	2 Terms
Georgia	Elected	4 Years	No Limit
Hawaii	Appointed by Governor	4 Years	*
Idaho	Elected	4 Years	No Limit
Illinois	Elected	4 Years	No Limit
Indiana	Elected	4 years	No Limit
Iowa	Elected	4 Years	No Limit
Kansas	Elected	4 years	No Limit
Kentucky	Elected	4 Years	2 Terms
Louisiana	Elected	4 Years	No Limit
Maine	Elected by Legislature	2 Years	4 Terms
Maryland	Elected	4 Years	No Limit
Massachusetts	Elected	4 Years	2 Terms
Michigan	Elected	4 Years	2 Terms
Minnesota	Elected	4 Years	No Limit
Mississippi	Elected	4 Years	No Limit
Missouri	Elected	4 Years	No Limit
Montana	Elected	4 Years	2 Terms
Nebraska	Elected	4 Years	No Limit
Nevada	Elected	4 Years	2 Terms
New Hampshire	Appointed by Governor	4 Years	*
New Jersey	Appointed by Governor	4 Years	*
New Mexico	Elected	4 Years	2 Terms**
New York	Elected	4 Years	No Limit
North Carolina	Elected	4 Years	No Limit
North Dakota	Elected	4 Years	No Limit
Ohio	Elected	4 Years	2 Terms
Oklahoma	Elected	4 Years	No Limit
Oregon	Elected	4 Years	No Limit
Pennsylvania	Elected	4 Years	2 Terms
Rhode Island	Elected	4 Years	2 Terms
South Carolina	Elected	4 Years	No Limit
South Dakota	Elected	4 Years	2 Terms**
Tennessee	Elected by Supreme Court	8 Years	***
Texas	Elected	4 Years	No Limit
Utah	Elected	4 Years	No Limit
Vermont	Elected	2 Years	No Limit
Virginia	Elected	4 Years	No Limit
Washington	Elected	4 years	No Limit
West Virginia	Elected	4 Years	No Limit
Wisconsin	Elected	4 Years	No Limit
Wyoming	Appointed by Governor****	At Pleasure of Governor	*

* Service is at the pleasure of the Governor.

** After 2 Terms, Must sit out four years or a full term.

*** Service is at the discretion of Supreme Court.

**** Must be confirmed by Senate

Current Governors and Attorneys General

State	Governor	Attorney General	Method of Selection
Alabama	Robert Bentley (R)	Luther Strange (R)	Elected
Alaska	Sean Parnell (R)	Michael Geraghty (R)	Appointed by Governor
Arizona	Jan Brewer (R)	Tom Horne (R)	Elected
Arkansas	Mike Beebe (D)	Dustin McDaniel (D)	Elected
California	Jerry Brown (D)	Kamala Harris (D)	Elected
Colorado	John Hickenlooper (D)	John Suthers (R)	Elected
Connecticut	Dan Malloy (D)	George Jepsen (D)	Elected
Delaware	Jack Markell (D)	Joseph Biden (D)	Elected
Florida	Rick Scott (R)	Pam Bondi (R)	Elected
Georgia	Nathan Deal (R)	Sam Olens (R)	Elected
Hawaii	Neil Abercrombie (D)	David Louie (D)	Appointed by Governor
Idaho	C.L. "Butch" Otter (R)	Lawrence Wasden (R)	Elected
Illinois	Pat Quinn (D)	Lisa Madigan (D)	Elected
Indiana	Mike Pence (R)	Greg Zoeller (R)	Elected
Iowa	Terry Branstad (R)	Tom Miller (D)	Elected
Kansas	Sam Brownback (R)	Derek Schmidt (R)	Elected
Kentucky	Steven L. Beshear (D)	Jack Conway (D)	Elected
Louisiana	Bobby Jindal (R)	James Caldwell (R)	Elected
Maine	Paul LePage (R)	Janet Mills (D)	Elected by Legislature
Maryland	Martin O'Malley (D)	Douglas Gansler (D)	Elected
Massachusetts	Deval Patrick (D)	Martha Coakley (D)	Elected
Michigan	Rick Snyder (R)	Bill Schuette (R)	Elected
Minnesota	Mark Dayton (D)	Lori Swanson (D)	Elected
Mississippi	Phil Bryant (R)	Jim Hood (D)	Elected
Missouri	Jay Nixon (D)	Chris Koster (D)	Elected
Montana	Steve Bullock (D)	Tim Fox (R)	Elected
Nebraska	Dave Heineman (R)	Jon Bruning (R)	Elected
Nevada	Brian Sandoval (R)	Catherine Cortez Masto (D)	Elected
New Hampshire	Maggie Hassan (D)	Joseph Foster (D)	Appointed by Governor
New Jersey	Chris Christie (R)	John Jay Hoffman (R)	Appointed by Governor
New Mexico	Susana Martinez (R)	Gary King (D)	Elected
New York	Andrew Cuomo (D)	Eric Schneiderman (D)	Elected
North Carolina	Pat McCrory (R)	Roy Cooper (D)	Elected
North Dakota	Jack Dalrymple (R)	Wayne Stenehjem (R)	Elected
Ohio	John Kasich (R)	Mike Dewine (R)	Elected
Oklahoma	Mary Fallin (R)	Scott Pruitt (R)	Elected
Oregon	John Kitzhaber (D)	Ellen Rosenblum (D)	Elected
Pennsylvania	Tom Corbett (R)	Kathleen Kane (D)	Elected
Rhode Island	Lincoln Chafee (D)	Keter Kilmartin (D)	Elected
South Carolina	Nikki R. Haley (R)	Alan Wilson (R)	Elected
South Dakota	Dennis Daugaard (R)	Marty Jackley (R)	Elected
Tennessee	Bill Haslam (R)	Robert Cooper (D)	Elected by Supreme Court
Texas	Rick Perry (R)	Greg Abbott (R)	Elected
Utah	Gary R. Herbert (R)	Sean Reyes (R)	Elected
Vermont	Peter Shumlin (D)	William Sorrell (D)	Elected
Virginia	Terry McAuliffe (D)	Mark Herring (D)	Elected
Washington	Jay Inslee (D)	Bob Ferguson (D)	Elected
West Virginia	Earl Ray Tomblin (D)	Patrick Morrisey (R)	Elected
Wisconsin	Scott Walker (R)	JB Van Hollen (R)	Elected
Wyoming	Matthew Mead (R)	Peter Michael (R)	Appointed by Governor

Currently 11 states have a Governor and an Attorney General of different political parties; Colorado, Iowa, Maine (Elected by Legislature), Mississippi, Montana, Nevada, New Mexico, North Carolina, Pennsylvania, Tennessee (Elected by Supreme Court) and West Virginia. All are elected by the people unless otherwise noted.

Data from the National Association of Attorneys General and the National Governors Association.

Prepared by Representative Bill Stoltze's office.

**Alaska Governors, Lt. Governors, Presiding Officers, and Attorneys General,
by Legislature, 1959 --- Present**

State Legislature	Years	Governor	Lt. Governors *	Senate President	House Speaker	Attorney General
1	1959 ---- 1960	William A. Egan	Hugh J. Wade	William Beltz	Warren Taylor	John L. Rader
2	1961 ---- 1962	William A. Egan	Hugh J. Wade	Frank Peratrovich	Warren Taylor	Ralph E. Moody/George N. Hayes
3	1963 ---- 1964	William A. Egan	Hugh J. Wade	Frank Peratrovich	Bruce Kendall	George N. Hayes
4	1965 ---- 1966	William A. Egan	Hugh J. Wade	Robert McNealy	Mike Gravel	Warren C. Colver
5	1967 ---- 1968	Walter J. Hickel	Keith H. Miller	John Butrovich Jr.	William Boardman	D.A. Burr/Edgar Paul Boyko
6	1969 ---- 1970	Keith H. Miller	Robert W. Ward	Brad Phillips	Jalmar Kerttula	G. Kent Edwards
7	1971 ---- 1972	William A. Egan	Henry "Red" Boucher	Jay Hammond	Gene Guess	John E. Havelock
8	1973 ---- 1974	William A. Egan	Henry "Red" Boucher	Terry Miller	Tom Fink	Norm Gorsuch
9	1975 ---- 1976	Jay S. Hammond	Lowel Thomas Jr.	Chancy Croft	Mike Bradner	Avrum Gross
10	1977 ---- 1978	Jay S. Hammond	Lowel Thomas Jr.	John Rader	Hugh Malone	Avrum Gross
11	1979 ---- 1980	Jay S. Hammond	Terry Miller	Clem Tillion	Terry Gardiner	Avrum Gross/Wilson Condon
12	1981 ---- 1982	Jay S. Hammond	Terry Miller	Jalmar Kerttula	Jim Duncan, Joe Hayes	Wilson Condon
13	1983 ---- 1984	Bill Sheffield	Stephen McAlpine	Jalmar Kerttula	Joe Hayes	Norm Gorsuch
14	1985 ---- 1986	Bill Sheffield	Stephen McAlpine	Don Bennett	Ben Grussendorf	Norm Gorsuch/ Hal M. Brown
15	1987 ---- 1988	Steve Cowper	Stephen McAlpine	Jan Faiks	Ben Grussendorf	Grace Berg Schaible
16	1989 ---- 1990	Steve Cowper	Stephen McAlpine	Tim Kelly	Sam Cotten	Doug Baily
17	1991 ---- 1992	Walter Hickel	John "Jack" Coghill	Dick Eliason	Ben Grussendorf	Charlie Cole
18	1993 ---- 1994	Walter Hickel	John "Jack" Coghill	Rick Halford	Ramona Barnes	Charlie Cole/Bruce Botelho
19	1995 ---- 1996	Tony Knowles	Fran Ulmer	Drue Pearce	Gail Phillips	Bruce Botelho
20	1997 ---- 1998	Tony Knowles	Fran Ulmer	Mike Miller	Gail Phillips	Bruce Botelho
21	1999 ---- 2000	Tony Knowles	Fran Ulmer	Drue Pearce	Brian Porter	Bruce Botelho
22	2001 ---- 2002	Tony Knowles	Fran Ulmer	Rick Halford	Brian Porter	Bruce Botelho
23	2003 ---- 2004	Frank Murkowski	Loren Leman	Gene Therriault	Pete Kott	Gregg Renkes
24	2005 ---- 2006	Frank Murkowski	Loren Leman	Ben Stevens	John Harris	Gregg Renkes/David Marquez
25	2007 ---- 2008	Sarah Palin	Sean Parnell	Lyda Green	John Harris	Talis J. Colberg
26	2009 ---- 2010	Palin/Sean Parnell	Parnell/Craig Campbell	Gary Stevens	Mike Chenault	Talis Colberg/Daniel Sullivan
27	2011 ---- 2012	Sean Parnell	Mead Treadwell	Gary Stevens	Mike Chenault	John J. Burns/Michael Geraghty
28	2013 ---- 2014	Sean Parnell	Mead Treadwell	Charlie Huggins	Mike Chenault	Michael Geraghty

NOTES: * Prior to 1971, the Lt. Governor position was known as Secretary of State. Red Boucher was the first Lieutenant Governor.

-- Gregg Renkes resigned his position as AG on February 5, 2005.

-- Talis Colberg resigned as AG on February 10, 2009; Wayne Anthony Ross, appointed by Gov. Palin on March 26, 2009, was rejected by the Legislature on April 16, 2009.

-- Governor Palin announced the appointment of Daniel S. Sullivan as AG on June 16, 2009. The Legislature confirmed the appointment on April 9, 2010.

-- Governor Palin announced on July 3, 2009, her resignation effective July 26, 2009. At the same time, she announced that Craig Campbell would become the new Lt. Governor (although her previous appointment of Joe Schmidt as Lt. Governor designee had been confirmed by the Legislature in April 2009). The Legislature met on August 10, 2009, for a one-day special session during which it confirmed Craig Campbell as Lt. Governor.

--Following his election in 2010, Governor Parnell appointed Dan Sullivan to head DNR and on November 30, 2010, appointed John Burns as AG. Legislature confirmed Jonh Burns on April 8, 2011, and in November 2011, he announced his resignation, effective January 2, 2012. On Jan. 12, 2012, Gov. Parnell announced the appointment of Michael Geraghty as new AG, effective on February 1, 2012. That appointment was confirmed by the Legislature on April 10, 2012.

SOURCES: Alaska Directory of State Officials, 1959 to present and contemporaneous news.

From: Lynn Willis
10140 Hillcrest Lane
Eagle River, Alaska 99557

February 18, 2014

To: Alaska Legislature
House Judiciary Committee

Testimony regarding HJR 18 (Constitutional Amendment to elect Attorney General)

Please consider two recent scenarios where the people of Alaska might have been better served by an elected Attorney General.

First, the 2004-2010 scandal, which included state legislators, that required involvement by the Federal Department of Justice – Public Integrity Section to resolve. Would we been able to police ourselves without direct Federal involvement if we had an Attorney General who was politically independent and directly responsible to the voters?

Second, in 2010 a new position in state government was created for a sitting legislator, a very probable violation of Article 2, Section 5 of the Alaska Constitution. Might, we the people, have had a more objective effort to resolve this situation if we had an elected Attorney General?

I understand that a “bad apple” can be appointed or elected. What motivates me to comment on this legislation is the concept, introduced at 8:57:22 of audio minutes of the State Affairs Committee held on 2/11/14, stating by a member that an elected Attorney General must be of the same political party as the Governor. That simply is a very bad idea intended, I believe, only to see that the interests of any political party trump the interests of Alaskans most of who are not registered as members of any political party. I support this legislation with the caveat that the elected A.G. will be first and foremost an independent advocate for the people with very little emphasis on party affiliation.

Thank you. Lynn Willis



Alaska State Legislature

Please enter into the record my testimony to the

House Judiciary Committee
Committee name

Committee on

HR 18

Bill/Subject

, dated

Feb 10, 2011

I strongly advise that legislators carefully study the material constitutional convention members studied about this—plus the debate about unelected vs elected attorney general that was extensive.

Don't reinvent the wheel please. Many questions & queries now being raised were covered in 1955.

Confirmation of appointments by the legislature is worthy of consideration.

Signed:

Stuart Thompson

Testifier

Self

Representing (Optional)

PO Box 870712 Wasilla AK 99687

Address

577-950-7980

Phone number

House Judiciary Committee
HJR 18 – Proposed Constitutional Amendment
to Elect the Attorney General

Response to Questions

During the House Judiciary Committee meeting on February 19, committee members asked the following questions. Response from the Bill's sponsor are attached:

Representative Millett — Requested a summary of the Constitutional Convention minutes as they relate to the selection of the Attorney General to provide a historic perspective as to the mindset of the framers.

Representative LeDoux asked — Why did you use the “Qualifications to be a Superior Court Judge” for the qualifications of the Attorney General?

Representative Keller — Discussed a question from the State Affairs Committee relating to the removal of the Attorney General, if HJR 18 is passed.

Representative Millett — Asked for a history of what other states have done in changing how the Attorney General is selected? Is anyone else doing this? Are we alone in this effort?

Committee members — Asked about the past legislation in Alaska attempting to accomplish a similar goal.

Responses to these questions are attached in the following order:

- Alaska Constitutional Convention – Attorney General Discussion
- Past Constitutional Amendment Ballot Measures
- Qualifications for the Attorney General
- Removal From Office
- How States have selected/ and select the Attorney General
- Binder contains previous legislation dating back to 1982

Alaska Constitution and the Attorney General Historic Discussion

Constitutional Convention

The Constitution adopted during the Alaska Constitutional Convention (Feb. 6, 1956 in Fairbanks), and the current constitution, have no specific reference to the office of the Attorney General. Since the constitution has been ratified by the voters there have been no amendments made to either add or delete references to the Attorney General in the Constitution.

There is a general reference to the Executive Branch Department Heads, of which the Attorney General is the head of the Department of Law (see notes on Constitutional Convention Minutes).

Constitutional Convention Minutes Summary

Minutes from the Constitutional Convention are available at —

<https://www.alaska.edu/creatingalaska/constitutional-convention/>

(Not printed due to the length of the minutes)

Highlights relating to the office of the Attorney General

Day 42 — Dec. 19, 1955

Members discussed having a strong executive with the power to appoint all his department heads (including the Attorney General). And the power of the executive to remove at the governor's will.

Day 50 — Jan. 11, 1956

Committee reports on two Executive Branch items

PRESIDENT EGAN: The Convention will revert to the business of introduction of committee reports at this time. The Chief Clerk will please read the committee report.

CHIEF CLERK: "The Committee on the Executive Branch met on January 10 to consider Delegate Proposal No. 44, which would provide for the election of the Commissioner of Labor, and Delegate Proposal No. 45 which would provide for the election of the Attorney General. The Committee members in attendance at the meeting voted as follows on these proposals:

Delegate Proposal 44:

Do Pass: Delegate Barr

Do Not Pass: Delegates Boswell, Harris, Nordale, and V. Rivers

Delegate Proposal 45:

Do Pass: Delegate Barr

Do Not Pass: Delegates Boswell, Harris, and Nordale.

Day 52 — Jan. 15, 1956

During a discussion of the qualifications for the office of The Governor and the election of the Secretary of State (now the Lt. Governor) and succession for the office of Governor.

Delegate John Hellenthal expresses his position on having a strong executive and having an appointed Attorney General.

"I hesitate to talk on this because I think this is a wonderful enactment, and this is the only amendment that I have to offer to the entire matter, but I think it is basic. Now, therefore, I should like the indulgence of the delegates. Now, at the outset I favor a strong executive, never an absolute executive, and I don't think that the amendment would call for an absolute executive. I favor that the attorney general be appointed, that all other department heads be appointed, and I have no other amendment to offer. I do not intend to follow this up, to use this as a play to get the attorney general elected, no. I believe in a strong executive."

Day 52 — Jan 13, 1956

Presentation from Executive Committee on Committee Proposal 14

Includes lengthy discussion of department heads, qualifications and responsibilities.

Day 55 — Jan. 15, 1966

Proposed amendment brought forward by the minority group in the Executive Committee

Delegate Victor Rivers proposed the following amendment — calling on the Attorney General to be selected from a list of potential candidates brought forward by the Judicial Council

"After Section 14, page 7 of Committee Proposal No. 10/a, insert a new section as follows:

Section 15.

The Attorney General shall be appointed by the Governor from two or more qualified persons nominated in the same manner as judges by the judicial council. He shall have been admitted to practice law in the State and shall have the other qualifications prescribed herein for heads of principal departments and shall be subject to approval by the Legislature in a similar manner.

The Attorney General may be removed by the Governor with the consent and approval of both houses of the Legislature meeting jointly.' Renumber successive sections to conform to the above insertion."

Lengthy Discussion followed before a roll call vote

Yeas: 18 - Barr, Collins, Cross, H. Fischer, Harris, Hinckel, Kilcher, Metcalf, Nerland, Nolan, Peratrovich, Reader, V. Rivers, Robertson, Rosswog, Smith, Taylor, VanderLeest.

Nays: 36 - Armstrong, Awes, Boswell, Buckalew, Coghill, Cooper, Davis, Doogan, Emberg, V. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hurley, Johnson, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNees, Marston, Nordale, Poulsen, Riley, R. Rivers, Stewart, Sundborg, Sweeney, Walsh, White, Wien, Mr. President.

Absent: 1 - McNealy.)

Day 58 — Jan. 19, 1956

Delegate James Nolan of Wrangell reported that after a local meeting with the Chamber of Commerce the members were unanimously in favor of electing an attorney general.

Mr. Nolan's comments were made amidst reports from the communities of the convention delegates.

Constitutional Amendment Summary 1966-2004 Proposed Amendment Titles & Vote Counts

Election Date	Subject of Amendment	Provisions Affected	Resolution Number	Votes For	Votes Against
8/23/66	Residency Requirement to Vote for President	Article V, Section 1	SJR 1 (1966)	36,667	12,383
8/27/68	Commission on Judicial Qualifications	Article IV, Section 10	HJR 74 (1968)	32,481	12,823
8/27/68	Compensation of Judicial Qualification Commission	Article IV, Section 13	HJR 74 (1968)	27,156	17,467
8/25/70	Establish Voting Age at 18 Years	Article V, Section 1	HJR 7 (1969)	36,590	31,216
8/25/70	Remove English Requirement for Voting	Article V, Section 1	HJR 51 (1970)	34,079	32,578
8/25/70	Secretary of State Designated Lieutenant Governor	Article III, Sections 7-11, 13-15; Article XI, Sections 2-6; Article XIII, Sections 1,3; Article XV, Section 9	SJR 2 (1970)	46,102	18,781
8/25/70	Chief Justice Elected by Supreme Court	Article IV, Section 2	HJR 11 (1970)	44,055	19,583
8/25/70	Term of Office for Judicial System Administrator	Article IV, Section 16	HJR 11 (1970)	43,462	18,651
8/22/72	Residency Requirement for Voting	Article V, Section 1	HJR 126 (1972)	31,130	20,745
8/22/72	Prohibition of Sexual Discrimination	Article I, Section 3	HJR 102 (1972)	43,281	10,278
8/22/72	Right of Privacy	Article I, Section 22	SJR 68 (1972)	45,539	7,303
8/22/72	Eliminate City Representation on Borough Assemblies	Article X, Section 4	SJR 52 (1972)	30,132	19,354
8/22/72	Authorize Limited Entry Fisheries	Article VIII, Section 15	SJR 10 (1971)	39,837	10,761

Constitutional Amendment Summary 1966-2004 Proposed Amendment Titles & Vote Counts

8/22/74	Voting on Constitutional Amendments at General Elections	Article XIII, Section 1	HJR 20 (1973)	56,017	20,403
11/02/76	Action on Veto of Bills	Article II, Sections 9 and 16	HJR 11 (1975)	71,829	39,980
11/02/76	Authorize Permanent Fund	Article IX, Sections 7 and 15	HJR 39 (1976)	75,588	38,518
11/02/76	Administration and Review of State Land Disposals	Article VIII, Section 10	SJR 45 (1976)	46,652	64,744
11/02/76	Direct Financial Aid to Students	Article VII, Section 1	HJR 73 (1976)	54,636	64,211
11/07/78	Powers of Legislative Interim Committees	Article II, Section 11	SJR 16 (1978)	48,078	68,403
11/04/80	Legislative Annulment of Regulations	Article II, New Section	HJR 82 (1980)	58,808	82,010
11/04/80	Disqualification of Legislators	Article II, New Section	SJR 2 (1980)	47,054	99,705
11/04/80	Interim and Special Legislative Committees	Article II, Section 11	HJR 80 (1980)	41,868	102,270
11/04/80	Appointment and Confirmation of Members	Article III, Section 26	HJR 20 (1980)	56,316	90,506
11/02/82	Veterans' Housing Bond Authority	Article IX, Section 8	HJR 71 (1982)	111,460	69,497
11/02/82	Changes in Commission on Judicial Qualifications	Article IV, Section 10	HJR 32 (1981)	123,172	53,424
11/02/82	Limiting Appropriation Increases	Article IX, Section 16; Article XV, Sections 26-28	SJR 4 (1981)	110,669	71,531
11/06/84	Legislative Annulment of Administration Regulations	Article II, New Section	HJR 5 (1983)	91,171	98,855
11/06/84	Limit Length of Legislative Session	Article II, Section 8	HJR 2 (1984)	150,999	46,099

Constitutional Amendment Summary 1966-2004 Proposed Amendment Titles & Vote Counts

11/04/86	Legislative Annulment of Administrative Regulations	Article II, New Section	SJR 40 (1986)	65,176	94,299
11/08/88	Resident Hiring Preference	Article I, Section 23	HJR 18 (1988)	162,997	31,650
11/06/90	Budget Reserve Fund	Article IX, Section 17	SJR 5 (1990)	124,280	63,307
11/08/94	Individual Right to Keep and Bear Arms	Article I, Section 19	SJR 39 (1994)	153,300	57,636
11/08/94	Rights of Crime Victims	Article I, Sections 12, 24	HJR 43 (1994)	178,858	27,641
11/05/96	Voter Approval of Changes to Statehood Act	Article XII, Section 14	SJR 3 (1996)	157,936	71,082
11/03/98	Definition of Marriage	Article I, Section 25	SJR 42 (1998)	152,965	71,631
11/03/98	Redistricting	Article VI, Sections 1-11; Article XI, Section 3; Article XIV, Sections 1-3; Article XV, Section 29	HJR 44 (1998)	110,768	101,686
11/07/00	Prohibition on Wildlife Initiative	Article XI, Section 7	HJR 56 (2000)	96,253	179,552
11/07/00	Amendment Provision; Prohibit Court Intervention	Article XIII, Section 1; New Section	SJR 27 (2000)	114,310	151,467
11/07/00	Confirmation of Board Appointees	Article III, Section 26; Article IX, Section 15	SJR 34 (2000)	72,419	194,975
11/02/04	Requirements for Initiative & Referendum	Article XI, Section 3	HJR 5 (2004)	149,236	139,642

Proposed amendment highlighted in red did not gain voter approval.

HJR 18 – Qualifications to be Attorney General

Representative LeDoux asked why the qualifications for a superior court judge were used for the qualifications of the Attorney General in HJR 18?

HJR 18, Page 1, Line 14 and following states

“Section 28. Attorney General. (a) The attorney general shall be elected in the manner provided by law by the qualified voters of the State at the same time and for the same term as the governor. A person is not eligible to serve as attorney general unless the person meets the qualifications for a superior court judge.”

Qualifications to be a superior court judge

In the Constitution

Article 4 § 4. Qualifications of Justices and Judges

Supreme court justices and superior court judges shall be citizens of the United States and of the State, licensed to practice law in the State, and possessing any additional qualifications prescribed by law.

In Alaska Statutes

AS 22.10.090. Qualifications of judges.

A judge of the superior court shall be a citizen of the United States and of the state, a resident of the state for five years immediately preceding appointment, have been engaged for not less than five years immediately preceding appointment in the active practice of law, and at the time of appointment be licensed to practice law in the state.

The active practice of law shall be as defined for justices of the supreme court in AS 22.05.070 .

Active Practice of Law

AS 22.05.070 Active Practice of Law.

The active practice of law includes

- (1) sitting as a judge in a state or territorial court;
- (2) being actually engaged in advising and representing clients in matters of law;
- (3) rendering legal services to an agency, branch, or department of a civil government within the United States or a state or territory of the United States, in an elective, appointive, or employed capacity;
- (4) serving as a professor, associate professor, or assistant professor in a law school accredited by the American Bar Association

Removal of an Attorney General (If HJR 18 is placed on the ballot and approved by voters)

Alaska Constitution Provides for Recall of Elected Officials

Article 11 § 8. Recall

All elected public officials in the State, except judicial officers, are subject to recall by the voters of the State or political subdivision from which elected. Procedures and grounds for recall shall be prescribed by the legislature.

Alaska Statutes Addresses Grounds for Recall

AS 15.45.510 Grounds for Recall

The grounds for recall are (1) lack of fitness, (2) incompetence, (3) neglect of duties, or (4) corruption.

If HJR 18 is passed and approved by the voters - Alaska Statutes addressing recall would need to be amended to include the office of Attorney General (AS 15:45.470 - 720)

How states have selected/and select the Attorney General

State	Selection History
Alabama	Has elected the attorney general since statehood
Alaska	Has appointed the attorney general since statehood
Arizona	Has elected the attorney general since statehood – term limit extended in 1970 by constitutional amendment
Arkansas	Has elected the attorney general since statehood
California	Has elected the attorney general since statehood
Colorado	Has elected the attorney general since statehood
Connecticut	Has elected the attorney general since the office was created in 1897
Delaware	Appointed by the Governor between 1776 and 1897 when the state constitution was ratified making the position an elected office.
Florida	Has elected the attorney general since statehood
Georgia	Has been a state executive since 1797. The Georgia Constitution ratified in 1868 made it an elected position
Hawaii	Appointed by the Governor since statehood
Idaho	Has elected the Attorney general since statehood
Illinois	Originally appointed by the Governor, the state constitution was amended in 1978 establishing the election of the attorney general
Indiana	Has elected the attorney general elected since statehood
Iowa	Has elected the attorney general since statehood
Kansas	Has elected the attorney general since statehood
Kentucky	Has elected the attorney general since statehood
Louisiana	Has elected the attorney general since statehood
Maine	Has been selected by vote of State Senate since statehood
Maryland	Has elected the attorney general since statehood
Massachusetts	Has elected the attorney general since the first state legislature convened in 1777, and established the office
Michigan	Originally appointed by the Governor, became an elected position after a constitutional amendment in 1950
Minnesota	Has elected the attorney general since statehood
Mississippi	Has elected the attorney general since 1820

Missouri	First Constitution in 1820 provided for the attorney general to be appointed, but since the 1865 Constitution, the attorney general has been elected
Montana	Has elected the attorney general since statehood
Nebraska	Has elected the attorney general since statehood
Nevada	Has elected the attorney general since statehood
New Hampshire	Has appointed the attorney general since statehood
New Jersey	Has appointed the attorney general since statehood
New Mexico	Has elected the attorney general since statehood
New York	Has elected the attorney general since 1892
North Carolina	Has elected the attorney general since statehood
North Dakota	Has elected the attorney general since statehood
Ohio	Has elected the attorney general since statehood
Oklahoma	Has elected the attorney general since statehood
Oregon	Office of attorney general established by state legislature in 1891 and has elected an attorney general since
Pennsylvania	Originally appointed by the Governor, voters approved a constitutional amendment in 1978 making the position elected
Rhode Island	Has elected the attorney general since statehood
South Carolina	Has elected the attorney general since statehood
South Dakota	Has elected the attorney general since statehood
Tennessee	Appointed by Tennessee Supreme Court since statehood — State Sen. Mae Beavers has carried legislation over the last four years to change the selection of the attorney general to an election by the people
Texas	Has elected the attorney general since statehood
Utah	Has elected the attorney general since statehood — Utah State Sen. Todd Weller requested a study in 2013 on amending the constitution to make the position appointed.
Vermont	Has elected the attorney general since statehood
Virginia	Has elected the attorney general since statehood
Washington	Has elected the attorney general since statehood
West Virginia	Has elected the attorney general since statehood
Wisconsin	Established by state legislature, elects attorney general since law established in 1850
Wyoming	Has appointed the attorney general since statehood

ALASKA CONSTITUTIONAL CONVENTION

PART 3

Proceedings: January 10 - 16, 1956

Alaska Legislative Council

Box 2199 — Juneau, Alaska

signify by saying "aye", all opposed by saying "no". The "ayes" have it and the proposed amendment is ordered adopted. Are there amendments to Section 14? Mr. Barr.

BARR: Mr. President, I have an amendment to insert after Section 13. It is on the Secretary's desk.

PRESIDENT EGAN: Between Section 13 and Section 14?

BARR: Yes, it will be a new Section 14.

PRESIDENT EGAN: The Chief Clerk may read the proposed amendment.

CHIEF CLERK: "Page 6, line 16, after Section 13, insert a new Section 14, and renumber the following sections accordingly: "An Attorney General shall be elected at the same time and in the same manner as the Governor, and his term of office shall be four years. He shall be the chief law officer of the State, shall represent the State in all courts of law, and shall see that all laws are uniformly and adequately enforced throughout the State. He shall be legal advisor to the Legislature and all State officers, and shall perform such other duties as may be prescribed by law. He shall be responsible to the Governor and the Legislature for the faithful performance of his duties. The Attorney General shall receive for his services a compensation fixed by the Legislature which shall not be increased or diminished during his term of office. He shall devote his full time to his office and shall not receive any salary, fees or other compensation from any other source. In case of vacancy in the office of Attorney General for any cause, the Governor shall appoint his successor to complete the term of office with the consent of a majority of both Houses of the Legislature in joint session assembled, or, when not in session, a poll of the members may be taken by mail by the President of the Senate and Speaker of the House."

PRESIDENT EGAN: What is your pleasure, Mr. Barr?

BARR: I move the adoption of this amendment.

PRESIDENT EGAN: Mr. Barr moves the adoption of the amendment. Is there a second to the motion?

KNIGHT: I'll second the motion.

PRESIDENT EGAN: Mr. Knight seconds the motion. The amendment is open for discussion. Mr. Barr.

BARR: Mr. President, as this is rather a long amendment --

PRESIDENT FGAN: The Chair would like to make an announcement at this time, before you proceed, Mr. Barr. The News Miner just called and Guy Rivers, brother of Vic and Ralph, was found alive and safe about 30 minutes ago. (Applause) He has been picked up and is now on his way back to Fairbanks. Mr. Barr.

BARR: I have had placed on all the delegates' desks a mimeographed copy of the text of this amendment. It is not the complete amendment showing the lines and paragraph, it is merely the text. It provides for the election of the attorney general, that is the gist of it. He shall be elected at the same time and manner as the governor. He shall be legal adviser to the legislature and all state officers, and shall perform such other duties as may be prescribed by law. It outlines his duties and it provides for his replacement in case there is a vacancy. Now, in presenting this amendment, I do not go against the thought of the Executive Committee in that we should have a strong executive. Some people will think so. I went along with their committee report and I still do not disagree with it; however, the reason I decided finally to put this amendment in was the fact that I met innumerable people, speaking to them privately, who thought that the attorney general should be elected. In fact, they stated it in broader terms, they said they would like to elect more officials than the state governor. None of them stated that they wanted to elect as many as we have now, that they wanted to reduce the governor's power, but they thought they should elect enough so that they felt they had a hand in the government themselves. I felt that if another official should be elected, it should be the attorney general. Why the attorney general? Because all these other department heads are there expressly to carry out the governor's program and should agree with him in every detail on his policy. That makes up a good working team. The attorney general also should work with the governor, he is the governor's legal counsel and the legislature's legal counsel and also counsel for all the department heads, but he has one other duty that does not quite conform to the usual idea of a department head's duty under administration and that is, he is called upon to interpret the law at times. That is a semijudiciary function, I would call it, although it's not final. It is a temporary decision and may be taken into the courts. In interpreting the law, he should be impartial. Many times, of course, the governor might ask him to interpret the law to be sure that he is on the right ground when he proposes something. In case we had a governor who wanted to bulldoze something through anyhow, if it were a little bit questionable, the attorney general might feel that he was obligated to the governor if he were appointed and his opinion might be biased a little bit. I wouldn't say that he would flout the law, but he could be biased a little bit to either one side or the other.

And even if he were entirely honest and tried to render an impartial decision, I'm afraid his conscience would hurt him a little bit because he was obligated to the governor and went against the governor's wishes, so to remove him from that embarrassing position, I think that he should be elected. Now I grant you in electing any man we cannot be sure that we will get a good man, and on the other hand, by appointment we cannot insure that we will get a good man, but I believe that if we are going to elect another official because the people want it, then it should be the attorney general.

PRESIDENT EGAN: Any further discussion? Mr. Marston.

MARSTON: Mr. President, if my recollection is right, in the past 14 years that I have definite recollection of, there have been only two attorney generals and the reason is that they just can't get attorneys to run for that job. I'd want to know that there are attorneys that will step up and lend themselves to be elected to that job before we pass on this. I have no argument with the mover of this amendment, Mr. Barr, except that is information that I would like to have. Maybe we have some lawyers here that could enlighten me on that.

PRESIDENT EGAN: Mr. Hellenenthal.

HELLENTHAL: Mr. President, I think I could answer that. All the lawyers that favor the amendment will probably stand up, and those who don't will sit down. (Laughter)

PRESIDENT EGAN: The Convention will come to order. Is there further discussion of the proposed amendment? Mr. Nolan.

NOLAN: Mr. President, at a meeting that I had, I think there were 12 people there on an hour and a half's notice, that was the one thing they were unanimous on. They wanted the attorney general elected by the people. They seem to think it was the one independent arm that they would have, and for that reason they were unanimous that the attorney general should be elected, and therefore I think I will support Mr. Barr's amendment.

PRESIDENT EGAN: Mr. McLaughlin.

MCLAUGHLIN: Mr. President, I voted against the governor and secretary of state as co-runners on the belief that we had merely one elective office in the executive arm and that would suffice, because my other voting had been predicated, and other proposals had been predicated, on that belief we were going to have a strong executive. This is merely the introduction to other offices. I notice we have a Delegate Proposal No. 45 submitted by Mr. Barr, and we have a Delegate Proposal No. 44 also,

providing for the election of a commissioner of labor. If we yield ground in one respect, we might as well elect our commissioner of welfare, our commissioner of education, and having provided those, I feel that we should go right down the list and completely dissipate the theory upon which the voting has taken place. It was with reluctance that I even voted in favor of the secretary of state as a co-runner for the governor. I am violently opposed to the election of the attorney general. I don't think the election of him accomplishes any purpose. The blunt fact is that there is a general misconception as to the function of the attorney general. The attorney general is a lawyer and his opinion is the equivalent of any other lawyer's. It can be attacked. Any recommendation he makes, if acted upon, can always be attacked in the courts by private citizens. His opinion is worth the paper it is written upon. It's impressive upon the state and the officials are bound by it until some irate taxpayer attacks it and the actions taken under the authority of it, and the courts can promptly overrule it. There is a misconception about the function of the attorney general, his functions are not quasi-judicial. He is another attorney giving an opinion, and if you could assure yourselves that he would have the wisdom of a deus, those lawyers don't exist in Alaska as it has been evidenced by the variety of opinions expressed here before this body. I do oppose it, I think if we are going to have an attorney general, the power should be vested in the governor to appoint him, and that is without any screening by any judicial council or anything of the sort. If you're going to elect him, elect him, but by and large if you're creating a strong executive, then give him the power to appoint his own attorney general. The discrepancy has been pointed out in New York under the series, Governors and Administration of New York, which is put out under the American Commonwealth Series, it's pointed out that because of the fact that the attorney general is an elective office under the constitution, that is, the governor, in substance, has to rely on a legislative act passed in 1900 authorizing him to have private counsel. You're putting a diverse and possibly a discordant element into the executive branch. It isn't necessary. The courts can protect the government from the opinions of an attorney general appointed by the governor, and that attorney general does, in a sense, bear the same relationship to the governor as any attorney bears to his private client. It is an attorney-client relationship and the relationship has to be based on faith and personal selection. I would strongly recommend that there be no other elective offices in the state.

PRESIDENT EGAN: Mr. Barr.

BARR: Mr. President, may I be allowed to close?

PRESIDENT EGAN: If there is no other person who wishes to be heard. Mr. Stewart.

STEWART: Mr. President, may I ask Mr. McLaughlin a question?

PRESIDENT EGAN: You may, Mr. Stewart.

STEWART: Is it your idea that the attorney general, as such, he is or should act as the counsel for the legislature, as well as for the executive?

McLAUGHLIN: He should, in substance, act as counsel for the legislature. In many respects, you also have the unusual circumstance where the attorney general is of one party and the legislature is predominantly of another party.

STEWART: He may have to give decisions in one case that might favor the executive and in another case might favor the legislature?

McLAUGHLIN: That's right.

STEWART: I think that is an unwholesome situation, and should be corrected by having the attorney general purely and simply the adviser for the executive.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Mr. President, this has developed to the point where I want to say a few words. I wasn't going to, but when I was attorney general, that office was legislative counsel for the legislature, advised the members of the legislature, advised the various administrative departments under the governor, and advised the governor, and wrote legal opinions interpreting the law. Since that time the legislature has created a Legislative Council, that Legislative Council has a political scientist in charge, Jack McKay. It could very well have a lawyer and is authorized to engage any legal services that may be required. The legislature has full power to hire all the legal assistance it needs during the sessions so that I believe that Mr. Stewart's thought is well taken, that the attorney general will be the attorney for the executive arm of the government and that if we have the governor appoint an attorney general, he is not going to be the adviser to the legislature nor the drafter of legislative bills. Now, he may draft proposed legislation for the administrative departments. If the department of health wants a bill, the governor will tell the attorney general to get out a good bill or the commissioner of health, or as the case may be. They'll fall back on the attorney general for some bill drafting

for the governmental departments, but the legislature from now on and under this setup, is not going to have the attorney general doing its bill drafting. It's going to have its own legal counsel. The present Attorney General, because of the press of business, gave up being legislative counsel for the legislature three years ago and told them they were too busy and were just looking after the executive department, and that they were to figure out how to get their own bills drafted. Two years ago that situation got so acute that the Legislative Council was created and it serves a very useful need, but I think that Mr. McLaughlin actually emphasized the wrong answer when he said that the attorney general would be the counsel for the legislature as well as for the executive arm, because under the present development with Legislative Council, he will be the attorney for the executive branch and the legislature can take care of itself. I might also say that I wrestled with this, I started out advocating that the attorney general be elected, but I wrestled with it, I told Mr. Barr that I felt the way he did four or five days ago. Because of my doubts though, I have talked to many people, they have said if you are going to let the governor's administration be held responsible for the conduct of that administration, you have got to at least give the governor an attorney of his own choice. Under this setup he might get an attorney of the opposite political faith. He might get one of his own party who is either inadequate or who is hostile to him, or who doesn't see eye-to-eye with him. In either case, the governor could say at the end of his term, if things haven't gone well, "We had a good program but that attorney general you foisted upon me wrecked our program." There again, you have got passing the buck as to who was to blame because things didn't go well. Now then, if we want to be sure that the strong executive who is going to have the responsibility of carrying out a successful administration is going to get the blame if he doesn't have a successful administration, let us not give him any outs. Let's not take him off the hook by giving him an attorney general that he can put the blame on.

PRESIDENT EGAN: Mr. Robertson.

ROBERTSON: Mr. President, I don't intend being an applicant for the position of attorney general either by appointment or election, but I don't quite see Delegate Marston's point that there are no attorneys in the Territory who are willing to run to be elected attorney general. I can't see how there would be any attorneys who would be willing to accept the appointment. I support Mr. Barr's position in this matter. I, too, am in favor of a strong executive, but I don't think that the mere fact that because under the appointive system of governorships that the governor virtually has no powers, that we should let that carry

us too far away. I think that it is a good thing for the people, to have their own elected attorney general who can check the legislation which the governor proposes to introduce and have introduced, and for that reason I am going to vote for this amendment.

BARR: Mr. President, may I close now?

PRESIDENT EGAN: You may, Mr. Barr.

BARR: I was also going to answer Colonel Marston much as Mr. Robertson did. If lawyers aren't available, they aren't available period. Mr. Rivers was talking about an entirely different thing. He mentioned our present Legislative Council. There is not a lawyer in charge. They do draft bills for the legislature. They have taken over a duty which the attorney general formerly did, that is as it should be. There is a lot of detailed work there, but it isn't legal work. If the legislature wants to ask a legal opinion, they will not go to our political science experts, they will go to the attorney general. Now he also stated that if an attorney general of the opposite political party were elected, the governor could pass the buck and say, "Well, you people see what you saddled me with here. I couldn't do anything. He wouldn't let me." Well, if there was an attorney general of the opposite political party there, he would make the governor toe the line pretty well as far as the law was concerned. All the governor could say to the people is, "You see that attorney general, he made me conform with the law." That's all this is designed to do. It isn't supposed to restrict his actions otherwise, just to conform with the law. Now, as Mr. McLaughlin said, because he was the legal counsel for the governor period, that this would not accomplish any particular purpose. It will accomplish several purposes. It is up to you people to decide how important they are. It might provide a little brake on the governor if he wants to go too far. If he wants to over-step the law just a little bit, but the principal purpose it has, the principal objective it will achieve is that it will allow the people to have more hand in the government and that is what we want.

PRFIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: I request a roll call on this vote and will raise my hand to indicate that request. Under these rules, 10 people have to --

PRESIDENT EGAN: No, that rule failed of passage.

HELLENTHAL: Oh, I see.

PRESIDENT EGAN: The question is, "Shall the proposed amendment as offered by Mr. Barr be adopted by the Convention?" The Chief Clerk will call the roll.

(The Chief Clerk called the roll with the following result:

Yeas: 12 - Barr, Collins, H. Fischer, Laws, McNealy, Metcalf, Nolan, Robertson, Smith, Sweeney, Taylor, Walsh.

Nays: 40 - Armstrong, Awes, Boswell, Buckalew, Cooper, Cross, Davis, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNees, Marston, Nerland, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Rosswog, Stewart, Sundborg, White, Mr. President.

Absent: 3 - Coghill, VanderLeest, Wien.)

CHIEF CLERK: 12 yeas, 40 nays, and 3 absent.

PRESIDENT EGAN: So the "nays" have it and the proposed amendment has failed of adoption. Mr. Barr.

BARR: Mr. President, I had another amendment which I had intended introducing providing for the election of a commissioner of labor. I would just like to state that the reason for that was that without destroying the powers of a strong executive, I thought the people would like to have a number of officials elected someplace between the number of two and four, but I can see that this body does not believe that that should be done.

MCCUTCHEON: Point of order, Mr. President.

PRESIDENT EGAN: Your point of order, Mr. McCutcheon.

MCCUTCHEON: Isn't Mr. Barr speaking to a matter of personal privilege?

PRESIDENT EGAN: Do you ask to speak on a matter of personal privilege, Mr. Barr?

BARR: Yes, I will, if the tape is left on.

HURLEY: I'll move that Mr. Barr be allowed to speak on a matter of personal privilege.

PRESIDENT EGAN: If there is no objection, the rules will be suspended and Mr. Barr may have the floor on personal privilege.

BARR: I want to explain that since it is very clearly the intention of this body to have two elected officials, there is no point in me introducing this other amendment and holding up proceedings. I never intend to hold up proceedings at all. I realize the shortness of time here, so I will not introduce that amendment at this time, although in my own heart, I believe that we should have an attorney general and commissioner of labor elected.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. President, I believe this would be an appropriate place to bring up the matter which has been bothering our Committee on Style and Drafting, if I may have the floor on that matter.

PRESIDENT EGAN: Yes, if there is no objection, you may have the floor.

SUNDBORG: I would like to know if we are creating anywhere in this constitution the office of the attorney general? And I ask it because in our article on direct legislation there is a provision that petitions for referendum and recall and the like, shall be filed with the attorney general who shall certify it to its sufficiency as to form, etc. Since we have not created that office, and I don't believe we should do it by indirection by assigning duties to the man whose office has not been created, I would like to be recognized at the end of this statement under the item of personal privilege, to make a motion and the motion would be that the rules be suspended and the Committee on Style and Drafting be instructed to make a substantive amendment in the article on direct legislation to provide that wherever the words "attorney general" appear, that they be changed to "secretary of state". I wonder if all of you recognize what the problem is. I think we have now agreed that in the executive department we are going to have one other officer at least, besides the governor. He will be called the secretary of state. I wonder if all of you recognize what the problem is. I think we have now agreed that in the executive department we are going to have one other officer at least besides the governor. He will be called the secretary of state. It occurred to us in Style and Drafting that it would be entirely proper that the secretary of state should be the officer of the state with whom petitions under the initiative and under the referendum should be filed, that if he required legal services in order to satisfy himself that they were sufficient as to form, etc., he could get them from whatever officer of the state might be provided by

legislation or otherwise for that purpose, but I think we are probably being inconsistent and maybe we are making a mistake if we set up duties for an official called the "attorney general" and don't set up the office itself in the constitution.

PRESIDENT EGAN: Mr. Barr.

BARR: Mr. President, believing as Mr. Sundborg does --

V. RIVERS: Point of order, Mr. President.

PRESIDENT EGAN: Your point of order, Mr. Rivers.

V. RIVERS: Mr. Sundborg was talking under personal privilege.

BARR: Excuse me.

SUNDBORG: I will now, Mr. President, I am at the end of my statement under personal privilege, am I recognized to make a motion?

PRESIDENT EGAN: You are, if there is no objection, Mr. Sundborg.

V. RIVERS: I object. I wish to make a statement first.

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: Under personal privilege, there was a minority group in the Committee who felt that the attorney general should be mentioned in the executive article and that rather than have any individual who had obligations to repay to the governor or had favors to receive from the governor by reason of political support, that he should have a certain amount of screening, he should not be limited to one individual. Now I have an amendment available as we get to the end of Section 14 which would cover that, if the body so decides to adopt it, or if the desire to wipe out the screening principle, it still would cover the appointive attorney general and the method by which he might or might not be removed from office. The present executive article is identical in the matter of not mentioning the attorney general, it is identical with the State of Hawaii Constitution in that they also did not set up an attorney general specifically, they allowed the departments to be established as we have done here, but in order to carry out the consistency in connection with the fact that we have mentioned certain duties of the attorney general, we have got prepared, or Mr. Harris and I have prepared here an amendment for discussion covering that point.

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL FOR THE FIFTIETH CONVENTION DAY, Wednesday, January 11, 1956

The Convention was called to order by President Egan at 9:00 a.m.

The Invocation was given by Reverend James Gamble of the Pentacostal Holiness Church.

Roll call showed all present except Mr. VanderLeest, who was absent because of illness.

The President declared a quorum present.

Mrs. Sweeney suggested that the delegates wait and arise after the full introduction of the minister giving the Invocation. The President asked the delegates to keep the suggestion in mind.

Mr. Doogan asked unanimous consent for the approval of the Journal of the 45th day, with the following correction: page 4, after the words "After Recess", insert the following paragraph: "Mr. Hellenthal asked unanimous consent to withdraw his amendment. There being no objection it was so ordered."

The President referred Committee Proposal No. 7 to the Committee on Engrossment and Enrollment since the reconsideration votes had not been called the previous Convention day.

Mrs. Hermann submitted the report of the Nome hearings which would be placed on file.

President Egan called for amendments to Committee Proposal No. 5, Section 15.

Mr. Sundborg moved and asked unanimous consent for the adoption of the following amendment to Section 15, page 5: strike all of line 21 and the first two words on line 22 and insert in lieu thereof the words "although vetoed". Strike all of lines 24 and 25 on page 5; lines 1, 2 and 3 on page 6 and the word "entitled" on line 4 of page 6. Seconded by Mr. Kilcher.

After discussion by Mr. Sundborg, Mr. White, Mr. McCutcheon and Mr. V. Rivers, the President called for the question. The question being "Shall the proposed amendment as offered by Mr. Sundborg be adopted?", on voice vote the amendment failed.

50th Day, Wednesday, Jan. 11, 1956

Yeas: 11 - Coghill, Cross, V. Fischer, Hermann, Hinckel, McNealy, Nolan, R. Rivers, V. Rivers, Taylor, Mr. President

Nays: 42 - Armstrong, Awes, Barr, Boswell, Buckalew, Collins, Cooper, Davis, Doogan, Emberg, H. Fischer, Gray, Harris, Hellenthal, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nerland, Nordale, Peratrovich, Poulsen, Reader, Riley, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Walsh, White, Wien

Absent: 2 - Hilscher, VanderLeest

and so the amendment failed.

Mr. V. Rivers rose to speak on a matter of personal privilege.

Mr. V. Rivers asked unanimous consent to revert to the introduction of Committee reports. There being no objection, it was so ordered.

Mr. V. Rivers presented the following report of the Executive Committee:

"The Committee on the Executive Branch met on January 10 to consider Delegate Proposal No. 44, which would provide for the election of the Commissioner of Labor, and Delegate Proposal No. 46 which would provide for the election of the Attorney General. The Committee members in attendance at the meeting voted as follows on these proposals:

Delegate Proposal 44:

Do Pass: Delegate Barr
Do Not Pass: Delegates Boswell,
Harris, Nordale, and
V. Rivers

Delegate Proposal 46:

Do Pass: Delegate Barr
Do Not Pass: Delegates Boswell,
Harris, and Nordale

No Recommendation: Delegate V. Rivers

The report was ordered filed.

Mr. Barr asked what becomes of the proposals referred to in the report.

The President stated that the Committee had rejected the proposals.

Mr. Barr stated he believed that the Convention should have some right to express itself on these proposals.

The President advised that because of the nature of the report he could only order that it be filed.

Mr. Riley stated that Mr. Barr was not foreclosed from offering amendments to Committee Proposals at the proper time, using the proposals rejected by the Committee.

The President agreed with the Chairman of the Rules Committee and advised Mr. Barr that it would be proposed to offer amendments at the time the Committee Proposals were considered.

Mr. Sundborg moved the adoption of the following amendment:

Section 3, page 1, line 17, delete "fourth" and insert "first"; line 18, delete "January, unless otherwise provided by law" and insert "December". Mr. V. Fischer seconded. After discussion by Mr. Sundborg, Mr. Peratovich, Mr. R. Rivers, Mr. Hellenthal, Mr. White, Mr. Davis, Mr. Hinckel, Mr. McCutcheon and Mr. Johnson the question was called. On voice vote the amendment failed.

Mr. Riley requested a two-minute recess. There being no objection, it was so ordered.

Mr. Emberg moved the adoption of the following amendment: Section 5, line 8, delete word "hold" and substitute "be nominated, elected, or appointed to". Mr. White seconded. On voice vote the amendment was ordered adopted.

Mr. Hurley moved the adoption of the following amendment: Section 5, page 2, strike the second sentence. Mr. McCutcheon rose to a point of order that the amendment had already been considered. Mr. Sundborg seconded and stated that this matter had not been considered previously. Mr. Hurley spoke on the amendment. Mr. McNees asked for a ruling of the chair on the point of order.

The President stated that he believed Mr. McCutcheon withdrew his point of order when he discussed it with Mr. Sundborg.

After Mr. Riley and Mr. McCutcheon spoke, Mr. Taylor moved to amend the amendment by striking the last sentence in Section 5. Mr. Sundborg objected. Mr. McNealy seconded. After Mr. Sundborg and Mr. Riley spoke, Mr. Taylor asked unanimous consent to withdraw his amendment to the

Constitutional Convention
Delegate Proposal/45
Referred to the Committee
on the Executive Branch
and to the Committee on
the Judiciary
January 9, 1956

CONSTITUTIONAL CONVENTION OF ALASKA

DELEGATE PROPOSAL NO. 45

Introduced by Frank Barr

OFFICE OF THE ATTORNEY GENERAL

RESOLVED, that the following be agreed upon
as part of the Alaska State Constitution:

1 Section 1. An Attorney General shall be elected at
2 the same time and in the same manner as the Governor, and
3 his term of office shall be four years. He shall be the
4 chief law officer of the State, shall represent the State
5 in all courts of law, and shall see that all laws are uni-
6 formly and adequately enforced throughout the State.

7 Section 2. He shall be legal advisor to the Legislature
8 and all State officers, and shall perform such other duties
9 as may be prescribed by law. He shall be responsible to the
10 Governor and the Legislature for the faithful performance
11 of his duties.

12 Section 3. The Attorney General shall receive for his
13 services a compensation fixed by the Legislature which shall
14 not be increased or diminished during his term of office. He
15 shall devote his full time to his office and shall not re-
16 ceive any salary, fees or other compensation from any other
17 source.

1 Section 4. In case of vacancy in the office of Attorney
2 General for any cause, the Governor shall appoint his
3 successor to complete the term of office with the consent
4 of a majority of both Houses of the Legislature in joint
5 session assembled, or, when not in session, a poll of the
6 members may be taken by mail by the President of the Senate
7 and Speaker of the House.

REPORT OF THE COMMITTEE ON EXECUTIVE BRANCH ON DELEGATE
PROPOSALS 44, 45, and 46.

There is no copy of this report in the files. The Journal of January 11, 1956, shows the following as the report:

"The Committee on the Executive Branch met on January 10 to consider Delegate Proposal No. 44, which would provide for the election of the Commissioner of Labor, and Delegate Proposal No. 46, which would provide for the election of the Attorney General. The Committee members in attendance at the meeting voted as follows on these proposals:

Delegate Proposal 44:

Do Pass:	Delegate Barr
Do Not Pass:	Delegates Boswell, Harris, Nordale, and V. Rivers

Delegate Proposal 46:

Do Pass:	Delegate Barr
Do Not Pass:	Delegates Boswell, Harris, and Nordale
No Recommendation:	Delegate V. Rivers"

[The two proposals are No. 44 and No. 45, and not No. 46.]

Measures Proposed to Elect the Alaska Attorney General, 1973-2013

Legislature	Measure	Sponsor	Final Status	Votes
8th Legislature	HJR 9	Warwick & Randolph	(H) STA	
	SJR 4	Lewis	(S) JUD	
9th Legislature	HJR 20	Fischer	(H) JUD	
10th Legislature	HJR 44	Osterback	(H) JUD	
	SJR 14	Huber	(S) JUD	
	SJR 23	Bradley, W	failed (S)	vote: 11-07-02
11th Legislature	HJR 6	Martin	(H) STA	
12th Legislature	HJR 22	Barnes	failed (H)	vote: 16-22-02
	HJR 23	Judiciary	(H) JUD	
	SJR 7	Bradley, W	(S) JUD	
13th Legislature	HB 456 (advisory vote)	Ward	(S) JUD	H: 29-10-01
	HJR 7	Uehling	failed (S)	H: 28-12-00 S: 06-12-02
14th Legislature	HJR 42	Marrou	(H) STA	
	SJR 9	DeVries	(S) RLS	failed 09-11-04; rtrd to RLS
19th Legislature	SJR 26	Green	(S) STA	
20th Legislature	HJR 19	Green	(H) JUD	
	SJR 10	Green	(S) FIN	
	HJR 43	Coghill	(H) JUD	
21st Legislature	SB 69 (advisory vote)	Ward	(S) FIN	
	SJR 14	Ward	(S) RLS	
	SJR 32	Kelly (Pete)	(S) JUD	
24th Legislature	HJR 13	Crawford	(H) STA	
	SJR 7	Dyson	(S) STA	
25th Legislature	HJR 6	Crawford	(H) STA	
26th Legislature	HJR 4	Crawford	(H) STA	
27th Legislature	SJR 3	Davis	(S) JUD	

NOTES: HJR 9 during the 8th Legislature proposed an attorney general selected by the governor from nominations presented by the judicial council; the attorney general would then be subject to approval or rejection on a non-partisan ballot at the first general election held more than two years after the appointment. Thereafter, the attorney general would be subject to approval or rejection in a like manner every fourth year.

SJR 3 during the 27th Legislature proposed an attorney general elected by voters to represent the state and a general counsel appointed by the governor and subject to confirmation by the legislature to represent the governor and departments.

SOURCES: Alaska Final Status of Bills and Measures (8th - 17th Legislatures); Bill Action and Status Inquiry System (BASIS) (18th - 27th Legislatures).

Judiciary

BY WARD, UEHLING, BARNES, SZYMANSKI AND MARTIN

IN THE HOUSE

HOUSE BILL NO. 456

IN THE LEGISLATURE OF THE STATE OF ALASKA THIRTEENTH LEGISLATURE - SECOND SESSION
A BILL

For an Act entitled:

"An Act authorizing an advisory vote by the qualified voters of the state on the question of the election of the attorney general; and providing for an effective date."

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

* Section 1. The lieutenant governor shall place before the qualified voters of the state at the next general or special election a question advisory to the legislature of whether the legislature should propose a constitutional amendment that, if approved by the qualified voters of the state, would permit the election of the attorney general. The question shall appear on the ballot in the following form:

Q U E S T I O N

Shall the Legislature of the State of Alaska propose a constitutional amendment that would permit the election of the attorney general?

Yes [] No []

* Sec. 22. This Act takes effect immediately in accordance with AS 01.10.070(c).

Judiciary and Finance

BY UEHLING, WARD, BARNES, ABOOD, TISCHER, HAYES AND LISKA

IN THE HOUSE

HOUSE JOINT RESOLUTION NO. 7

IN THE LEGISLATURE OF THE STATE OF ALASKA THIRTEENTH LEGISLATURE - FIRST SESSION

Proposing amendments to the Constitution of the State of Alaska relating to the election of the attorney general and to procedures governing the election and term for state offices to be elected under the constitution.

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

* Section 1. Article III, sec. 23, Constitution of the State of Alaska is amended to read:

SECTION 23. REORGANIZATION. (a) Except as provided in (b) of this section, the [THE] governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. The legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members in joint session, these orders become effective at a date thereafter to be designated by the governor.

(b) The governor shall make no change in the organization or function of any unit of the executive branch which is headed by the attorney general.

* Sec. 2. Article III, sec. 24, Constitution of the State of Alaska is amended to read:

SECTION 24. SUPERVISION. Except for any unit of the executive branch which is headed by the attorney general, each [EACH] principal department shall be under the supervision of the governor.

* Sec. 3. Article III, sec. 25, Constitution of the State of Alaska is repealed and readopted to read:

SECTION 25. DEPARTMENT HEADS. The head of each principal department shall be a single executive unless otherwise provided by law. He shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and shall serve at the pleasure of the governor, except as otherwise provided in this article with respect to the lieutenant governor and the attorney general. The heads of all principal departments shall be citizens of the United States.

* Sec. 4. Article III, Constitution of the State of Alaska is amended by adding new sections to read:

SECTION 28. ATTORNEY GENERAL: QUALIFICATIONS.

There shall be an attorney general. He shall be at least thirty years of age and a qualified voter of the State. He shall have been a resident of Alaska at least five years immediately preceding his filing for office, and he shall have been a citizen of the United States for at least seven years. He shall be licensed to practice law in the State and shall possess additional qualifications prescribed by law.

SECTION 29. ELECTION OF ATTORNEY GENERAL. The attorney general shall be chosen by the qualified voters of the State on nonpartisan ballots. Candidates for attorney general shall file for the office as prescribed by law. The candidates receiving the greatest and the second greatest number of votes on a nonpartisan ballot at the primary election shall be candidates in the general election. The candidate receiving the greatest number of votes on a nonpartisan ballot at the general election shall be attorney general.

SECTION 30. LIMIT ON TENURE. No person who has been elected attorney general for two full successive terms shall be again eligible to hold that office until one full term has intervened.

SECTION 31. VACANCY. In case of a vacancy in the office of attorney general for any reason, a successor shall be elected for the remainder of the unexpired term at the first general election occurring not less than 90 days after the office becomes vacant. The governor may appoint a qualified person to fill the office between the date it becomes vacant and the date it is filled by election.

SECTION 32. COMPENSATION. The compensation of the attorney general shall be prescribed by law and shall not be diminished during his term of office, unless by general law applying to all salaried officers of the State.

SECTION 33. DUTIES. The attorney general shall be the legal adviser of the state officers, and shall perform other duties prescribed by law.

SECTION 34. ELECTION AND TERM OF NEWLY ESTABLISHED ELECTED STATE OFFICES. The first election for a state office required by the constitution to be elected shall occur at the first general election occurring after the office is established under the constitution. If a vacancy occurs in the office before the first general election held after the office is established under the constitution, the office shall be filled under the law as it existed before the office was established under the constitution. Except as otherwise provided in the constitution, the term of office of a state office required by the constitution to be elected begins at noon on the first Monday in December following the general election for that office and it expires at noon on the first Monday in December four years later.

* Sec. 5. Article XIII, Constitution of the State of Alaska, is amended by adding a new section to read:

SECTION 5. TERM OF ATTORNEY GENERAL ELECTED IN 1984. The term of office of the attorney general elected in the 1984 general election shall be two years and it expires at noon on the first Monday in December, 1986. The attorney general elected in the 1986 general election and each attorney general elected after 1986 shall serve the full four-year term of office.

* Sec. 6. The amendments proposed by this resolution shall be placed before the voters of the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the State of Alaska, and the election laws of the state.

My name is Mike Coons from Palmer and speaking for myself.

I wonder why it is that the minority is so against valid, thoughtful and positive amendments to the Alaska Constitution? Yet, they want inflation proofing for education which will violate the Alaska Constitution which says no binding of expenditures for future legislatures (Article 9, section 12). Yet, the minority, when they lose a key vote, they resort to endorsing an election to over-ride solid legislation, which then creates conflict and uncertainty for business, which then impacts substantially on the income to the State!

HJR 18 puts in the hands of We the People, the election of a major key player for Alaska. We presently have an United States AG, Eric Holder, who is totally political, appointed by a President who is doing all he can to be the first dictator and supportive of unlawful executive orders.

With our present appointment process of the State AG, could this happen as well with an out of control Governor and AG as his cohort? Yes, it could because he/she is appointed, not elected. As an elected AG, this could happen still but we have the ability to recall as per Article 11, section 8.

The present AG's are fulfilling their office for an average of 18 months vs the full 4 years. This is creating leadership problems in the Department of Law and less consistency in effective fights against an over-reaching and growing Federal dictatorship in Washington D.C. We need consistency in the Department of Law, with people who work for We the People, not an administration. As with big government, once a bureaucrat is hired, they stay until they die or quit. I am sure, based on opinions I have seen on legislation, that this is the case with lawyers in the department that got there under more progressive AG's and Governors. We need an AG who can clean house of progressive lawyers who mis-interpret the law and far too many times give bad advice to the legislature on bills.

I fully support the election of the AG, not on the same ballot as those running for Governor and Lt Governor. This position needs to be totally separate from the Governor. True, we may then get a AG from the opposite party than the Governor. Yes, that could be an adversarial situation and may create division, in my view that can be a good thing. But in the case of Katy John, it would have been good to have an AG that would have stood against Governor Knowles on his dropping that case, for our State Sovereignty today may look a lot different if that had gone forward to the US Supreme Court!

Please pass out HJR 18 and let's get us, the voters, We the People to review, debate and vote this up or down!

Mike Coons
5200 N Dorothy Drive
Palmer, AK 99645
745-6779

This is an article by the former Attorney General, Norman Gorsuch, which discusses the argument on both sides.

--Max

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The Alaska Attorney General: Elected or Appointed?

by Norman C. Gorsuch

The office of state attorneys general can either strengthen or check the executive branch. The Alaska attorney general plays a significant role in public policy-making. Currently, Alaska's governor appoints the state attorney general, and until the argument about the range of executive power is settled, the controversy about the the office's election or appointment will persist.

A History and Description of the Office of the Attorney General

The first office of the attorney general was created in 1461 when the King of England appointed a person to direct all of his representatives who appeared in the royal courts. The common law decisions of these courts defined the attorney general's duties, which, in essence, were to protect the royal property, prerogatives, and revenue, and to prosecute those persons accused of committing crimes. Examples of these duties included recovering for damages done to royal property, regulating public charities and trusts, repealing grants and patents, and prosecuting misdemeanor and felony crimes. By 1700, the attorney general was accorded membership in

Parliament to explain crown legislation. ⁽¹⁾

When the American Colonies were settled, colonial attorneys general were appointed by the royal governors and were deemed to exercise all of the common law powers inherent in the office of the attorney general of England. After the Revolutionary War, the new state courts decided that the common law powers exercised by the Attorney General of England and discussed above were an inherent part of the office of state attorney general. In addition, most states ratified this grant of powers in state constitutions or statutes. ⁽²⁾

The method of selecting state attorneys general evolved in stages. Prior to Andrew Jackson's presidency, most states provided for the appointment of the attorney general by the governor or legislature. With the advent of Andrew Jackson's presidency, the concept of sovereign democracy emerged. The people were seen as the source of sovereign power, and they exercised it through popularly elected officials. In the late nineteenth century, states began to require the election of the attorney general. Today, 44 states elect the attor-

ney general. Of the six states that appoint the attorney general, most provide for appointment by the governor, and some by the legislature or the state supreme court. ⁽³⁾

With the evolution of sovereign democracy, state courts decided that state attorneys general now represented the rights, prerogatives, and interests of the general public in carrying out their common law duties of office. In effect the courts substituted the public for the king as the client of the attorney general, thus giving the attorney general the power to protect public prerogatives, property and revenue. Indeed, there are several state supreme court opinions which hold that an attorney general may bring any action in court deemed necessary to enforce or protect any public right or interest and as a corollary power may exercise virtually plenary discretion in the disposition of such action. However, while state attorneys general possess these common law powers, state constitutions or statutes may limit or preclude the exercise of some or all of them. ⁽⁴⁾

Another development in the United States has been the expansion of the

powers of state attorneys general through the delegation of direct statutory grants of authority by the various state legislatures. For example, in most states, there are anti-trust and consumer protection trade regulation laws and the power to enforce them is delegated by most legislatures to the attorney general. ⁽⁵⁾

Finally, the office of the state attorney general has been strengthened as an advocate for the people on a broad range of issues for reasons relating to its institutional characteristics. First, the office possesses a firm place in the tradition of English and American institutions; second, the office is a statewide one and, therefore, it has the advantages and disadvantages of statewide exposure and argument; third, the office is also closely connected to the state's political chief executive through the powers to give legal counsel to state agencies and to represent them in litigation; fourth, the office has a close connection to the judicial system; and fifth, the office is staffed by attorneys, and thus, a natural power base exists in the legal community of the state based upon the professional relationship among members of the Bar. ⁽⁶⁾

The Role of State Attorneys General in Public Policy Decisions

It is practically impossible to make any public decision without knowing first, the legal parameters within which the agency or public official may act; and second, the adverse legal consequences

of proposed courses of action within those parameters. For example, actions outside the scope of a public official's statutory powers could expose the official to personal liability for any damages caused as a result of the action.

Frequently, the practical boundaries of these legal parameters are determined by political constraints. Thus, in many public decisions involving legal issues, attorneys general play a significant indirect role through furnishing legal advice to help public officials balance the adverse legal consequences of their decisions within those politically imposed parameters. An example of this balancing occurs when deciding what can constitutionally be done to ensure local Alaskan hire by out-of-state companies when the most direct way to do so through mandating it by statute is unconstitutional based on cases decided by the Alaska and U.S. supreme courts. In this area, the legislature enacted a bill allowing the Alaska commissioner of labor to designate economically distressed zones based on economic and employment characteristics and require local hire on public projects within those zones. The bill was drafted with the state attorney general's advice. It was not totally politically acceptable, but was the best legal position constitutionally permitted based upon U.S. Supreme Court opinions. Even this new one has been challenged by a contractor as unconstitutional. Therefore, this issue will once

again be reviewed by the appellate courts.

The legal advice given to state officials engaged in making these public decisions is frequently found in advisory opinions, a written memorandum from the attorney general which answers a question of law posed by any public official in the state executive or legislative branch of government. This mechanism, next to oral advice, is the most frequently utilized tool in public legal practice and plays an important role in policy decisions.

The legal status of opinions by attorneys general has been interpreted frequently by the courts. This status varies from state to state. The judiciary and the legislature generally treat them as persuasive, but not controlling on the legal issues they address. Several state courts and some state statutes provide that public officials of the executive branch are bound by them. Even where they are not recognized as binding on executive branch officials, most recipients follow them. The advantages in complying with them are, first, it can shield the official from the political consequences of a decision; and second, it allows the public official to retain official immunity from any personal liability for actions taken in reliance on the opinion. ⁽⁷⁾

The Powers, Duties and Role of the Attorney General in Other States

The powers and duties of other state attorneys general range from a maxi-

*In Support of Election:
"An elected attorney general would be 'the
people's attorney' and function as an
ombudsman and watchdog for them."*

mum of highly centralized, exclusive authority to provide legal counsel to the state, litigate on behalf of the state and prosecute crimes to a minimum of shared state legal authority with no statewide criminal prosecution jurisdiction. For example, state attorneys general do not possess statewide criminal prosecution jurisdiction with the exception of Delaware, Rhode Island, and Alaska. In other states criminal prosecution is conducted by elected or appointed municipal, county or city district attorneys.

In addition, attorneys general usually do not have exclusive authority to represent the state in litigation or to be the exclusive legal advisor to state agencies. In many states, the governor's office has its own general counsel and many state agencies have their own house counsel. In those states, the attorney general represents the governor or agencies only in court. Legal advice to the governor or agency prior to litigation is furnished frequently by house counsel. In most states, while the attorney general issues official opinions upon request and thus, can influence public policy decisions; frequently, the attorney general does not play a significant policy making role within the state administration because the attorney general is a competing elected official. Exceptions to this situation exist when the governor and attorney general are political allies, share the same philosophy, or are personal friends. ⁽⁸⁾

The Powers, Duties and Role of the Attorney General of Alaska

In Alaska, the attorney general is a member of the governor's cabinet. As such, the office functions as the general counsel to the governor and state officials. Thus, the attorney general plays a constant role in the development and formulation of public policy on a wide range of issues.

In addition, the Alaska Supreme Court has stated that the attorney general has the exclusive authority in the state government to make any and all decisions relating to the disposition of any state litigation and the exercise of this discretion by the attorney general within constitutional bounds is not subject to judicial review. However, in order to maintain good attorney-client relations, the attorney general rarely exercises such authority without consultation with and concurrence by the state agencies involved. In major cases, the attorney general also consults with the governor and, if necessary, the legislature. ⁽⁹⁾

The Alaska attorney general is appointed by the governor, confirmed by the legislature, and serves at the pleasure of the governor. In Sections 44.23.010-060 of the Alaska Statutes, the legislature created the Office of the Attorney General as Chief of the State Department of Law and vested that department with certain powers. Those powers are as follows:

1. Possession of authority as the ex-

clusive legal advisor to the state executive branch of government, exercising this power through the drafting or reviewing of all executive branch legal instruments and legislation, and the rendering of legal opinions;

2. Representation of the state in all civil litigation;

3. Prosecution of all violations of state criminal laws;

4. Initiation of actions to collect state revenue;

5. Recommendation to the legislature of necessary changes in the laws;

6. Promotion of uniform laws adoption;

7. Preparation of information on landlord and tenant rights;

8. Possession of exclusive authority to enforce the consumer protection and anti-trust laws; and

9. Possession of all common law powers generally inherent in the office of the attorney general. Thus, the Alaska attorney general is an example of the highly centralized exclusive legal authority model.

Arguments in Support of Electing the Attorney General

The theme in the arguments supporting the election the attorney general is a simple one focusing on the independence that direct election would give the office. An elected attorney general would be "the people's attorney" and function as an ombudsman and watchdog for them. Independent

election would mean that the attorney general was not the creature of a particular administration. As such, the attorney general would be free to render legal opinions solely on the basis of the law and not as a legal advocate for the administration. In addition, it is argued that an elected attorney general would be free to oppose policies of the state government that are considered inconsistent with the law and to investigate and prosecute apparent wrongdoing both in and out of government without fear or favor. ⁽¹⁰⁾

Also, it is argued that the attorney general is elected in 44 states and the concept appears to be working in those jurisdictions. Some also argue that the attorney general's work is in areas where the governor has little or no interest, such as consumer protection, antitrust enforcement, and criminal prosecution. Thus, much of the work does not interfere with the executive responsibilities of the governor's office so that the results of the electoral competition are not as severe as supporters of the appointment process argue. It is also argued that if a governor wants house counsel to furnish legal advice to the governor's office, most governors can appoint such staff counsel. Furthermore, proponents of election argue it is not even necessary for the attorney general to act as general counsel to the governor's office. In addition, some also argue that because of the legal power of the office, an attorney general's duties are of a higher

order, similar to that of a judge, and therefore, the attorney general should have the elected independence of a judge. ⁽¹¹⁾

Arguments in Support of Appointing the Attorney General

The arguments in opposition to the election of the attorney general and in support of appointment by the governor are more complex because of the need to discuss how an appointed attorney general impacts the structure and relationships within the executive branch of state government. The focus of the argument is based upon the need to strengthen the executive branch of government through the appointive power of the chief executive. ⁽¹²⁾

Proponents of the appointment process believe that good management requires an appointed attorney general so that the governor can have a philosophically compatible, cohesive, and unified team to carry out the responsibilities of the executive branch of government. Thus, the political accountability for actions of the executive branch and the executive responsibility for those actions are lodged in the office of the governor. It is clear where the responsibility lies and the governor is the one answerable to the public. ⁽¹³⁾

In addition, they argue that when governors are forced to deal with a competing elected attorney general, there may be some question as to whether or not the advice, no matter

how wise or legally sound, will be taken or looked upon with suspicion and hostility, thus giving rise to conflict. This is because the governor and attorney general would be bringing different policy perspectives to the same public issue. These perspectives may be rooted in different constituency bases. As both are elected, neither one can be considered a final authority to resolve the issue.

Some argue that electing the attorney general can delay the policy resolution process. They point out that in many states with an elected attorney general, governors appoint their own general counsel and, in addition, house counsel are appointed frequently by state agencies accountable to the governor. These house counsel may provide conflicting legal advice to that of the elected attorney general. The effect of this conflicting advice can be to delay resolution of those issues within the executive branch. In addition, whenever there is litigation involving state agencies, house counsel may file friend of the court briefs or otherwise intervene in court asserting a position on legal issues different from

that of the elected attorney general. Proponents of the appointment process argue that those different positions can confuse the legislature, the public, and the courts on the executive branch policy. ⁽¹⁴⁾

Advocates of appointing the attorney general also argue that electing the attorney general will increase state operating budgets. First, the governor

*In Support of Appointment:
"Good management requires an appointed
attorney general so that the governor can have
a philosophically compatible, cohesive and
unified team . . . "*

will insist on a general counsel and house counsel for agencies that are responsible to the governor's office. Thus, it will be necessary to pay for an additional layer of attorneys in the executive branch. Second, in order to maximize the perceived benefits of election, the elected attorney general must have additional, duplicate, independent support staff, not answerable to the governor, to execute personnel, budget, and other administrative policy or the governor could unfairly infringe on the attorney general's independence of action.

In response to the argument that only an elected attorney general can investigate and prosecute wrongdoing in state government with the appropriate degree of independence, proponents of the appointment process argue that the attorney general is not the governor's personal lawyer but the attorney for the institution of the governor's office.

Also, they point out that as a member of the legal profession, the attorney general is affiliated with the judiciary and functions as an officer of the court. Thus the appointed attorney general possesses the prerequisite professional independence from the governor. They believe that the appointed attorney general is capable of investigating all officials of the executive branch of government, including the governor, and prosecuting wrongdoing if necessary.

This is because of constraints placed upon the holder of the office by the statutes, regulations, rules of court, and

canons of professional and prosecutorial ethics which require the attorney general to act in these criminal matters based only upon the evidence, the law, and the canons. They also believe that to make decisions in these matters based upon personal and political reasons exposes the appointed attorney general to charges of obstruction of justice and the possibility of suspension or disbarment from the legal profession.

Subsidiary arguments in support of appointing the attorney general can also be made. Some argue that appointed attorneys general do "represent the public" and the misperception that they do not is created because they have no need to generate favorable publicity by constantly calling attention to external achievements in order to create an image as "the people's attorney." It is also argued that the appointed attorney general acts just like an ombudsman through the rendering of legal advice to state officials as a member of the governor's team. This advice helps to ensure that these officials comply with the statutes and regulations governing their programs, and enforce fairness and impartiality in government dealings with the public.

Another argument in support of appointment is that an elected attorney general must allocate time to fund raising and other political activities, thus detracting from that required to manage the attorney general's office and resulting in a reduced credibility for the office

because it will be perceived to be too "political." Legal opinions issued by an appointed attorney general are likely to be more professional because there is no need to pay attention to political polls when considering legal issues.

Some argue that interpreting the law and running a large law office are essentially technical tasks and it is not necessary that the official charged with these duties be elected. Also, it is believed that highly qualified attorneys would not become attorneys general if they had to run in a statewide election.

Finally, those who argue for appointment also have some tradition on their side. They state that no one has ever seriously suggested electing the United States attorney general. They believe that the people do participate in the selection of the appointed attorney general through their legislator when the legislature conducts the confirmation process, not unlike the advice and consent of the U.S. Senate over presidential nominees for attorney general.⁽¹⁶⁾

Conclusion

The underlying issue in these arguments is how the election of the Alaska attorney general affects the balance of power among the branches of state government and the policy-making process within the executive branch of government. In essence the argument revolves around whether one believes in a strong or weak executive branch

of government. The current strength of the Alaska executive in exercising its authority is its ability to speak with one voice. When the attorney general is elected, the ability of the executive branch to speak with one voice to the legislature, the judiciary and the public is altered and the accountability for executive branch actions is split. If one believes that the power of the executive branch should be divided or decentralized through direct electoral accountability of some of its parts, then one generally supports election of the attorney general.

An elected attorney general has specific constitutional and statutory duties of an executive nature. Those duties may include litigating civil law suits to enforce compliance with state law and to protect state interests and prosecuting violations of state criminal law. Both civil and criminal enforcement are based on the police power to protect the health, welfare and safety of society. These enforcement functions are a key element of executive authority, in essence, the power to force compliance with the law.

If the attorney general is elected, this power to enforce state law will be split between two elected officials. Those who support election believe this split serves to check potential abuses of executive power and makes the executive more responsive. Those who support appointment believe this system leads to

frustration, delay, and a lack of responsiveness by the executive branch of government. Thus, depending on one's philosophy of government, the same facts are viewed quite differently. As the discussion demonstrates, this debate is really about two different views of state government and is not new in our history. The historical development of state constitutions in the country reflects this quandary of a strong versus a weak executive. Debate over the election of the attorney general is only a part of this larger issue.

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References and Notes

(1) See generally *State v. Finch*, 280 P. 910 (Kan. 1928); A. Sill (Attorney General of New Jersey), *Common Law Powers of the Attorney General* 1-6 (1967); 7 Am. Jur. 2d *Attorney General* Sec. 9, at 7-8 (1980). In addition, the common law powers of the attorney general eventually were summarized in Blackstone. Blackstone concluded that the attorney general could investigate and prosecute actions necessary to protect the real property of the King, review lands and chattels that should be held by the King, repeal royal grants or patents, recover for damages done to royal property, possess unclaimed property, examine the basis of an individual's claim to office, franchise, or privilege, compel admission and remission of a properly appointed official to his office, ensure proper maintenance of public charities and trusts, and initiate, without prior

indictment by grand jury, misdemeanor; criminal prosecutions and, after grand jury indictment, felony prosecutions. 3 W. Blackstone, *Commentaries* 27, 257-64, 427; see A. Sills, *supra*.

(2) *People v. Kramer*, 68 N.Y. Supp. 383, 386 (1900); National Association of Attorneys General, *Powers, Duties and Operations of the State Attorneys General* 77-79 (1977). A partial listing of the common law powers found to be inherent in the office of the attorney general by several state court decisions can be summarized.

Attorneys general have the power to:

- 1) Recover damages for unlawfully removed sand and gravel from state tidewater lands;
- 2) Abate public nuisances through equitable actions;
- 3) Intervene in lawsuits over contested wills when the state has a possible interest;
- 4) Challenge a reduction of state tax assessments;
- 5) Institute actions to collect unpaid taxes and premiums for a state worker's compensation fund;
- 6) Seek removal of public officials for misconduct in office;
- 7) Proceed in equity to cancel the fraudulent registration of voters;
- 8) Enforce the restricted provisions of a deed from the state;
- 9) Enforce public and charitable trusts;
- 10) Bring suit to cancel a fraudulently procured United States patent for either land or an invention;
- 11) Intervene when the constitutionality of a state statute is attacked;
- 12) Challenge the constitutionality of a state statute;
- 13) Investigate criminal activities and appear

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before a grand jury; 14) Institute and dismiss criminal proceedings; 15) Supersede the local district attorneys in criminal prosecutions; 16) Make any bona fide disposition of these actions that in his or her judgment would be in the best interest of the public. A. Sills, *supra*, at 8-9.

(3) NAAG, *supra*, at 77-79.

(4) 7 Am. Jur. 2d *Attorney General* Sec. 9, at 7-8; Sec. 18, at 22-23. See *Public Defender Agency v. Superior Court*, 534 P.2d 947, 950-51 (Alaska 1975); *State ex rel. Shevin v. Yarborough*, 257 S.2d 891 (Fla. 1972); *State v. Finch*, 280 P. 910, 911-12 (Kan. 1929); *Board of Public Utilities Commissioners v. Lehigh Valley Railway Co.*, 149 A. 263 (N.J. 1930).

(5) See, e.g., AS 45; see generally *National Association of Attorneys, Powers, Duties and Operations of State Attorneys General* (1977)

(6) See generally T. Morris and W. Thompson, *The Attorney General as Public Advocate* 2 (1985).

(7) *National Association of Attorneys General, Representing State Agencies* (1979); 7 AM. Jur. 2d *Attorney General* Sec. 11, at 10-12.

(8) See generally *National Association of Attorneys General, The Structure of State Legal Services* 20-38 (1977)

(9) *Public Defender Agency v. Superior Court*, 534 P.2d 947, 950-51 (Alaska 1975).

(10) Report of Maryland Attorney General Francis B. Birch to the Constitutional Convention of Maryland (Sept.

29, 1967); Position Paper by New York Attorney General Lewis J. Lefkowitz, Constitutional Convention Committee on the Executive Branch (June 1, 1967); *Attorney General Should Be Elected—Not Appointed*, Attorney General Clarence A.H. Meyer, Outline of Remarks, Nebraska Constitutional Convention. See generally *National Association of Attorneys General, Powers, Duties and Operations of State Attorneys General* (1977); transcript of testimony House State Affairs Committee on HB 456 ("an Act authorizing an advisory vote by the qualified voters of the state on the question of the election of the attorney general") (Jan. 20, 1984).

(11) See note 10, *supra*.

(12) *National Municipal League, Model State Constitution* 65-66 (6th ed. 1963).

(13) See generally letter from Attorney General Norman C. Gorsuch to Senator Patrick Rodey, Chairman of Senate Judiciary Committee, discussing SJR 9 ("Elected Attorney General") (Apr. 23, 1985); transcript of testimony, House State Affairs Committee, on HB 456 (Jan. 20, 1984).

(14) *National Governors Conference, Center for Policy, Research, and Analysis, Legal Advice for the Governor* (1976).

(15) See note 13, *supra*.

(16) *Id.* 4

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