

HJR

28

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ALASKA STATE LEGISLATURE



REPRESENTATIVE GARA
REPRESENTATIVE KAWASAKI

MEMORANDUM

DATE: February 26, 2014
TO: Representative Lynn
FROM: Representative Les Gara
RE: Hearing Request for HJR 28: Non-partisan redistricting board

I respectfully request that House Joint Resolution 28, relating to a Constitutional amendment for a non-partisan redistricting board, be scheduled for a hearing in the State Affairs Committee. Please feel free to contact me, or my aide Toby Smith, with questions or thoughts at 465-2647.

Attached you will find a background packet for HJR 28. This includes the current version of the bill, a sponsor statement, and supporting documents.

Thank you for your consideration.

A handwritten signature in black ink, appearing to be "Les Gara".

Representative Les Gara

HOUSE JOINT RESOLUTION NO. 28

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE GARA

Introduced: 2/26/14

Referred:

A RESOLUTION

1 Proposing amendments to the Constitution of the State of Alaska relating to the
2 membership of the Redistricting Board.

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

4 * **Section 1.** Article VI, sec. 8, Constitution of the State of Alaska, is amended to read:

5 **Section 8. Redistricting Board.** (a) There shall be a redistricting board. It
6 shall consist of seven [FIVE] members, all of whom shall be registered voters in the
7 State [RESIDENTS OF THE STATE FOR AT LEAST ONE YEAR AND NONE OF
8 WHOM MAY BE PUBLIC EMPLOYEES OR OFFICIALS AT THE TIME OF OR
9 DURING THE TENURE OF APPOINTMENT. APPOINTMENTS SHALL BE
10 MADE WITHOUT REGARD TO POLITICAL AFFILIATION]. Board members
11 shall be compensated. **The board shall consist of**

12 **(1) three members affiliated with the political party with the**
13 **largest number of affiliated voters registered in the State selected in a manner**
14 **prescribed by that party's bylaws;**

15 **(2) three members affiliated with the political party with the**
16 **second largest number of affiliated voters registered in the State selected in a**

1 manner prescribed by that party's bylaws; and

2 (3) one member who is not affiliated with a political party and who
 3 has not been affiliated with a political party within the preceding ten years.

4 (b) Members of the Redistricting Board serving under (a) of this section
 5 shall be selected as provided in (e) of this section [APPOINTED IN THE YEAR IN
 6 WHICH AN OFFICIAL DECENNIAL CENSUS OF THE UNITED STATES IS
 7 TAKEN AND BY SEPTEMBER 1 OF THAT YEAR. THE GOVERNOR SHALL
 8 APPOINT TWO MEMBERS OF THE BOARD. THE PRESIDING OFFICER OF
 9 THE SENATE, THE PRESIDING OFFICER OF THE HOUSE OF
 10 REPRESENTATIVES, AND THE CHIEF JUSTICE OF THE SUPREME COURT
 11 SHALL EACH APPOINT ONE MEMBER OF THE BOARD. THE
 12 APPOINTMENTS TO THE BOARD SHALL BE MADE IN THE ORDER LISTED
 13 IN THIS SUBSECTION. AT LEAST ONE BOARD MEMBER SHALL BE A
 14 RESIDENT OF EACH JUDICIAL DISTRICT THAT EXISTED ON JANUARY 1,
 15 1999].

16 (c) Board members serve until a final plan for redistricting and proclamation
 17 of redistricting has been adopted and all challenges to it brought under Section 11 of
 18 this article have been resolved after final remand or affirmation.

19 (d) [(c)] A person who was a member of the Redistricting Board at any time
 20 during the process leading to final adoption of a redistricting plan under Section 10 of
 21 this article may not be a candidate for the legislature until after the next decennial
 22 census of the United States and another Redistricting Board has adopted a [IN
 23 THE GENERAL ELECTION FOLLOWING THE ADOPTION OF THE] final
 24 redistricting plan.

25 * Sec. 2. Article VI, sec. 8, Constitution of the State of Alaska, is amended by adding a new
 26 subsection to read:

27 (e) The six members of the Redistricting Board selected under (a)(1) and (2)
 28 of this section shall, by majority vote, not later than December 1 of the year in which a
 29 decennial census of the United States is taken, select the seventh member of the board.
 30 If the seventh member has not been selected by December 1 or if the six members of
 31 the board notify the Supreme Court before December 1 that they are unable to agree

1 on a seventh member, the authority of the six members to select the seventh member is
2 withdrawn, and the seventh member shall be selected by the chief justice of the
3 supreme court unless, under a code of judicial conduct adopted by the supreme court,
4 the supreme court determines that selecting the seventh member creates a conflict of
5 interest for the chief justice, in which case the court shall choose another justice to
6 select the seventh member. The chief justice, or the alternate justice selected by the
7 court, shall select an individual that the justice determines is nonpartisan and not more
8 likely to philosophically side with members appointed by either of the largest two
9 political parties. The justice shall make the appointment as soon as practicable, but not
10 later than December 15.

11 * **Sec. 3.** Article VI, sec. 9, Constitution of the State of Alaska, is amended to read:

12 **Section 9. Board Actions.** The board shall elect one of its members chairman
13 and may employ temporary assistants. Concurrence of five [THREE] members of the
14 Redistricting Board is required for actions of the Board, but a lesser number may
15 conduct hearings. The board shall employ or contract for services of independent legal
16 counsel.

17 * **Sec. 4.** Article VI, sec. 10(b), Constitution of the State of Alaska, is amended to read:

18 (b) Adoption of a final redistricting plan shall require the affirmative votes of
19 five [THREE] members of the Redistricting Board.

20 * **Sec. 5.** The amendments proposed by this resolution shall be placed before the voters of
21 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
22 State of Alaska, and the election laws of the state.

ALASKA STATE LEGISLATURE



REPRESENTATIVE GARA
REPRESENTATIVE KAWASAKI

Sponsor Statement

House Joint Resolution 28

Proposing amendments to the Constitution for a non-partisan redistricting board

Intentionally tilting election lines in favor of one party puts party politics ahead of the public's right to free elections. Both parties have done that at times since Governor Elbridge Gerry, the Father of Gerrymandering, cheated for the first time in 1812. As the League of Women Voters Education Fund has stated, "the decennial redistricting process too often has made a mockery of our nation's ideal or truly representative democracy."

HJR 28 would let Alaska join nine other states with either non-partisan or bi-partisan redistricting. Alaskans have the right to have their votes counted, and not predetermined by legislative majorities and those in power who are given the discretion to draw districts in favor of their own political party.

As Gordon S. Harrison, former executive director of the Alaska Redistricting Board, stated in a report called *The Aftermath of In Re 2001 Redistricting Cases: The Need For a New Constitutional Scheme for Legislative Redistricting in Alaska*: "Toleration of partisan gerrymandering is unfortunate because gerrymandering is election fraud, no less pernicious than stuffing the ballot box or intimidating or bribing voters."

Under current Alaska law the Governor appoints two members, the House one and the Senate one. The Supreme Court picks the fifth person. For the 2012 Board, Governor Parnell picked two Republicans, and the House and Senate added another Republican each, creating the 4-1 GOP majority.

HJR 28 would create a bi-partisan redistricting process. Each of the two largest parties picks an even number of members, and those members choose a tiebreaking member. If they cannot agree then the Chief Justice of the Supreme Court is charged with picking a person the Justice certifies as non-partisan.