

SJR

12

<TARGET><BILL>SJR 12</BILL><SUBJECT>SJR
12</SUBJECT><COMM>SJUD29</COMM></TARGET>

SENATE COMMITTEE REPORT

DATE: 3/30/16

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 4/6/16

Judiciary Committee considered SENATE JOINT RESOLUTION NO. 12

SJR 12-CONST. AM: ELECTED ATTORNEY GENERAL

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

and recommends:

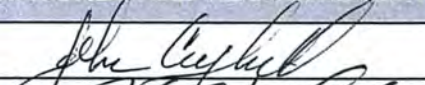
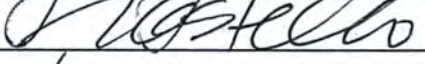

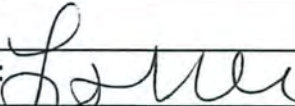
- be replaced with CS _____ (_____) Same Title New Title
- adopt previous CS _____ (_____) Same Title New Title
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
EED	MVA
DEC	DNR
DFG	DPS
GOV	REV
DHS	DOT
AJS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
GOV			✓	2
Leg			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	NO REC	AMEND
	COGHILL	✓			
	COSTELLO			✓	
	WIELECHOWSKI			✓	
CHAIR: 	MCGUIRE	✓			

ALASKA STATE LEGISLATURE

Chair:
Senate State Affairs Committee

Member:
Resources Committee
Health & Social Services Committee
Finance Subcommittees on:
Department of Fish and Game
Department of Administration
Department of Public Safety



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Sponsor Statement

Senate Joint Resolution 12

"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 SJR 12 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.

DISTRICT F

BUTTE • CHUGIAK • EKLUTNA • FAIRVIEW LOOP • GREATER PALMER
KNIK RIVER ROAD • LAZY MOUNTAIN • GATEWAY • PETERS CREEK

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	SJR 12
Fiscal Note Number:	1
(S) Publish Date:	3/30/2016

Identifier: SJR12-LEG-SESS-03-28-16
 Title: CONST. AM: ELECTED ATTORNEY GENERAL
 Sponsor: STOLTZE
 Requester: Senate State Affairs

Department:
 Appropriation:
 Allocation:
 OMB Component Number: 0

Expenditures/Revenues

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

	FY2017	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2017 Request	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES	FY 2017	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
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 (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) 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, One Page, Zero Note

Prepared By: Jessica Geary, Finance Manager
 Division: Legislative Affairs Agency
 Approved By: Pam Vami, Executive Director
 Agency: Legislative Affairs Agency

Phone: (907)465-6626
 Date: 03/28/2016 01:04 PM
 Date: 03/28/2016

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	SJR 12
Fiscal Note Number:	2
(S) Publish Date:	3/30/2016

Identifier: SJR012-OOG-3-29-16
 Title: CONST. AM: ELECTED ATTORNEY GENERAL
 Sponsor: STOLTZE
 Requester: Senate 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)

	FY2017	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2017 Request	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES	FY 2017	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
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 (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) 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:

Not applicable, initial version.

Prepared By:	Josie Bahnke, Director	Phone:	(907)465-4611
Division:	Division of Elections	Date:	03/29/2016 08:30 AM
Approved By:	Guy Bell, Administrative Director	Date:	03/29/16
Agency:	Division of Administrative Services, Office of the Governor		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Analysis

Passage of this resolution would require the constitutional amendment to appear on the 2016 general election ballot. The cost of providing information about the constitutional amendment in the Official Election Pamphlet, as required by AS 15.58, would be absorbed into the operating budget for the Division of Elections.

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.

PRESIDENT EGAN: Mr. Hellenenthal.

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, Lomborg, 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. McNeas 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.]

Alaska Dispatch News

Published on *Alaska Dispatch News* (<http://www.adn.com>)

[Home](#) > Bethel DA firing: Is it time for Alaska to elect attorneys general?

Donald Craig Mitchell

February 28, 2015

Main Image:

[Alaskan justice](#) ^[1]

Forty-three of the 50 states elect their attorney general. That fact crossed my mind recently when the Alaska Dispatch News reported that, at the direction of Gov. Bill Walker, Richard Svobodny, the deputy attorney general who supervises the criminal division at the Department of Law, flew to Bethel from Juneau to hand-deliver a letter to Bethel District Attorney June Stein ^[2] in which Gov. Bill Walker fired Stein without the professional courtesy of telling her why.

I do not know Stein. But I know Myron Angstman, who began practicing law in Bethel more than 40 years ago when I did, and who still practices there. When he heard that Walker had fired Stein, Myron told Bethel public media outlet KYUK ^[3] that in his dealings with her he had found Stein to be a "hard-working" and "competent" attorney. I also know that for every district attorney, Bethel is a difficult and depressing duty station. In 1974 when Myron and I arrived in Bethel, there was one district attorney. Today, in addition to Stein, six others are needed to handle caseloads that collectively document the extent to which Bethel and the surrounding villages are riven with domestic violence, child sexual abuse, violent assaults, and, most recently again in Bethel, yet another completely senseless alcohol-fueled murder.

The fact that Walker refused to explain to Stein ^[4] why her performance working in those conditions was so substandard that he had decided to fire her is particularly troubling because, according to ADN, the governor may have fired Stein for no reason other than that a Bethel attorney named James Valcarce, a campaign contributor and member of the Walker transition team who dislikes Stein, asked him to.

Equally troubling, Walker told ADN that a "number of people" other than Valcarce had complained to him about Stein. But the governor pointedly refused to identify those people or explain their complaints.

That reeks of Star Chamber caprice and unfairness.

Was Myron Naneng, the president of the Bethel-based Association of Village Council Presidents, one of the complainers? Was Julie Kitka, the president of the Alaska Federation of Natives, another? And would Walker have inserted himself as deeply into a department personnel matter about staffing a Bush office as he did without consulting Lt. Gov. Byron Mallott, whom the governor has given a virtual blank check to oversee rural policy for his administration?

While I do not know the answers to those questions, hopefully ADN and Alaska Public Media will do their jobs and find them.

But so far in the story of Stein's firing absolutely no mention has been made of the individual who should have been at the center of the story: Alaska Attorney General Craig Richards.

According to a former Alaska attorney general of my acquaintance, "If the governor receives a complaint about a district attorney the proper protocol is for the governor to refer the complaint to the attorney general. The attorney general then investigates the complaint. If the complaint is valid, the attorney general counsels the district attorney if he or she has been departing from Department of Law policy, transfers the district attorney to another office, or in a really bad case terminates the district attorney from his or her employment. But the termination comes from the attorney general. Not the governor."

Richards, who is Walker's former law partner, apparently did none of that. Why didn't he?

When Alaska was a territory the attorney general was an elected public official. And during the Alaska Constitutional Convention, Fairbanks delegate Frank Barr offered an amendment whose passage would have continued that practice by having the new state's attorney general "elected at the same time and in the same manner as the governor."

When he explained his amendment, Barr told the other delegates that if the attorney general was appointed by, and served at the pleasure of, the governor, and the governor "wanted to bulldoze something through" that was "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 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."

A majority of the delegates did not find that rationale persuasive, and they rejected Barr's amendment by a vote of 12 to 40. As a consequence, since statehood the attorney general of Alaska has been appointed by the governor and has served at the governor's pleasure.

If he had been an elected public official, would Attorney General Avrum Gross have signed off as easily as he did on Gov. Jay Hammond's flagrantly unconstitutional scheme to base the amount of each Alaska Permanent Fund dividend check on the number of years each Alaskan has lived in the state? Would Attorney General Bruce Botelho have had one legal position regarding tribal sovereignty when he served at Gov. Wally Hickel's pleasure and then the opposite position when he served Gov. Tony Knowles? And would Richards have allowed Walker to fire a department employee for reasons that may or may not have been blatantly political without affording that employee notice of, and an opportunity to refute, the complaints that had been made against her?

Those queries have nothing to do with Gross and Botelho, who are friends of mine, or with Richards, whom I do not know but who people whose opinions I respect tell me is a good man and a journeyman attorney.

Rather, they have to do with the structure of the Alaska Constitution. And they raise the question of whether a majority of delegates voted wrong when they rejected Barr's amendment at the constitutional convention to elect the attorney general.

If they voted wrong that is a mistake the Alaska Legislature can rectify by putting Barr's amendment to the state Constitution on the ballot in 2016 in order to let Alaska voters decide for themselves whether they want to elect their attorney general.

Whether the Legislature should do that merits public discussion. And the time to begin that discussion is during the soon to be held hearings the Senate and House Judiciary Committee hearings on Richards' confirmation.

Donald Craig Mitchell is an attorney in Anchorage. From 1977 to 1993, Mitchell was vice president, then general counsel for the Alaska Federation of Natives in Washington, D.C. He is the author of "Sold American: The Story of Alaska Natives and Their Land" and "Take My Land Take My Life: The Story of Congress's Historic Settlement of Alaska Native Land Claims," which the Alaska Historical Society recognized in 2006 as two of the most important books ever written about the history of Alaska.

The views expressed here are the writer's own and are not necessarily endorsed by Alaska Dispatch News, which welcomes a broad range of viewpoints. To submit a piece for consideration, email [commentary\(at\)alaskadispatch.com](mailto:commentary(at)alaskadispatch.com) [5].

Source URL: <http://www.adn.com/article/20150228/bethel-da-firing-it-time-alaska-elect-attorneys-general>

Links:

[1] <http://www.adn.com/image/alaskan-justice>

[2] <http://www.adn.com/article/20150223/walker-administration-fires-bethel-district-attorney>

[3] <http://kyuk.org/bethel-reacts-to-walker-administrations-firing-of-da/>

[4] <http://www.adn.com/article/20150224/walkers-firing-bethel-district-attorney-may-be-awkward-first>

[5] <mailto:commentary@alaskadispatch.com>

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

Election Date	Subject of Amendment	Provisions Affected	Resolution Number	Votes For	Votes Against
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 Legis. Session	Article II, Section 8	HJR 2 (1984)	150,999	46,099

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

Election Date	Subject of Amendment	Provisions Affected	Resolution Number	Votes For	Votes Against
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 amendments highlighted in red did not gain voter approval.

Current Governors and Attorneys General

State	Governor	Attorney General	Method of Selection
Alabama	Robert Bentley (R)	Luther Strange (R)	Elected
Alaska	Bill Walker (I)	Craig W. Richards (R)	Appointed by Governor
Arizona	Doug Ducey (R)	Mark Brnovich (R)	Elected
Arkansas	Asa Hutchinson (R)	Leslie Rutledge (R)	Elected
California	Jerry Brown (D)	Kamala Harris (D)	Elected
Colorado	John Hickenlooper (D)	Cynthia Coffman (R)	Elected
Connecticut	Dan Malloy (D)	George Jepsen (D)	Elected
Delaware	Jack Markell (D)	Matthew Denn (D)	Elected
Florida	Rick Scott (R)	Pam Bondi (R)	Elected
Georgia	Nathan Deal (R)	Sam Olens (R)	Elected
Hawaii	David Ige (D)	Douglas Chin (D)	Appointed by Governor
Idaho	C.L. "Butch" Otter (R)	Lawrence Wasden (R)	Elected
Illinois	Bruce Rauner (R)	Lisa Madigan (D)	Elected
Indiana	Mike Pence (R)	Greg Zoeller (R)	Elected
Iowa	Terry Branstad (R)	Thomas John Miller (D)	Elected
Kansas	Sam Brownback (R)	Derek Schmidt (R)	Elected
Kentucky	Matt Bevin (D)	Andy Beshear (D)	Elected
Louisiana	John Bel Edwards (D)	Jeff Landry (R)	Elected
Maine	Paul LePage (R)	Janet Mills (D)	Elected by Legislature
Maryland	Larry Hogan (R)	Brian Frosh (D)	Elected
Massachusetts	Charlie Baker (R)	Maura Healey (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	Pete Ricketts (R)	Doug Peterson (R)	Elected
Nevada	Brian Sandoval (R)	Adam Laxalt (R)	Elected
New Hampshire	Maggie Hassan (D)	Joseph Foster (D)	Appointed by Governor
New Jersey	Chris Christie (R)	Robert Lougy (R) (acting)	Appointed by Governor
New Mexico	Susana Martinez (R)	Hector Balderas (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	Kate Brown (D)	Ellen Rosenblum (D)	Elected
Pennsylvania	Tom Wolf (D)	Kathleen Kane (D)	Elected
Rhode Island	Gina Raimondo (D)	Peter 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)	Herbert Slatery (R)	Elected by Supreme Court
Texas	Greg Abbott (R)	Ken Paxton (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)	Brad Schimel (R)	Elected
Wyoming	Matthew Mead (R)	Peter Michael (R)	Appointed by Governor

5 States
1 by Leg
1 by Sp. Ct

Currently 14 states have a Governor and an Attorney General of different political parties; Alaska (Appointed by Governor), Colorado, Illinois, Iowa, Kentucky, Louisiana, Main (Elected by Legislature), Maryland, Massachusetts, Mississippi, Montana, New Mexico, North Carolina and West Virginia.

Current as of 03-28-16

Prepared by Senator Bill Stoltze's office for **SJR 12** using data from <http://www.nga.org> and <http://www.naag.org/>

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

Florida	<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
Georgia	<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
Hawaii	<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
Idaho	<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
Illinois	<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
Indiana	<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
Iowa	<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
Kansas	<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

Kentucky	<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
Louisiana	<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
Maine	<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
Maryland	<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
Massachusetts	<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
Michigan	<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
Minnesota	<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
Mississippi	<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
Missouri	<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

<p><u>Montana</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 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
<p><u>Nebraska</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 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
<p><u>Nevada</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 • 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
<p><u>New Hampshire</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. Governor is the only Statewide elected officer
<p><u>New Jersey</u></p>	<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.
<p><u>New Mexico</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 (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
<p><u>New York</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 • Attorney General: 4 year term, Election Cycle: 2014, 2018 • Comptroller: 4 year term, Election Cycle: 2014, 2018
<p><u>North Carolina</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 • 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
<p><u>North Dakota</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 • 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

<u>Texas</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 • 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
<u>Utah</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 • 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
<u>Vermont</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 • 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
<u>Virginia</u>	<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
<u>Washington</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 • 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
<u>West Virginia</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 • 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
<u>Wisconsin</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 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
<u>Wyoming</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 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



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Research Brief

TO: Senator Bill Stoltze
FROM: Patricia Young, Manager
DATE: March 2, 2015
RE: Proposals for an Elected Attorney General in Alaska
LRS Report 15.293

You asked for information on the history of measures before the Alaska Legislature proposing to change the state constitution such that the position of attorney general would be filled by election rather than by appointment, as is presently the case.

Intending to create an executive branch that was both unified and efficient, the delegates to the constitutional convention designed the document to avoid the fragmentation of executive authority that results from independently elected department heads. Committed to the principle of a strong and accountable governor, the delegates rebuffed several efforts to weaken the governor's control over the attorney general, including proposals to make the position elective.¹

Over the years, the possibility of amending the constitution to elect the attorney general has surfaced many times in legislation introduced by democrats as well as by republicans. Since 1973, two bills calling for advisory votes and 26 resolutions on the issue have been introduced. Senate Joint Resolution 12, currently before the 29th Legislature, is the 26th such resolution.²

The table on the following page lists sponsors and final status for each measure introduced from 1973 through March 1, 2015 (the 8th Legislature to the present). Most such measures died in their first committee, many without a hearing. Only five have reached a floor vote.

In regard to the arguments for and against changing the status quo, those in favor of an elected attorney general cite objectivity and independence from the interests of the governor. They contend that an elected attorney general is better able to vigorously safeguard interests of the state at times when those interests do not coincide precisely with a governor's political values.

Those who support the appointment process for the post, on the other hand, point out that, as politicians, elected attorneys general cannot be free from political influences. As one former attorney general put it, "Appointed AGs are lawyers who have an interest in politics and elected AGs are politicians who are lawyers."³ As such, the relationship between the governor and an elected attorney general may be adversarial as well as inefficient.

We hope this is helpful. If you have questions or need additional information, please let us know.

¹ As Delegate Ralph Rivers argued, "... 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 general of his own choice. Under [the proposal for an elected attorney general] 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. ... 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.'" *Proceedings of the Constitutional Convention*, p. 2198. We include as Attachment A, the original proposal for an elected attorney general (Proposal 45) from the Constitutional Convention as well as the discussion of the Issue (pp. 2193-2202).

² From Statehood through the present, introduced measures on this issue total two advisory votes and 41 resolutions (SJR 12 being the 41st).

³ Avrum Gross, testimony on SB 69 before the Senate Judiciary Committee, February 24, 1999.

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

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	
	HJR 44	Osterback	(H) JUD	
10th Legislature	SJR 14	Huber	(S) JUD	
	SJR 23	Bradley, W	failed (S)	vote: 11-07-02
11th Legislature	HJR 6	Martin	(H) STA	
	HJR 22	Barnes	failed (H)	vote: 16-22-02
12th Legislature	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	
21st Legislature	HJR 43	Coghill	(H) JUD	
	SB 69 (advisory vote)	Ward	(S) FIN	
	SJR 14	Ward	(S) RLS	
24th Legislature	SJR 32	Kelly (Pete)	(S) JUD	
	HJR 13	Crawford	(H) STA	
25th Legislature	SJR 7	Dyson	(S) STA	
	HJR 6	Crawford	(H) STA	
26th Legislature	HJR 4	Crawford	(H) STA	
27th Legislature	SJR 3	Davis	(S) JUD	
28th Legislature	HJR 18	Stoltze	(H) RLS	
29th Legislature	SJR 12	Stoltze	(S) STA	status as of March 1, 2015

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 - 29th Legislatures; as of March 1, 2015).

ATTORNEYS GENERAL

**Table 4.19
THE ATTORNEYS GENERAL, 2015**

<i>State or other jurisdiction</i>	<i>Name and party</i>	<i>Method of selection</i>	<i>Length of regular term in years</i>	<i>Date of first service</i>	<i>Present term ends</i>	<i>Number of previous terms</i>	<i>Maximum consecutive terms allowed</i>
Alabama.....	Luther Strange (R)	E	4	1/2011	1/2019	1	2
Alaska.....	Craig W. Richards (R)	A	...	12/2014	...	0	...
Arizona.....	Mark Brnovich (R)	E	4	1/2015	1/2019	0	2
Arkansas.....	Leslie Rutledge (R)	E	4	1/2015	1/2019	0	2
California.....	Kamala Harris (D)	E	4	1/2011	1/2019	1	2
Colorado.....	Cynthia Coffman (R)	E	4	1/2015	1/2019	0	2
Connecticut.....	George Jepsen (D)	E	4	1/2011	1/2019	1	★
Delaware.....	Matthew Denn (D)	E	4	1/2015	1/2019	0	★
Florida.....	Pam Bondi (R)	E	4	1/2011	1/2019	1	2
Georgia.....	Sam Olens (R)	E	4	1/2011	1/2019	1	★
Hawaii.....	Doug Chin (D)	A	4 (a)	1/2015	1/2019	0	...
Idaho.....	Lawrence Wasden (R)	E	4	1/2003	1/2019	3	★
Illinois.....	Lisa Madigan (D)	E	4	1/2003	1/2019	3	★
Indiana.....	Greg Zoeller (R)	E	4	1/2009	1/2017	1	★
Iowa.....	Tom Miller (D)	E	4	1/1979 (b)	1/2019	8 (b)	★
Kansas.....	Derek Schmidt (R)	E	4	1/2011	1/2019	1	★
Kentucky.....	Jack Conway (D)	E	4	12/2007	12/2016	1	2
Louisiana.....	James D. Caldwell (R)	E	4	1/2008	1/2016	1	★
Maine.....	Janet T. Mills (D)	L (c)	2	1/2011	...	1 (d)	4
Maryland.....	Brian Frosh (D)	E	4	1/2015	1/2019	0	★
Massachusetts.....	Maura Healey (D)	E	4	1/2015	1/2019	0	...
Michigan.....	Bill Schuette (R)	E	4	1/2011	1/2019	1	2
Minnesota.....	Lori Swanson (D)	E	4	1/2007	1/2019	2	★
Mississippi.....	Jim Hood (D)	E	4	1/2004	1/2016	2	★
Missouri.....	Chris Koster (D)	E	4	1/2009	1/2017	1	★
Montana.....	Tim Fox (R)	E	4	1/2013	1/2017	0	2
Nebraska.....	Doug Peterson (R)	E	4	1/2015	1/2019	0	★
Nevada.....	Adam Laxalt (R)	E	4	1/2015	1/2019	0	2
New Hampshire.....	Joseph A. Foster (D)	A	4	5/2013	1/2017	0	...
New Jersey.....	John Jay Hoffman (R) (e)	A	4	6/2013 (e)	(e)	0	...
New Mexico.....	Hector Balderas (D)	E	4	1/2015	1/2019	0	2 (f)
New York.....	Eric Schneiderman (D)	E	4	1/2011	1/2019	1	★
North Carolina.....	Roy Cooper (D)	E	4	1/2001	1/2017	3	★
North Dakota.....	Wayne Stenehjem (R)	E	4 (g)	1/2001	12/2019	3 (g)	★
Ohio.....	Mike Dewine (R)	E	4	1/2011	1/2019	1	2
Oklahoma.....	Scott Pruitt (R)	E	4	1/2011	1/2019	1	★
Oregon.....	Ellen F. Rosenblum (D)	E	4	6/2012 (i)	1/2017	0	★
Pennsylvania.....	Kathleen Kane (D) (h)	E	4	1/2013 (h)	1/2017	0	2
Rhode Island.....	Peter Kilmartin (D)	E	4	1/2011	1/2019	1	2
South Carolina.....	Alan Wilson (R)	E	4	1/2011	1/2019	1	★
South Dakota.....	Martin J. Jackley (R)	E	4	9/2009 (j)	1/2019	2	2 (f)
Tennessee.....	Herbert Slatery (R)	(k)	8	10/2014	8/2022	0	...
Texas.....	Ken Paxton (R)	E	4	1/2015	1/2019	0	★
Utah.....	Sean Reyes (R)	E	4	12/2013	1/2017	0	★
Vermont.....	William H. Sorrell (D)	E	2	5/1997 (l)	1/2017	7 (l)	★
Virginia.....	Mark Herring (D)	E	4	1/2014	1/2018	0	(m)
Washington.....	Bob Ferguson (D)	E	4	1/2013	1/2017	0	★
West Virginia.....	Patrick Morrisey (R)	E	4	1/2013	1/2017	0	★
Wisconsin.....	Brad Schimel (R)	E	4	1/2015	1/2019	0	★
Wyoming.....	Peter Michael (R)	A	...	7/2013	...	0	...
Dist. of Columbia.....	Karl Racine (D)	A	...	1/2015	1/2019	0	...
American Samoa.....	Talauega Eleasalo V. Ale (D)	A	4	1/2014	...	1	...
Guam.....	Elizabeth Barrett-Anderson (R)	E	4	1/2015	1/2019	0	...
No. Mariana Islands.....	Edward Manibusan (I)	A	4	11/2015	...	0	...
Puerto Rico.....	Cesar Miranda Rodriguez (PPD/D)	A	4	1/2014	...	0	...
U.S. Virgin Islands.....	James S. Carroll III (Acting)	A	4	5/2015	...	0	...

See footnotes at end of table.

THE ATTORNEYS GENERAL, 2015—Continued

Sources: National Association of Attorneys General and The Council of State Governments, January 2015.

Key:

- ★ — No provision specifying number of terms allowed.
- ... — No formal provision, position is appointed or elected by governmental entity (not chosen by the electorate).
- A — Appointed by the governor.
- E — Elected by the voters.
- L — Elected by the legislature.
- N.A. — Not available.
- (a) Term runs concurrently with the governor.
- (b) Attorney General Miller was elected in 1978, 1982, 1986, 1994, 1998, 2002, 2006, 2010 and 2014.
- (c) Chosen biennially by joint ballot of state senators and representatives.
- (d) Janet Mills previously served as Attorney General from Jan. 2001 through Jan. 2011.
- (e) On June 6, 2013, Gov. Christie appointed Attorney General Jeff Chiesa to fill the Senate seat left vacant by Sen. Frank Lautenberg's death. Chiesa will hold the seat on an interim basis until a special election can

be held on Oct 16, 2013. Currently John Jay Hoffman, former Executive Assistant Attorney General is serving as Acting Attorney General.

- (f) After two consecutive terms, must wait four years and/or one full term before being eligible again.
- (g) The term of the office of the elected official is four years, except that in 2004 the attorney general was elected for a term of two years.
- (h) Appointed to fill Tom Corbett's unexpired term after he was elected to Pennsylvania governor's office in May 2011.
- (i) Rosenblum was appointed by Gov. Kitzhaber on June 29, 2012 to fill the term left vacant when AG John Kroger resigned to become President of Reed College. She was elected in Nov. 2012 to a full term.
- (j) Appointed September 4, 2009 to fill Larry Long's unexpired term. AG Long resigned to accept a state judgeship.
- (k) Appointed by judges of state Supreme Court.
- (l) Appointed to fill unexpired term in May 1997. He was elected in 1998 to his first full term.
- (m) Provision specifying individual may hold office for an unlimited number of terms.
- (n) Must be confirmed by the Senate.

ATTORNEYS GENERAL

Table 4.20
ATTORNEYS GENERAL: QUALIFICATIONS FOR OFFICE

<i>State or other jurisdiction</i>	<i>Minimum age</i>	<i>U.S. citizen (years) (a)</i>	<i>State resident (years) (b)</i>	<i>Qualified voter (years)</i>	<i>Licensed attorney (years)</i>	<i>Membership in the state bar (years)</i>	<i>Method of selection to office</i>
Alabama.....	25	7	5	★	...	...	E
Alaska.....	18	★	...	...	★	★	A
Arizona.....	25	10	5	★	5	...	E
Arkansas.....	...	...	★	★	...	...	E
California.....	18	★	★	★	★	5	E
Colorado.....	27	★	2	★	★	...	E
Connecticut.....	18	★	★	★	10	10	E
Delaware.....	...	...	...	...	...	...	E
Florida.....	30	★	7	★	★	5	E
Georgia.....	25	10	4	★	7	7	E
Hawaii.....	...	1	1	...	★	(d)	A
Idaho.....	30	★	2	...	★	★	E
Illinois.....	25	★	3	★	★	★	E
Indiana.....	...	2	2	★	5	...	E
Iowa.....	18	★	★	...	...	...	E
Kansas.....	...	...	...	...	...	...	E
Kentucky.....	30	...	2 (e)	...	8	2	E
Louisiana.....	25	★	5	★	★	★	E
Maine.....	...	...	...	...	★	★	(f)
Maryland.....	...	★(g)	★	★	★	10	E
Massachusetts.....	18	...	5	★	...	★	E
Michigan.....	18	★	★	...	★	★	E
Minnesota.....	21	★	30 days	★	...	...	E
Mississippi.....	26	★	5	★	5	★	E
Missouri.....	...	★	1	...	...	...	E
Montana.....	25	★	2	...	5	★	E
Nebraska.....	...	...	★	...	...	...	E
Nevada.....	25	★	2	★	...	...	E
New Hampshire.....	...	★	★	...	★	★	A (h)
New Jersey.....	18	...	★	...	...	...	A
New Mexico.....	30	★	5	★	★	...	E
New York.....	30	★	5	...	(i)	...	E
North Carolina.....	21	★	★	★	★	(i)	E
North Dakota.....	25	★	5	★	★	★	E
Ohio.....	18	★	★	★	...	...	E
Oklahoma.....	31	★	★	10	...	...	E
Oregon.....	18	★	★	★	...	...	E
Pennsylvania.....	30	★	...	...	★	...	E
Rhode Island.....	18	...	...	...	★	★	E
South Carolina.....	...	★	30 days	★	★	★	E
South Dakota.....	18	★	★	★	(i)	(i)	E
Tennessee.....	...	...	...	...	...	...	(j)
Texas.....	...	...	...	...	(i)	(i)	E
Utah.....	25	★	5 (e)	★	★	★	E
Vermont.....	18	★	★	★	...	...	E
Virginia.....	30	★	1 (k)	★	...	5 (k)	E
Washington.....	18	★	★	★	★	★	E
West Virginia.....	25	...	5	★	...	...	E
Wisconsin.....	...	★	★	...	...	...	E
Wyoming.....	...	★	★	★	4	4	A (l)
Dist. of Columbia.....	...	...	★	...	★	★	A
American Samoa.....	...	...	(c)	...	(i)	(i)	A
Guam.....	...	...	...	...	...	...	A
No. Mariana Islands.....	...	...	3	...	5	...	A
Puerto Rico.....	...	★	...	...	★	★	A
U.S. Virgin Islands.....	...	...	★	★	★	★	A

Sources: The Council of State Governments' survey of attorneys general, state constitutions and statutes, January 2015.

Key:

- ★ — Formal provision; number of years not specified.
- ... — No formal provision.
- A — Appointed by governor.
- E — Elected by voters.
- (a) In some states you must be a U.S. citizen to be an elector, and must be an elector to run.
- (b) In some states you must be a state resident to be an elector, and must be an elector to run.
- (c) No statute specifically requires this, but the State Bar Act can be interpreted as making this a qualification.

(d) No period specified; all licensed attorneys are members of the state bar.

- (e) State citizenship requirement.
- (f) Chosen biennially by joint ballot of state senators and representatives.
- (g) *Crosse v. Board of Supervisors of Elections* 243 Md.555, 221A.2d431 (1966)—opinion rendered indicated that U.S. citizenship was, by necessity, a requirement for office.
- (h) Appointed by the governor and confirmed by the governor and the executive council.
- (i) Implied.
- (j) Appointed by state supreme court.
- (k) Same as qualifications of a judge of a court of record.
- (l) Must be confirmed by the Senate.