

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 8672
2477 HJ HJR 53 2477

apportionment provisions of the constitution. After trial of the suit, the District Court found that the apportionment both before and after the 1963 amendment resulted in the debasement of certain votes, and gave the general assembly until October 1, 1963, to reapportion itself in accordance with the Fourteenth Amendment. The District Court, having evidence of an apparent intention on the part of state officials not to comply with its instructions, enjoined the holding of any elections under the existing plans. This injunction was stayed by a Supreme Court justice pending outcome of the appeal.

The Supreme Court reviewed the facts of the Delaware situation and found the plan in force in Delaware to be unconstitutional. It affirmed the District Court's decision, and left it up to the District Court to determine.

"...whether it would be advisable, so as to avoid a possible disruption of state election processes and permit additional time for the Delaware Legislature to adopt a constitutionally valid apportionment scheme, to allow the 1964 election of Delaware legislators to be conducted pursuant to the provisions of the 1963 constitutional amendments, or whether those factors are insufficient to justify any further delay in the effectuation of appellants' constitutional rights." 32 LW 4588. [N.B. It appears that "appellants" in the preceding quote should read "appellees."]

The court approved the manner in which the District Court gave the Delaware legislature an opportunity to act, and its deferral of decision until after the November 1962 elections "because of the imminence of that election and the disruptive effect which its decision might have had." Taking exception to the attempt of the District Court to establish a mathematical figure by which constitutionality could be judged, the court said:

"Rather, the proper judicial approach is to ascertain whether, under the particular circumstances existing in the individual State whose legislative apportionment is at issue, there has been a faithful adherence to a plan of population-based representation, with such minor deviations only as may occur in recognizing certain factors that are free from any taint of arbitrariness or discrimination." /19

/19 For current status of legislative reapportionment in any state, see Appendix "C".

In proceedings challenging the constitutionality of Hawaii's legislative apportionment, the District Court for the District of Hawaii held that provisions of the Hawaii Constitution apportioning the state senate were unconstitutional under the Fourteenth Amendment to the federal constitution, and ordered the legislature to give the electorate an immediate opportunity, in a special election, to authorize a convention for the purpose of amending the state constitution, the court retaining jurisdiction so that it could reapportion the senate if the electorate failed to authorize the convention or if a suitable reapportionment amendment was not adopted by the convention and approved by the electorate. (238 F Supp 468) The court subsequently suspended its order that a special election be held, and ordered the legislature to enact a statute providing, on the basis of the number of registered voters, an interim plan of apportionment of the senate until the next general election. After the legislature enacted an interim senate reapportionment plan, the court disapproved it and ordered immediate resort to a convention, its disapproval of the plan being based upon the failure of the legislature to create single-member senatorial districts instead of using multimember districts. (240 F Supp 724)

On appeal, the U. S. Supreme Court vacated the District Court's orders and remanded the case for further proceedings. In an opinion by Justice Brennan, expressing the view of six members of the court, it was held that the legislature's freedom of choice to devise a reapportionment plan should not have been restricted by the District Court beyond the clear commands of the equal protection clause of the Fourteenth Amendment; that the legislature's use of multimember districts in its interim reapportionment plan was not shown to have constituted invidious discrimination in violation of the constitution; that the use of the number of registered voters as a basis for the interim plan was not shown to have produced a distribution of legislators substantially different from that which would have resulted from the use of a permissible population basis and was not unconstitutional; and that the District Court should adopt the legislature's interim plan, but should retain jurisdiction pending the effectuation of a permanent plan of legislative reapportionment.

Justice Harlan concurred in the result but expressed the view that an earlier Supreme Court decision involving legislative apportionment was constitutionally wrong, and that even under that decision an apportionment plan based on the number of registered voters should be considered permissible regardless of whether it approximates some other kind of a population apportionment.

III. APPORTIONMENT CASES IN ALASKA

NOLAN ET AL v. WADE, Civil Action No. 66-30, Superior Court, First Judicial District, Juneau. Memorandum opinion filed April 11, 1966.

For the first time, in either state or federal courts, the question of whether or not the Alaska State Senate was validly apportioned was raised in the above case. In addition, there was also raised the question of whether or not the governor's Proclamation of Reapportionment and Redistricting issued on September 3, 1965, was a valid exercise of executive authority and if not whether the 1965 elections could be held under the existing constitutional apportionment.

The parties conceded and the court found that the state Senate was invalidly apportioned under the equal protection clause of the Fourteenth Amendment of the U. S. Constitution.

The court held that the governor's proclamation was issued solely under the authority vested in him by Art. VI of the State Constitution, "Legislative Apportionment", and that the State Constitution gives no power to the governor to apportion the Senate. The court then directed that the 1966 elections be held under the existing provisions of the constitution and fixed December 1, 1967, as a reasonable date for enactment and adoption of a valid apportionment of the state Senate by constitutional amendment. The court retained jurisdiction of the case so that if a valid apportionment plan for the state Senate was not timely adopted, it could enter whatever order it considered necessary to permit a valid plan of apportionment to be used in the 1968 elections.

WADE v. NOLAN ET AL, 414 P2d 689 (1966)

The decision of the Superior Court was appealed to the Alaska Supreme Court. The Supreme Court agreed with the Superior Court that the state Senate was unconstitutionally apportioned because under the constitutional apportionment 30.7 per cent of the voters resided in districts which could elect a majority in the Senate.

However, the Supreme Court disagreed with the Superior Court which had held that the governor's reapportionment was invalid. The Supreme Court looked at Article VI of the constitution in detail. The court found that under Article VI reapportionment is an executive function in Alaska. The court looked at decisions from other states in which the question was where the authority lay to reapportion a frozen legislative body

on an interim basis. /20 It concluded that in such cases the courts recognized that the agency having the power of reapportionment could reapportion a "frozen" legislative body on an interim basis although not specifically granted that power by the constitution.

The court said that Article VI of the constitution as a whole and the appropriate convention minutes indicate the pervading purpose and intent of the convention was that reapportionment authority and responsibility be in the governor and the reapportionment board; "it is only reasonable to imply that it would have required the governor to periodically reapportion the Senate had it known that its frozen formula would be declared invalid." The court then held that the governor and the board had the implied power to reapportion the Senate on an interim basis.

/20 Buckley v. Hoff, 243 F Supp 191 (D. Vt. 1964); Faubus v. Kinney, 309 S.W.2d 887 (1965); In re Apportionment of Michigan Legislature, 137 N.W.2d 495 (1965)

IV. POSSIBLE DEVIATIONS FROM SUPREME COURT RULE

"ONE MAN, ONE VOTE"

It is clear that the principle which must underlie apportionment is "one-man, one-vote" in both houses. It presently appears that the only factor which a state may consider, apart from numbers, is political subdivisions.^{/21} The Supreme Court does not feel that there can be a mathematical standard for testing the constitutionality of apportionment with respect to the permissible variation from the one-man, one-vote standard, but that the state must "make an honest and good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as is practicable."^{/22} The deviation may be "such minor deviations only as may occur in recognizing certain factors that are free from any taint of arbitrariness or discrimination."^{/23} It is clear that a state cannot give consideration to geographical considerations or have a variation to insure effective representation for sparsely settled areas as was done in the Alaska Constitution.

One probably minor aspect of determination of equality presented by the language of the Alaska Constitution is the provision of Article VI, Section 3, which provides that the governor's decennial reapportionment shall be based upon the civilian population. This provision is not without precedent, as approximately the same limitation occurs in Washington. A number of other states have various limitations on the portions of the electorate to be used in apportioning legislative seats. The civilian limitation presents problems in that (1) there are military personnel who are residents of the state and entitled to vote in the state; (2) there is a great disparity in the distribution of military personnel throughout the state; and (3) the ratio of military to civilian personnel in the state is extremely high. In view of the fact that most military personnel stationed in Alaska do not vote here, it is probable that a deletion of the provision would give rise to much greater inequality, but it might be necessary to modify the provision somewhat to include resident military personnel in the apportionment figure. The Supreme Court has said in connection with military personnel, that "discrimination

^{/21} Dissent to Reynolds v. Sims by Justice Harlan

^{/22} Reynolds v. Sims, 377 U.S. 533 (1964)

^{/23} Roman v. Sincock, 377 U.S. 695 (1964)

against a class of individuals, merely because of the nature of their employment, without more being shown, is constitutionally impermissible." /24

In order to convey some idea of how the Supreme Court in Reynolds v. Sims, supra, and companion cases, and in the cases summarily decided on June 22, 1964, and the U.S. District Courts in cases decided after June 15, 1964, have been handling the situation, the following is a list of the pertinent cases together with the numerical figures describing the disparities alleged to result in invidious discrimination, and the action on the case:

Reynolds v. Sims, Alabama

Constitutional plan in effect since 1901: population-variance ratios of up to 41 - 1 in the Senate, 15 - 1 in the House.

Proposed constitutional amendment: population-variance ratios of up to 59 - 1 in the Senate and 4.7 - 1 in the House.

Crawford-Webb Act (standby legislation to take effect in 1966 if constitutional amendment should fail) population-variance ratios of up to 20 - 1 in the Senate and 5 - 1 in the House.

All rejected: A provisional plan put into effect using parts of the proposed constitutional amendment and part of the Crawford-Webb Act, with an opportunity given to the provisionally reapportioned legislature to adopt a valid permanent scheme.

WMCA v. Lomenzo, New York

1894 Constitution, 1960 census apportionment: maximum population-variance ratio in Senate 3.9 - 1 and in the House 21 - 1.

Case remanded to District Court to determine whether to conduct the election under the old provisions or whether conditions permit redress of the constitutional inequities before the 1964 elections. The state Court of Appeals appointed a five-man bipartisan commission to draw up a valid reapportionment plan by March 14, 1966, after the legislature failed to agree on a plan.

/24 Davis v. Mann, 377 U.S. 678 (1964)

Lucas v. Forty-fourth General Assembly of Colorado

Colorado Constitution as amended in 1962: maximum population-variance ratio is 3.9 - 1 in the Senate and 1.7 - 1 in the House.

Apportionment of the legislature as a whole was rejected, with the court specifically declining to comment upon the population-variance ratio in the House alone. Case remanded to the District Court to determine whether the 1964 elections would have to be conducted under the old scheme or whether appellants' right to cast adequately weighted votes could be effectuated in 1964.

Maryland Committee for Fair Representation v. Tawes

Maryland Constitution: maximum population-variance ratio is 32 - 1 in the Senate and 12 - 1 in the House.

Stopgap legislation in 1962 reapportioned the House so that a maximum population-variance ratio of 6 - 1 continued to exist.

Case remanded to Maryland court with instructions to act only if the legislature should fail to reapportion itself constitutionally.

Davis v. Mann, Virginia

Virginia Code: maximum population-variance ratio is 2.65 - 1 in the Senate and 4.36 - 1 in the House.

Case remanded to the District Court with instructions to exercise its equitable powers only should the Virginia legislature not act to create a constitutionally acceptable plan of apportionment before 1965, the next date of election of Virginia legislators.

Roman v. Sincok, Delaware

Delaware Constitution prior to 1963 constitutional amendment: maximum population-variance ratio of 15 - 1 in the Senate, and 35 - 1 in the House.

After 1963 amendment if effectuated: maximum population-variance ratio in Senate remains the same, reduced in House to 12 - 1.

Case remanded to District Court to determine whether 1964 elections should be held under the terms of the 1963 amendment or whether relief should be granted earlier.

In those cases summarily decided on June 22, 1964, the Supreme Court:

Affirmed Meyers v. Thigpen, 211 F. Supp. 826 (1963) in which it was held that equal protection was not denied by Washington's congressional districting in which the maximum population-variance ratio was 1.5 - 1 and that the District Court has jurisdiction of a legislative apportionment case in which invidious discrimination is alleged, even though Washington voters in 1962 rejected an initiative proposal to reapportion on the basis of population.

Reversed Nolan v. Rhodes, 31 LW 2641 (1963) in which it was held that the provisions of the Ohio Constitution which guarantees each county at least one representative in the lower house does not invidiously discriminate against urban voters proportionally represented in the upper house. (Ohio's maximum population-variance ratio in the lower house is approximately 14 - 1.)

Affirmed Williams v. Moss, 32 LW 2077 (1963) and Oklahoma Farm Bureau v. Moss (same citation) in which judicial reapportionment was held to be available where 1963 legislature had failed to correct malapportionment declared unconstitutional in 1962, even though a constitutional amendment had been proposed which would be placed before the voters in 1964 and would, if approved by the voters, become effective in 1965.

Affirmed Lucas v. Adams (USDC MFla May 22, 1963) in which it was held that no claim was stated on which relief could be granted by a complaint seeking to enjoin enforcement of the 1963 apportionment act on the grounds that the Act invidiously discriminates against residents of more populous counties by giving residents of smaller counties, regardless of population, the right to elect at least one lower house member, while failing to secure to somewhat similar numbers of citizens living in more populous counties the right to elect at least one house member.

Reversed Germano v. Kerner, 220 F. Supp. 230 (1963) which held that Illinois' apportionment of the upper house on a geographical basis did not violate the Fourteenth Amendment so long as the lower house was

apportioned on a population basis. (The maximum population-variance ratio in the Illinois Senate is 10 - 1.)

Reversed Marshall v. Hare (USDC EMich, March 16, 1964) which held that the Fourteenth Amendment was not violated by a provision of the Michigan Constitution which permitted a maximum population-variance of 4 - 1 in the upper house, even though this representation was said to be necessary to assure representation to certain counties.

Reversed Hearne v. Smylie, 225 F. Supp. 355 (1963) which held that (a) the District Court was obliged to dismiss as beyond its capabilities a declaratory judgment suit alleging Idaho's legislative apportionment to be irrational and unconstitutional and (b) owing to its inability to devise an effective remedy for injustices claimed by voters to result from malapportionment of the legislature, the District Court was required to dismiss, for want of equity, a voters' suit to enjoin further elections under Idaho's apportionment statute.

Affirmed Pinney v. Butterworth (USDC Conn. March 26, 1964) in which it was held that voters in larger towns were discriminated against by a limitation in the Connecticut Constitution that every town should have at least one and not more than two representatives in the lower house. (The maximum population-variance ratio in the lower house is 425 - 1.)

Affirmed Hill v. Davis (USDC Iowa, January 14, 1964) in which it was held that Iowa's constitutional provision that each county should have one representative in the upper house and at least one in the lower house was unconstitutional.

William B. Saxbe in "Criteria Established by Court Decisions" /25 concludes:

- (1) Each legislator must represent approximately the same number of people. As a rule of thumb, a plan under which districts deviate from the population of the perfect district by no more than fifteen per cent will be

/25 Reapportioning Legislatures, Chapter 4, Howard D. Hamilton, Editor, 1960.

constitutional, and a plan having districts that exceed this fifteen per cent limit will probably be unconstitutional. /26

- (2) An apportionment plan cannot be used for purposes of racial discrimination. Any plan which results in the power of minority groups being split between several districts, or overwhelmed in a multiple member district by a monolithic majority, is likely to be held invalid.
- (3) As a strictly legal proposition, it is unclear whether political gerrymandering raises a judicial question, but the interests of good government obviously make gerrymandering an unacceptable practice.
- (4) Multiple-member districts are not unconstitutional per se. However, if used for purposes of racial discrimination, they will be unconstitutional. Additionally, if huge blocks of votes are seen in one district it is not likely to meet court approval.
- (5) Sitting legislators have no constitutional right to their office. If an attempt to protect such legislators results in an apportionment plan that violates the other guidelines or which would continue in office legislators who were elected under an invalid system, then that plan is unconstitutional.

/26 See chart on the following pages. And see Appendix "E" for 1966 electoral percentages in all states.

CHARTS
SHOWING POPULATION FIGURES
PER HOUSE AND SENATE DISTRICT
and
APPORTIONMENT FORMULA

House District Number	House District Name	1900 Civilian Population	Number of Rep's	Population / Rep's	Senate District	Number of Senators	Population / Senators
1	Ketchikan	11,537	2	5,768	A	1	11,537
2	Wrangell-Petersburg	4,181	1	4,181	B	1	10,786
3	Sitka	6,605	1	6,605			
4	Juneau	9,545	2	4,773	C	1	12,471
5	Lynn Canal	2,926	1	2,926			
6	Cordova-Valdez	3,936	1	3,936	D	1	9,197
7	Palmer-Wauville	5,261	1	5,261			
8	Anchorage	68,456	14	4,890	E	7	9,780
9	Seward	2,956	1	2,956	F	1	8,646
10	Kenai	5,690	1	5,690			
11	Kodiak	5,367	1	5,367	G	1	8,961
12	Alutian Islands	3,594	1	3,594			
13	Dristol Bay	3,485	1	3,485	H	1	8,958
15	Yukon-Kuskokwim	5,473	1	5,473			
16	Fairbanks	34,958	7	4,994	I	4	8,740
17	Barrow-Kobuk	5,449	1	5,449	J	1	11,036
18	Nome	5,587	1	5,587			
14 /29	Bethel	5,412	1	5,412	K	1	8,469
19	Wade-Hampton	<u>3,057</u>	<u>1</u>	3,057			
		193,475	40			<u>20</u>	

/29 Bethel is out of numerical order since it is part of Senate District K

FORMULA FOR OBTAINING POPULATION FIGURE REPRESENTED

BY EACH LEGISLATIVE SEAT /27

House

Senate

$\frac{4,837}{40/193,475}$ people should be represented
by one legislator

$\frac{9,674}{20/193,475}$ people should be represented
by one legislator

15% variance over 4,837 - 5,563

15% variance over 9,674 - 11,125

15% variance under 4,837 - 4,111

15% variance under 9,674 - 8,223

 $\frac{4,719}{41/193,475}$

 $\frac{9,213}{21/193,475}$

15% variance over 4,719 - 5,427

15% variance over 9,213 - 10,595

15% variance under 4,719 - 4,011

15% variance under 9,213 - 7,831

The above figures indicate that although each member of the House should represent 4,837 people, that in fact the representative from House District No. 5 represents only 2,926, while the representative from House District No. 3 represents 6,605.

/27 1960 civilian population of Alaska (193,475) divided by membership of the house.

V. CONSIDERATIONS FOR CONSTITUTIONAL
CHANGES

A. Alaska Constitution

Article II

Section 3. An election has been held under the new apportionment scheme, and with the new plan in effect, this section is again appropriate. It is questionable whether any change should be made.

Article VI

Section 3. The Senate as well as the House should be covered by this section. A change may be indicated here in connection with basing the apportionment upon the civilian population. A possible change to bring the section in line with the Supreme Court's expressed view in Davis v. Mann, supra, would be to insert after "civilian" the words "and resident military". This change, if adopted, must also be made in other sections of this article where the phrase appears.

Sections 4 - 7. These sections embody provisions which now will permit the governor to redistrict the House within the requirements of the equal protection clause. It appears, however, that the limitation of section 7 would prohibit him from doing the same for the Senate within the present framework. A number of possible alterations are therefore possible in these sections. Such provisions as prevent the governor from complying with the mandate of the United States Constitution could merely be removed, or alternatively, a section or sections could be substituted for the present sections 4 - 7 which would specifically enunciate the principle of equal representation as a basis for the apportionment of both houses of the legislature.

Section 10. This section provides only for a decennial reapportionment, not for a reapportionment of the kind which has taken place in the 1966 election. Therefore, while the section is sound as a permanent part of the article, it was ignored in order to carry out the present reapportionment. The legislature may want to consider whether any change in the wording is indicated to take care of a similar situation in the future.

Article XIV

Sections 1 and 3. These sections set up the original apportionment schedule for the House and were in effect superseded by the action of the Reapportionment Board and the governor culminating in the reapportionment proclamation of September 3, 1965.

Section 2 is the description of the senatorial districts which will disappear with Senate reapportionment and redistricting.

It appears that Article XIV should be deleted in its entirety since it has served its purpose for the initial apportionment of seats in the first state legislature and no longer rules.

It should be mentioned that there seems to be a procedural question in preparing and voting on this series of amendments. The changes necessary to bring the constitution into conformity with the federal constitution may be several in number, affecting different sections and even articles of the constitution, yet closely related to one another. It would be problematical to regard each change in wording as an independent "amendment" since the integrated plan could be rendered meaningless if one part failed. It is suggested, therefore, that the situation might be simplified by the use of a kind of "one-subject" rule, by which changes proposed would be separated to the extent possible, but changes in different sections which formed part of a plan and would be meaningless independently would be considered a single "amendment" for purposes of proposal and placement on the ballot, and would stand or fall together upon referral to the people.

B. Other Considerations

- (1) The number of members in each house. When considering constitutional amendments, it might be well to change the present constitutional provisions for even-numbered membership in each house to an odd number, e.g., a Senate of 19 or 21 members and a House of 39 or 41 members to avoid tied votes.
- (2) Use of civilian population as an apportionment basis. Thus far there has been no judicial determination of record as to the constitutionality of using strictly civilian population as a basis for determining apportionment of legislative seats. Most states use total population but variations include using the total population excluding aliens, regular military, and non-tax paying Indians, the number of registered voters,

the number of persons voting in the preceding general election for a certain office (e.g., the governor), and, in Indiana, the male population over 21 years of age. See the discussion in the June 1, 1965, opinion of the state attorney general. /28

- (3) Multi-member districts. The Advisory Reapportionment Board recommended that District 8 (Anchorage) be divided into four House Districts and four Senate Districts. The governor, in his proclamation, did not make any changes in the House Districts, and House District 8 remained a multi-member district. The governor designated House District 8 as Senate District E, with the seven senators running at large. The governor gave two reasons for his decision that House District 8 and Senate District E would be multi-member districts. First, Anchorage has traditionally been a multi-member district and secondly, it would be unfair to divide Anchorage into more than one legislative district on the basis of the 1960 census figures because they became obsolete after the 1964 earthquake which resulted in a radical population dislocation. See the discussion in the June 1, 1965, opinion of the state attorney general. /29
- (4) Unicameral Legislature. There is evidence of increasing interest in the unicameral legislature idea (Nebraska) since the new requirement for apportionment of both houses on a strict apportionment basis removes the original purpose of a bicameral -- a balance of having one house based mainly on population and the other emphasizing area representation. However, there are many factors to be considered in discussing the relative merits of a bicameral versus a unicameral legislature that go beyond the differences in the basis of apportionment for a bicameral legislature.

VI. SCHEDULE FACTORS IN PROPOSING AND
ADOPTING CONSTITUTIONAL CHANGES
IN LEGISLATIVE APPORTIONMENT

- 1967 If the 1967 legislature proposed amendments, the proposition would not go on the ballot until August 1968 unless a special election is called for and financed for late 1967 or very early 1968.
- 1968 If a regular election schedule is followed, amendments approved by the voters in 1968 would be effective for the 1970 filings and elections.
- 1970 Elections could be held under a new apportionment-districting plan. The federal decennial census is reported late in the year. If the census is still the basis, the advisory board or other authority would undoubtedly take into 1971 to come up with a new plan effective for 1972. If no constitutional convention is held in the meantime, the proposition asking for voter opinion on a constitutional convention would go on the November general election ballot. A constitutional convention would devise a plan, subject to ratification, which would become effective for the election year 1972.

Without any legislative action in 1967 - 1968, the normal course of events would bring about decennial reapportionment/redistricting effective for the 1972 filings and election. If the decennial census basis is kept and the legislature proposes a constitutional amendment during 1967 - 1968 and the amendment is approved in 1967 - 1968 by the people, it would be operative for only two years. A convention held during the same period would have the same two-year effect.

A P P E N D I C E S

REAPPORTIONMENT ADVISORY BOARD

STATE OF ALASKA

June 4, 1965

The Honorable William A. Egan
Governor of Alaska
Juneau, Alaska

Dear Sir:

The Reapportionment Advisory Board reconvened as a result of your official Proclamation, dated March 6, 1965. The Board has held public hearings on the matter of reapportionment in all of the major regions of the State of Alaska. The schedule of those public hearings was as follows:

Fairbanks	May 10th
Nome	May 11th
Anchorage	May 12th
Juneau	May 13th

In addition the following meetings were held by the Board as part of its program for developing a plan of Reapportionment for submittal to you:

Anchorage	March 22nd and 23rd
Fairbanks	April 9th and 10th
Juneau	May 13th and 14th
Anchorage	June 4th

In developing its program for reapportioning the State Legislature the Board has given due consideration to all the data presently available to it. This consists of the report submitted by the Board on December 10, 1964; the more recent opinions of the Attorney General and their relation to the decisions of the Federal Supreme Court which have become available subsequent to the December report; the hearings held; the personal contacts and observations of the Board Members; and all other relevant matter which has been presented in person, by letter, or other form to the Board for its consideration. On the basis of full and complete discussion of the relevant data and material, the Board unanimously recommends the following plan for Reapportionment and Redistricting of the Alaska State Legislature:

- a. All existing House Districts except District No. 8 shall remain as presently constituted and retain their present number of House seats.
- b. District No. 8 shall be subdivided into four districts. They shall be titled: Anchorage City, Anchorage North, Anchorage Southeast and Anchorage Southwest. The subdivision shall be in accord with the attached descriptions of the four new districts.
- c. Anchorage City District shall have eight House seats and four Senate seats assigned to it with the candidates for these seats running at-large for the Anchorage City District.

Anchorage North District shall have two House seats and one Senate seat with the candidates for these seats running at-large from the Anchorage North District.

Anchorage Southeast District shall have two House seats and one Senate seat assigned to it with the candidates for these seats running at-large from the Anchorage Southeast District.

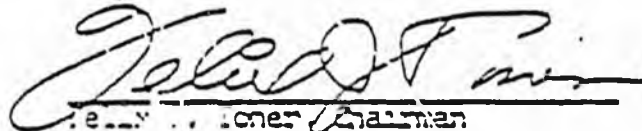
Anchorage Southwest District shall have two House seats and one Senate seat assigned to it with the candidates for these seats running at-large from the Anchorage Southwest District.

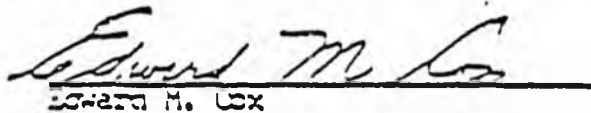
- d. The House election Districts shall be renumbered from 1 to 22 and named in accord with the attached Schedule of House Apportionment.
- e. The Senate Districts shall be fourteen in number and shall be designated by the letters "A" thru "N" and formed of the House Districts listed on the attached schedule of Senate Apportionment.
- f. The terms of office for the Senators from the various Senate Districts shall be as set forth in the attached schedule of Senate Apportionment. In Senate Districts "E" and "L", one half of the Senate seats shall be designated as position "A" and one half designated as position "B" for the purpose of the initial election under this schedule of apportionment to insure that one half of the Senate is elected in each biennial election following the initial election.

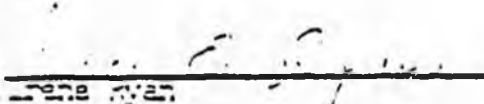
The Board again wishes to repeat its recommendation that any future Federal Census be taken with more regard to the requirements of the Alaska State Constitution in the matter of redistricting and reapportioning the State Legislature. The use of enumeration districts encompassing more than 1/400th of the population of the State as well as enumeration districts totally surrounding other enumeration districts creates situations which make redistricting and reapportioning the State extremely difficult.


For your information and review the Board is attaching to this report minutes of the Board Meetings and Public Hearings, copies of correspondence received and marked up maps of the Anchorage area indicating the recommended redistricting of existing Election District No. 8.

Respectfully submitted,


Jerry J. Toner, Chairman


Edward M. Cox


Irene Ryan


Florence Lancaster


Doris Wallace

ANCHORAGE - CITY AREA

Being that area used in the 1960 Census as the Anchorage City Area and more particularly described as follows:

Beginning at a point on the southerly boundary line of Section 22, T13NR4W, S.M., approximately 1800' west of the easterly boundary line of Section 22; thence east along the southerly boundary line of Section 22 and the centerline of Northern Lights Boulevard to the centerline of Minnesota Drive; thence south along the centerline of Minnesota Drive to the southerly boundary of the Martin Manor Subdivision; thence east along the southerly boundary of the Martin Manor Subdivision to the centerline of Spenard Road; thence north along the centerline of Spenard Road to the centerline of Northern Lights Boulevard; thence east along the centerline of Northern Lights Boulevard to the centerline of Arctic Boulevard; thence north along the centerline of Arctic Boulevard to the centerline of Fireweed Lane; thence east along the centerline of Fireweed Lane to the centerline of the Seward Highway; thence south along the centerline of Seward Highway to the east-west centerline of Section 29, T13NR3W, S.M.; thence east along the east-west centerline of Section 29 to the centerline of Lake Otis Parkway; thence south along the centerline of Lake Otis Parkway to the southerly east-west sixteenth line of Section 28, T13NR5W, S.M.; thence east along the southerly sixteenth line of Section 28 and 27, T13NR3W, S.M., to the north-south centerline of Section 27; thence north along the north-south centerline of Section 27 and Section 22 to the east-west centerline of Section 22, T13NR3W, S.M.; thence east along the east-west centerline of Section 22 to the centerline of Boniface Parkway; thence north along the centerline of Boniface Parkway to the east-west centerline of Section 15, T13NR3W, S.M.; thence west along the east-west centerline of Section 15 to the north-south centerline of Section 15; thence north along the north-south centerline of Section 15 and the centerline of Pine Street to the east-west centerline of Section 10, T13NR5W, S.M., identical with the centerline

Anchorage - City Area - 2

of McPhee Avenue; thence west along the centerline of McPhee Avenue to the centerline of Taylor Street, projected; thence south along the centerline of Taylor Street to the centerline of Thompson Avenue; thence west along the centerline of Thompson Avenue, projected, to the intersection with the westerly sixteenth line of Section 9, T13NR3W, S.M.; thence north along the westerly sixteenth line of Section 9 to the centerline of Bluff Road; thence southwesterly along the centerline of Bluff Road to the centerline of Plum Street; thence north along the centerline of Plum Street and its projection to the east-west centerline of Section 5, T13NR3W, S.M.; thence west to the centerline of Knik Arm; thence southwesterly along the centerline of Knik Arm to a point due north of the point of beginning; thence due south to the place of beginning.

ANCHORAGE NORTH

All of that area drained by streams flowing into the Knik Arm from the east from and including the Old Knik River Bridge on the north to a southerly boundary line more particularly described as follows:

Beginning at a point on the centerline of Knik Arm where it intersects the westerly projection of the east-west centerline of Section 6, T13NR3W, S.M.; thence east along the projected east-west centerline of Section 6 & 5, T13NR3W, S.M. to the north-south centerline of Section 5, T13NR3W, S.M.; thence south along the north-south centerline of Section 5 and the centerline of Plum Street to the centerline of Bluff Road; thence northeasterly along the centerline of Bluff Road to its intersection with the westerly sixteenth line of Section 9, T13NR3W, S.M.; thence south along the westerly sixteenth line of Section 9 to the westerly projection of the centerline of Thompson Ave.; thence east along the westerly projection of the centerline of Thompson Ave. and the centerline of Thompson Ave. to the centerline of Pine Street; thence south along the centerline of Pine Street to the south boundary of Section 10, T13NR3W, S.M.; thence east to the intersection with the Knik Arm Drainage Divide.

ANCHORAGE SOUTHEAST

All of that area drained by streams flowing into Turnagain Arm from and including Placer River on the south; and bounded on the west by a line more particularly described as follows:

Beginning at the intersection of the centerline of Seward Highway with the east-west centerline of Section 29, T13NR3W, S.M.; thence south along the centerline of the Seward Highway and the easterly boundary of Section 30, T12NR3Wm S.M. to the centerline of Turnagain Arm.;

and bounded on the north by a line more particularly described as follows:

Beginning at the intersection of the centerline of the Seward Highway with the east-west centerline of Section 29, T13NR3W, S.M.; thence east along the east-west centerline of Section 29 to the centerline of the Lake Otis Parkway; thence south along the centerline of Lake Otis Parkway to the southerly east-west sixteenth line of Section 28, T13NR3W, S.M.; thence east along the southerly east-west sixteenth line of Sections 28 and 27m T13NR3W, S.M. to the north-south centerline of Section 27, thence North along the north-south centerline of Sections 27 and 22, T13NR3W, S.M. to the east-west centerline of Section 22; thence east along the east-west centerline of Section 22, T13NR3W, S.M. to the centerline of Boniface Parkway; thence north along the centerline of Boniface Parkway to the east-west centerline of Section 15, T13NR3W, S.M.; thence west along the east-west centerline of Section 15 to the north-south centerline of Section 15, T13NR3W, S.M.; thence north along the north-south centerline of Section 15 to the north boundary of Section 15, T13NR3W, S.M.; thence east to the Knik River Drainage Divide,

ANCHORAGE SOUTHWEST

Beginning at a point on the southerly boundary line of Section 22, T13NR4W, S.M. approximately 1,800' west of the easterly boundary line of Section 22; thence east along the southerly boundary line of Section 22 and the centerline of Northern Lights Boulevard to the centerline of Minnesota Drive; thence south along the centerline of Minnesota Drive to the southerly boundary line of the Martin Manor Subdivision; thence east along the southerly boundary of the Martin Manor Subdivision to the centerline of the Spenard Road; thence north along the centerline of Spenard Road to the centerline of Northern Lights Boulevard; thence east along the centerline of Northern Lights Boulevard to the centerline of the Seward Highway; thence south along the centerline of the Seward Highway and the easterly boundary of Section 30, T12NR3W, S.M., to the centerline of Turnagain Arm; thence northwesterly following the centerline of Turnagain Arm and northeasterly following the centerline of Knik Arm to a point due north of the point of beginning; thence due south to the place of beginning; and also including all of Fire Island within its limits.

SCHEDULE OF SENATE APPORTIONMENT

<u>Senate District</u>	<u>Name of District</u>	<u>No. of Senators</u>	<u>Initial Term of Senator</u>
A.	Ketchikan	1	4 years
B.	Wrangell-Petersburg & Sitka	1	2 years
C.	Juneau & Lynn Canal	1	4 years
D.	Cordova-Valdez & Palmer-Wasilla	1	2 years
E.	Anchorage City	4	(see note)
F.	Anchorage North	1	4 years
G.	Anchorage Southeast	1	2 years
H.	Anchorage Southwest	1	4 years
I.	Seward & Kenai	1	2 years
J.	Kodiak & Aleutian Islands	1	4 years
K.	Bristol Bay & Yukon-Kuskokwim	1	2 years
L.	Fairbanks	4	(see note)
M.	Barrow-Kobuk & Nome	1	4 years
N.	Bethel & Wade-Hampton	1	2 years
		<u>20</u>	

Note: In both Senate District E and Senate District L, it will be necessary to designate half the Senate seats as position "A" and half the seats as position "B" for the purpose of the initial election under this schedule of apportionment to insure that one half of the Senate is elected in each biennial election following the initial election.

Ratio Calculations:

Lowest District Population 8,159 (Anchorage Southeast)

Highest District Population 12,471 (Juneau-Lynn Canal)

Ratio - - - - - 1,526 to 1

Percentage of Populations required to elect majority of Senate 53.1%

POPULATION TABULATION TO ACCOMPANY HOUSE AND SENATE APPORTIONMENT SCHEDULES

<u>House District No.</u>	<u>House Dist. Name</u>	<u>1960 Civilian Pop.</u>	<u>No. of Repr.</u>	<u>Pop/Repr.</u>	<u>Senate District</u>	<u>No. of Senators</u>	<u>Pop/Senator</u>
1	Ketchikan	11,537	2	5,768	A	1	11,537
2	Wrangell-						
	Petersburg	4,101	1	4,101)			
3	Sitka	6,605	1	6,605)	B	1	10,786
4	Juneau	9,545	2	4,773)			
5	Lynn Canal	2,926	1	2,926)	C	1	12,471
6	Cordova-Valdez	3,936	1	3,936)			
7	Palmer-Wasilla	5,261	1	5,261)	D	1	9,197
8	Anchorage City	39,010	8	4,970	E	4	9,954
9	Anchorage North	9,546	2	4,773	F	1	9,546
10	Anchorage Southeast	8,150	2	4,079	G	1	8,150
11	Anchorage Southwest	10,934	2	5,467	H	1	10,934
12	Seward	2,956	1	2,956)			
13	Kenai	5,690	1	5,690)	I	1	8,646
14	Kodiak	5,367	1	5,367)			
15	Aleutian Islands	3,594	1	3,594)	J	1	8,961
16	Bristol Bay	3,405	1	3,405)			
17	Yukon-Kuskokwim	5,473	1	5,473)	K	1	8,958
18	Fairbanks	34,950	7	4,994	L	4	8,740
19	Barrow-Kobuk	5,449	1	5,449)			
20	Nome	5,507	1	5,507)	M	1	11,036
21	Bethel	5,412	1	5,412)			
22	Wade-Hampton	3,057	1	3,057)	N	1	8,469
		193,479	40			20	

PROCLAMATION OF REAPPORTIONMENT
AND REDISTRICTING

WHEREAS, the United States Supreme Court in the case of Reynolds v. Sims, and in other companion cases decided in June of 1964, held that under the Equal Protection Clause of the United States Constitution both houses of a state legislature must be apportioned on a population basis and that a state is required to make an honest and good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as is practicable;

WHEREAS, it does not appear that the Alaska State Senate is apportioned on a population basis within the meaning of the Supreme Court decisions;

WHEREAS, the Constitution of the State of Alaska (Article VI) and the minutes of the Alaska Constitutional Convention clearly contemplate that the Governor shall have the sole responsibility for legislative reapportionment;

WHEREAS, the mandate of the United States Supreme Court can be carried out in a manner consistent with the manifest intent of the Constitution of the State of Alaska only by reapportionment by the Governor with the advice of the Advisory Reapportionment Board;

WHEREAS, I, William A. Egan, Governor of the State of Alaska, pursuant to Article VI of the Constitution of the State of Alaska, issued a Proclamation on March 6, 1965, directing the Advisory Reapportionment Board to submit a plan that would meet the requirements of the Supreme Court decisions and those provisions of the Constitution of the State of Alaska that are not in conflict with those decisions;

WHEREAS, the Advisory Reapportionment Board convened pursuant to my order and on June 8, 1965, submitted to me a plan for reapportionment and redistricting;

WHEREAS, the Governor is required by law to issue a proclamation of reapportionment and redistricting within 90 days after receipt of the recommendations of the Advisory Reapportionment Board;

NOW, THEREFORE, I, WILLIAM A. EGAN, Governor of the State of Alaska, do proclaim the following plan of reapportionment and redistricting:

First: The election districts for the House of Representatives shall remain as designated by the Proclamation of Reapportionment and Redistricting of December 7, 1961.

Second: Members of the Senate shall be elected from the Senate Districts and in the number shown below:

<u>Senate District</u>	<u>Name of District</u>	<u>Composed of Election Districts</u>	<u>Number of Senators</u>
A.	Ketchikan	1	1
B.	Wrangell-Petersburg & Sitka	2 & 3	1
C.	Juneau & Lynn Canal	4 & 5	1
D.	Cordova-Valdez & Palmer-Wasilla	6 & 7	1
E.	Anchorage	8	7
F.	Seward & Kenai	9 & 10	1
G.	Kodiak & Aleutian Islands	11 & 12	1
H.	Bristol Bay & Yukon-Kuskokwim	13 & 15	1
I.	Fairbanks	16	4
J.	Barrow-Kobuk & Nome	17 & 18	1
K.	Bethel & Wade-Hampton	14 & 19	1

20

Third: This reapportionment and redistricting shall be effective for elections of members of the Legislature until the next decennial census.

Fourth: This reapportionment and redistricting shall be implemented for the 1966 primary and general elections. The terms of all members of the Fourth State Legislature shall terminate on the fourth Monday in January, 1967. In the 1966 general election 40 members shall be elected to the House of Representatives and 20 members to the Senate.

Fifth: Members of the State Senate elected at the 1966 general election shall serve the term indicated as follows:

<u>Senate District</u>	<u>Name of District</u>	<u>Initial Term of Senator</u>
A.	Ketchikan	4 years
B.	Wrangell-Petersburg and Sitka	2 years
C.	Juneau-Lynn Canal	4 years
D.	Cordova-Valdez and Palmer-Wasilla	2 years
E.	Anchorage A	4 years
	Anchorage B	2 years

<u>Senate District</u>	<u>Name of District</u>	<u>Initial Term of Senator</u>
	Anchorage A	4 years
	Anchorage B	2 years
	Anchorage A	4 years
	Anchorage B	2 years
	Anchorage A	4 years
F.	Seward & Kenai	2 years
G.	Kodiak & Aleutian Islands	4 years
H.	Bristol Bay & Yukon-Kuskokwim	2 years
I.	Fairbanks A	4 years
	Fairbanks B	2 years
	Fairbanks A	4 years
	Fairbanks B	2 years
J.	Barrow-Kobuk & Nome	4 years
K.	Bethel & Wade-Hampton	2 years

Sixth: State legislators elected at the 1966 general election shall hold office for a term beginning with the fourth Monday of the January following election. Their term shall be two years, except that senators elected for four-year terms shall serve an additional two years thereafter.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State to be affixed, this third day of September in the year of our Lord nineteen hundred and sixty five.

William B. Egan

 Governor



ATTEST: *August J. Wente*

 Secretary of State

STATEMENT ACCOMPANYING PROCLAMATION
OF
REAPPORTIONMENT AND REDISTRICTING

I have adopted the excellent and well-considered recommendations of the Advisory Reapportionment Board with two exceptions, neither of which increases or decreases the numerical representation allotted by the Board to any area.

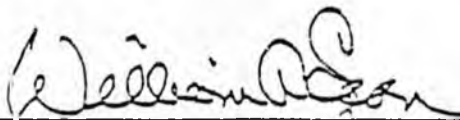
Under the Board's recommendation District 8 would be divided into four House Districts. Under my Proclamation all House Districts, including District 8, remain exactly as they were designated in the Proclamation and Redistricting of December 7, 1961.

Under the Board's recommendation District 8 would also be divided into four Senate Districts (E, F, G and H), with a total of 7 senators assigned to the four districts. I have changed the Board's recommendation so that the 7 senators assigned to District 8 will all run at large in that district which will be designated Senate District E. This will eliminate Senate Districts F, G and H from the Board's proposal, and all other Senate Districts have been re-lettered accordingly in the Proclamation.

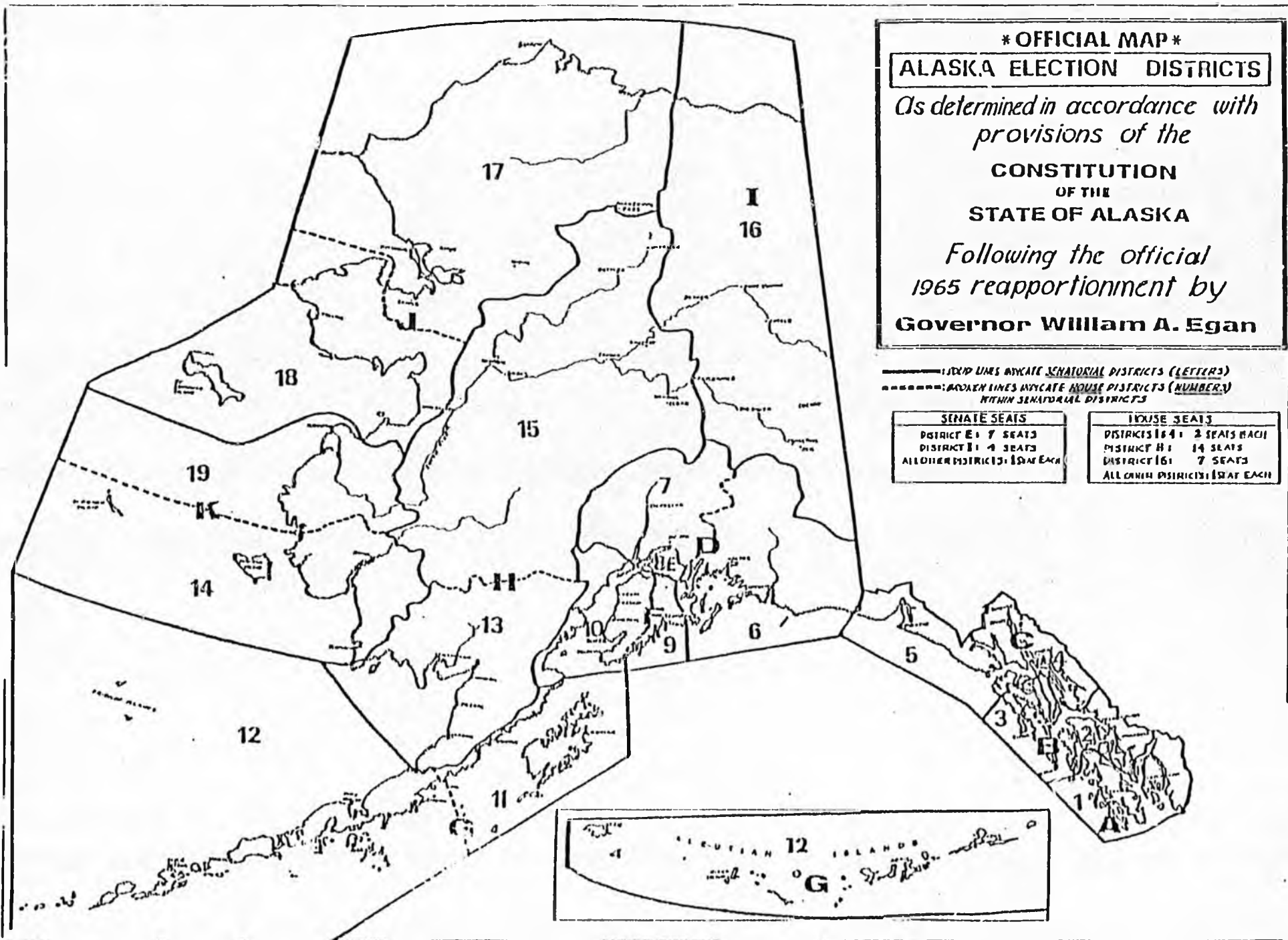
It would be unwise and unfair to attempt to divide District 8 into more than one legislative district on the basis of the 1960 census figures. These figures became obsolete with the March 27, 1964, earthquake which devastated large, heavily populated areas in and around Anchorage and resulted in radical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

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

Date: November 3, 1965.



William A. Egan
Governor



*** OFFICIAL MAP ***

ALASKA ELECTION DISTRICTS

As determined in accordance with provisions of the

**CONSTITUTION
OF THE
STATE OF ALASKA**

*Following the official
1965 reapportionment by*

Governor William A. Egan

—————: **SOLID LINES INDICATE SENATORIAL DISTRICTS (LETTERS)**
 - - - - -: **BROKEN LINES INDICATE HOUSE DISTRICTS (NUMBERS) WITHIN SENATORIAL DISTRICTS**

SENATE SEATS
 DISTRICT E: 7 SEATS
 DISTRICT I: 4 SEATS
 ALL OTHER DISTRICTS: 1 SEAT EACH

HOUSE SEATS
 DISTRICTS 1 & 4: 2 SEATS EACH
 DISTRICT H: 14 SEATS
 DISTRICT 16: 7 SEATS
 ALL OTHER DISTRICTS: 1 SEAT EACH



LEGISLATIVE REAPPORTIONMENT
IN THE STATES /1

(November, 1965 - May, 1966)

The following checklist shows that 33 states have now been reapportioned. In four additional states one house has been so apportioned: in one of these a plan for the other house is being challenged in the courts; and in three more, a temporary plan has been implemented. In five states reapportionment schemes for both houses await court approval, while eight states are operating with temporary plans.

PLAN ADOPTED AND NO CURRENT LITIGATION

Alabama	Maine	Oregon <u>/2</u>
Alaska (house only)	Maryland	Rhode Island
Arizona	Massachusetts	South Carolina (house only)
Arkansas	Missouri	South Dakota
California	Nebraska	Tennessee ¹
Colorado	Nevada	Utah
Connecticut	New Hampshire	Vermont
Idaho	New Mexico	Virginia
Illinois	New York	Washington
Indiana	North Carolina	West Virginia
Kansas (house only)	North Dakota	Wisconsin
Kentucky	Oklahoma	Wyoming
Louisiana (house only)		

PLAN ADOPTED BUT LITIGATION OR COURT APPROVAL PENDING

Delaware	Louisiana (senate only)	Mississippi
Florida	Minnesota	Pennsylvania

TEMPORARY LEGISLATIVE OR COURT PLAN

Alaska (senate only)	Kansas (senate only)	Ohio
Georgia	Michigan	South Carolina (senate only)
Hawaii	Montana	Texas
Iowa	New Jersey	

/1 Published by the Council of State Governments.

/2 Some litigation is yet pending; nevertheless, the basic plans have received court approval.

STATES IN WHICH THERE HAS BEEN NO CHANGE IN LEGISLATIVE REAPPORTIONMENT SINCE NOVEMBER 1965 ARE FOUND IN THE BACK OF THIS APPENDIX.

ALASKA

On April 11 the Alaska superior court issued a memorandum opinion that (1) the governor had exceeded his constitutional authority in reapportioning the senate (2) the 1966 elections be held under the existing plan, and (3) a constitutional amendment for a valid reapportionment of the senate be adopted no later than December 1, 1967. The state supreme court reversed, in part, the superior court ruling and adopted the governor's plan of September 3, 1965, declaring it effective for the 1966 elections and thereafter until the constitution is amended to provide a permanent reapportionment plan for the senate (Wade v. Nolan, et al, decided May 20). A separate appeal from the April 11 ruling is pending with the federal court.

ARIZONA

The federal court on February 2 reapportioned both houses of the Arizona legislature, reducing the house from 30 to 60 members, increasing the senate from 28 to 30 members, and providing for at-large elections except in Maricopa and Pima counties (Klahr v. Goddard). On March 14 the court issued a supplemental decree approving subdistricting plans for the two counties.

ARKANSAS

On November 4 the federal court issued a memorandum opinion approving a reapportionment scheme for the general assembly, as submitted by the state board of apportionment (Yancey v. Faubus). The plan calls for 44 districts for the house and 25 for the senate. Intervenor's appeal to the U. S. supreme court that the 1965 plan failed to meet the "one-man, one-vote" requirements was denied February 28 (Crawford County Bar Association v. Faubus; Alexander v. Faubus).

CALIFORNIA

The state supreme court on January 11 upheld the reapportionment of the California legislature, as adopted October 21 during the second 1965 special session. In doing so, the court overruled objections that the senate plan included two multi-member districts for San Francisco and the populous part of Alameda county and did not have such multi-member districts for other sections of the state (Silver v. Brown; Adams v. Brown).

CONNECTICUT

On December 14 voters approved a new state constitution with provisions conforming with the 1965 reapportionment act. The senate consists of 30 to 50 members, the house from 125 to 225 members. Responsibility for future reapportionment, following each decennial federal census, is placed with the legislature or, should it fail, an eight-member legislative commission or, should it fail, a board comprised of two judges from the state superior court and one elector.

DELAWARE

Sincock v. Gately is still pending in the federal court. The contested reapportionment plan, enacted by the Delaware legislature in 1964, is based wholly on straight population and provides single-member districts for both houses.

FLORIDA

The federal court on December 23 declared the 1965 legislative reapportionment act (HB 19-XX) unconstitutional but allowed it to stand as an interim plan until 60 days following adjournment of the 1967 regular session (Sobel v. Adams; Swann v. Adams). On February 25 the U. S. supreme court ruled that the district court erred in approving the plan on an interim basis (Swann v. Adams). The legislature subsequently adopted another reapportionment scheme, HB 17-X (66), which was then approved by the federal court on March 19 (Swann v. Adams). Appeal has been lodged with the U. S. supreme court.

GEORGIA

On March 25 the federal court rejected arguments that the Florida case Swann v. Adams required an immediate reapportionment of the Georgia legislature. (NOTE The court had previously accepted the 1965 house reapportionment plan as an interim measure but had ordered both houses reapportioned no later than the end of the 1968 regular session or May 1, 1968, whichever arrived first.) But the court did advance to May 1, 1967, the date by which further reapportionment must be accomplished (Toombs v. Fortson).

HAWAII

On April 25 the U. S. supreme court reversed its lower court and accepted the interim scheme (HB 987) passed during the 1965 regular session to reapportion the senate and the existing house apportionment as temporary plans for use in the 1966 general elections and to continue until such time as a permanent plan is adopted (Burns v. Richardson. et al; Cravalho. et al v. Richardson. et al; Abe. et al v. Richardson. et al).

IDAHO

The federal court on December 20 declared the Idaho reapportionment plan, enacted during a March, 1965 special session, unconstitutional and ordered at-large elections for both houses until constitutionally apportioned (Hearne v. Smilie). The legislature then enacted a new reapportionment plan during the third 1966 extraordinary session. The defendants from Hearne petitioned the federal court to dissolve the December 20 injunction which required at-large elections. When plaintiffs failed to respond to the petition, the court on April 1 granted the petition which, in effect, approved the new reapportionment plan.

ILLINOIS

On December 8 a special bipartisan commission appointed by the governor filed its plan for new house districts with the office of the secretary of state. It became immediately effective for the 1966 elections, providing for three representatives elected at-large from each of 59 multi-member districts. There is no court action pending.

INDIANA

On November 18 the federal court approved one of four alternate plans for the house and one of four alternates for the senate as adopted by the legislature in 1965 (Stout v. Bottorff; Grills v. Branigin).

IOWA

In Davis v. Cameron the federal court deferred to the state district court which, in turn, on November 5 gave temporary approval to the interim apportionment scheme for both houses, enacted during the Iowa 1965 regular session. On April 15 the state supreme court declared the 1965 temporary plan sufficient to serve as an interim plan of apportionment until 1968. But the court also ruled that a combination of multi- and single-member districts could not be used for the same chamber (Kruidenier v. McCulloch). Defendants are expected to file a writ of certiorari with the federal court.

KANSAS

On December 28 the senate apportionment was declared unconstitutional, although the federal court delayed the effective date of its ruling until April 1 (Long v. Avery). The court followed on February 24 with a decree that the legislature adopt a new senate plan no later than April 1, 1968 or, failing to do so, the court would order into effect its own plan or at-large elections. The state supreme court on March 23 approved the reapportionment plan (HB 504) for the lower house, adopted during a 1966 special session (Harris v. Anderson).

MAINE

During the 1966 special session the legislature approved a proposed constitutional amendment providing for not less than 30 nor more than 40 senators. In the event the legislature failed to reapportion, the state supreme court would be entrusted with the duty. If the amendment is approved by the voters in November, the legislature in its 1967 session will have to establish lines for the districts which would take effect in the 1968 elections.

MARYLAND

The lower state court on December 22 accepted a 1965 special session act (SB 5) to reapportion both houses of the Maryland legislature (Maryland Committee for Fair Representation, et al v. Tawes). The court also found another act of the 1965 special session (SB 3) violative of the equal protection clause of the 14th Amendment. The ruling was reaffirmed by the state court of appeals on January 11.

MICHIGAN

The plan presented by the commission in 1964 was never explicitly ruled unconstitutional. But the state supreme court indicated its shortcomings insofar as compliance with the state constitution was concerned by instructing the commission on November 2 to prepare new plans within 60 days. However, the commission deadlocked. The court itself stalemated regarding the validity of the 1964 plan and, thus, issued seven separate opinions on March 9 (In Re Apportionment).

MINNESOTA

On November 26 the state supreme court reversed its lower court and declared that the veto power existed with respect to apportionment legislation. Thus the governor's veto of the 1965 reapportionment act was upheld. But the court also noted that its decision was not intended to be an evaluation of the act (Duxberry, et al v. Donovan). On January 14, plaintiffs from Honsey v. Donovan petitioned the federal court to go ahead with preliminary plans for establishing new legislative districts for the 1966 elections. The judges denied the petition, noting that sufficient time existed for the legislature to reapportion.

The Minnesota legislature on May 9 enacted a reapportionment bill (SF 2) in special session providing 67 and 135 members, respectively, for the senate and house. On May 11 the governor vetoed the bill, charging population inequities and gerrymandering. But the legislature followed one week later with a new plan which was signed by the governor on May 20.

MISSISSIPPI

On January 21 the federal court received briefs in Conner, et al v. Johnson. (This suit was filed October 19, 1965 challenging the 1963 reapportionment.)

MISSOURI

During a special session in the fall of 1965, the legislature approved a proposed constitutional amendment to create a commission for reapportioning the house periodically. The amendment was approved by referendum January 14. New house districts were announced by the commission in March. (The senate had been reapportioned by a commission in the fall of 1965.)

NEBRASKA

On January 25 the Nebraska supreme court upheld a 1965 reapportionment act (LB 925) which provided for crossing of county lines in forming districts (Carpenter v. State). Consequently the state withdrew its appeal to the U. S. supreme court on LB 628, a previously invalidated reapportionment act. The federal court followed on February 10 by dismissing litigation regarding the constitutionality of LB 925 in League of Nebraska Municipalities v. Marsh.

NEVADA

On November 13 the legislature in special session passed a reapportionment bill which provided for a 20-member senate and 40-member house. The federal court approved the plan on March 21 (Dungan v. Sawyer).

NEW HAMPSHIRE

Since the legislature had reapportioned both houses during its 1965 regular session, the federal court on December 2 dismissed Levitt v. Stark, et al, which had attacked the 1961 apportionment.

NEW JERSEY

A constitutional convention began work on March 21 to draft new constitutional provisions for apportioning the legislature. It is to report in June, 1966.

NEW MEXICO

The federal court on March 17 ruled that the senate reapportionment act, adopted in a 1966 special session, fell short of the "one-man, one-vote" requirements and issued its own plan establishing 39 senatorial districts (Beauchamp v. Campbell). The court increased the number of districts to 42 in an amended order dated March 31.

NEW YORK

A commission appointed by the legislature reported a reapportionment plan in December, but the legislature failed to act on the issue by the court deadline. On February 23 the New York court of appeals assumed jurisdiction and appointed a five-member commission to prepare apportionment plans for both houses. One month later the court adopted the commission's report providing for a 57-member and 150-member senate and house, respectively.

NORTH CAROLINA

The North Carolina legislature was ordered by the federal court to reapportion no later than January 31, 1966. The court warned that if the legislature failed the court would hand down its own plan in time for the 1966 primaries and elections (Drum. et al v. Seawell. et al, November 30). On January 14 the legislature adjourned a five-day special session after enacting bills to reapportion both houses. The federal district court accepted the plan on February 18 (Drum. et al v. Seawell. et al). And the U. S. supreme court on April 4 reaffirmed the decision.

OHIO

On December 20 arguments were heard before the state court of appeals (10th district) re: King v. Rhodes. Plaintiffs contended that the members of the state apportionment board exceeded their power in reapportioning the Ohio legislature. The U. S. supreme court issued a per curiam opinion February 21 reaffirming its lower court ruling which had adopted the board's reapportionment plan and ordered it into effect on a temporary basis for the 1966 general elections (Nolan v. Rhodes, October, 1965).

OREGON

An original mandamus proceeding commenced in the state supreme court December 9 as plaintiffs petitioned for a redistribution of the representatives from the subdistricts of Multnomah county (Portland). However the court refused granting relief until the legislature had had an opportunity to act (Cook. et al v. McCall, January 26).

PENNSYLVANIA

On February 4 the Pennsylvania state court reapportioned the legislature, reducing the house from 209 to 203 members and leaving the senate at 50 members (Butcher v. Bloom). The federal court has subsequently been asked to review the state supreme court decision. Briefs were filed during April.

RHODE ISLAND

After receiving two extensions to the original January 15 deadline, the 15-member legislative commission on March 28 filed its report. The legislature subsequently enacted separate bills providing for the reapportionment of each chamber. Both bills were vetoed by the governor. However, in each instance, the legislature overruled the vetoes. A general constitutional convention is now at work that will consider a permanent apportionment plan.

SOUTH CAROLINA

The federal court on February 18 upheld the 1961 apportionment of the house, and approved the 1966 reapportionment plan for the senate as an interim measure for purposes of the next election only, and for a limited term of two years (O'Shields v. McNair, et al; Munzo v. McNair).

TENNESSEE

On November 15 a three-judge federal court upheld the 1965 Tennessee legislative reapportionment act (Baker v. Carr). However, the chancery court at Nashville held unconstitutional that portion of the 1965 act which divided four urban counties into senatorial subdistricts (Williams v. Carr, March 7). An appeal is now pending with the state supreme court.

TEXAS

Hainsworth v. Martin was vacated as moot by the court of civil appeals on November 15 in view of the enactment of the 1965 Texas apportionment act. On February 2 the federal court upheld the 1965 act (HB 195) as a valid interim plan of apportionment for the 1966 elections, but ordered the eleven electoral districts revised no later than August 1, 1967 (Kilgarlin v. Martin).

VERMONT

On November 18 the Vermont supreme court denied appeals aimed at blocking the November 23, 1965, special legislative election and at having the 1965 reapportionment acts declared null and void.

WYOMING

On February 28 the U. S. Supreme court reaffirmed a federal court ruling that subdistricting of multi-member districts was not required (Harrison v. Schaefer).

LEGISLATIVE REAPPORTIONMENT

IN THE STATES /1

(November 1965) /2

ALABAMA

In summer, 1962, the federal court, after declaring the existing Alabama legislative apportionment unconstitutional, issued its own temporary plan (Sims v. Frink). On appeal the lower court was sustained by the supreme court in the now famous Reynolds v. Sims.

During 1965 regular session, the house approved a proposal which would have reapportioned the senate. This bill died on the senate calendar. The federal court later made it clear that the bill would have been insufficient inasmuch as it applied only to the upper chamber.

On September 23, the legislature reapportioned both houses during special session. The court on October 2 held the reapportionment of the senate constitutional but substituted its own scheme for the lower house to correct certain population discrepancies of the legislative version.

COLORADO

Lucas v. Forty-Fourth General Assembly (1964) struck down a "little federal" plan that had been approved by the voters in preference to a straight population proposal. Meeting in 1964 special session, the legislature then enacted a plan using a population basis. This statute was challenged because of its provision for subdistricts in multi-member counties. After the state supreme court found for the plaintiffs, the 1965 general assembly passed a new apportionment act eliminating subdistricts and, shortly thereafter, the state supreme court dismissed all litigation.

KENTUCKY

The Kentucky legislature successfully reapportioned itself in 1963 special session. No litigation is pending.

/1 Published by the Council of State Governments.

/2 There has been no change in legislative reapportionment since November 1965 in the states in this listing.

LOUISIANA

Meeting in special session, the legislature reapportioned the house in 1963 after the federal court declared that the existing apportionment violated the 14th Amendment (Daniel v. Davis).

Litigation has been pending since 1963 (Bannister v. Davis) to reapportion the senate; however, plaintiffs have not yet moved to bring the matter to a hearing on merits.

MASSACHUSETTS

After the state supreme court declared existing house apportionment unconstitutional (Fishman v. White), the legislature realigned house districts in October, 1963. But reapportionment will be required again in 1966 following the new state census.

MONTANA

Suit challenging apportionment of the Montana legislature was decided January, 1965 (Hervez v. Thirty-Ninth Legislative Assembly) when the federal court held both houses malapportioned.

However, the court stayed remedial action pending outcome of the 1965 regular session. When the legislature failed to report a new apportionment scheme, the court on August 6 announced its own plan for use in the 1966 elections and declared that its plan would remain in force until the legislature was properly apportioned.

NORTH DAKOTA

As a result of longstanding litigation (Lien v. Sachre and Paulson v. Meier), the legislature reapportioned itself in the 1965 regular session. The act was declared unconstitutional by the federal court which on August 13 ordered into effect its own plan, to become effective with the 1966 elections (Paulson v. Meier).

The court plan is a slight modification of a proposal to the legislature by the Legislative Research Committee.

OKLAHOMA

In Moss v. Burkhart, the federal court ruled the state legislature malapportioned and warned that if a new plan was not devised by March, 1963, the court would implement its own scheme. New measures were adopted by the legislature in 1963, but these also were invalidated by both the federal and state supreme courts. Extensive litigation finally was climaxed July 31, 1964, when the federal court reapportioned both houses on a population basis.

SOUTH DAKOTA

Both houses of the legislature were reapportioned on a population basis in 1961.

UTAH

A federal court ordered the reapportionment of the state legislature in Petuskov v. Clyde. After the legislature enacted new plans during its 1965 regular session, the attorney general filed motion to dismiss all suits pending.

The plan, providing for 23 senators and 69 representatives, was approved by the federal court, excepting one section designed to allow senators elected in 1964 to complete their full terms.

VIRGINIA

The reapportionment undertaken by the 1962 state legislature was declared unconstitutional by a federal court in Mann v. Davis. During a March, 1964 special session, the legislature enacted a new plan which a federal special three-judge court found acceptable, except that two of the house districts, each having one delegate, were ordered combined into a single district with two delegates.

Henrico County appealed to the U.S. supreme court asserting that the effect of being placed in a single district with the City of Richmond, rather than being made an independent district, was to give Richmond a voting power greater than Henrico and deprived the county of representation by its own citizens. On October 26, the High Court upheld the ruling of the special court.

WASHINGTON

In Meyers v. Thigpen the U. S. supreme court affirmed a federal court decision that declared existing apportionment unconstitutional and enjoined further elections thereunder. On February 26, 1965, the legislature reapportioned itself and the federal court dismissed pending litigation.

WEST VIRGINIA

After Robertson v. Hatcher declared existing apportionment unconstitutional, the legislature successfully reapportioned itself during 1964 extraordinary session.

WISCONSIN

Following gubernatorial veto of three separate legislative apportionment acts and legislative failure to conform with an order to reapportion, the state supreme court issued its own scheme on May 14, 1964.

Upon resuming the 1965 regular session on October 4, the legislature considered several bills that would give statutory standing to the court plan. However, none of the proposals advanced to final passage and after one month the legislature adjourned until May 2, 1966.

STATE OF ALASKA

WILLIAM A. EGAN, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL / BOX 2170 - JUNEAU 99801

June 1, 1965

Mr. Felix Toner, Chairman
Advisory Reapportionment Board
Juneau, Alaska

Dear Mr. Toner:

You have asked the following questions:

1. May the Board create a multi-member legislative district in the Northwest?
2. May the Board include military personnel in population for apportionment purposes?

I will answer these questions in order.

1. Some residents of the Northwest have proposed that the Board establish a single legislative district in the Northwest, stretching from the Kuskokwim River in the south to Point Barrow in the north. Under the proposed plan a huge multi-member district would replace the single-member districts now used in the Northwest. All candidates for both the House and Senate would be required to run at large.

You have indicated that the Board is considering retaining multi-member districts in Anchorage and Fairbanks. The Board has decided that it would be practically impossible to divide these urban areas into single-member districts. The 1960 census gives population figures for enumeration districts which have no relationship in size or shape to apportionment of the area into single-member districts of approximately equal population. Also, it is obvious that last year's earthquake displaced large numbers of people from the major population centers of Anchorage. Since the Board must use 1960 census figures, it would only compound the inequities resulting from use of census figures rendered obsolete by the earthquake to attempt to establish single-member districts in Anchorage. We understand that for these reasons, the Board intends to retain multi-member districts in Anchorage and Fairbanks.

Mr. Felix Toner
Juneau, Alaska

June 1, 1965

-2-

With the census data available it is possible, however, for the Board to establish single-member districts elsewhere in the State. Although the United States Supreme Court, in Forston v. Dorsey, 379 U.S. 433 (1965), upheld use of some multi-member districts in Georgia, the Court warned:

"It might well be that, designedly or otherwise, a multi-member constituency apportionment scheme, under the circumstances of a particular case, would operate to minimize or cancel out the voting strength of racial or political elements of the voting population. When this is demonstrated, it will be time enough to consider whether the system still passes constitutional muster."

If the Board determines that a vast multi-member district in the Northwest would "minimize or cancel out the voting strength of racial or political elements of the voting population," it would be unconstitutional for the Board to create such a district.

A multi-member district in the Northwest might minimize or cancel out voting strength in several ways. For example, in a vast, sparsely-settled Northwest legislative district voters in several population centers might be able to elect most, if not all, of the entire Northwest's legislators. These voters would minimize or cancel out the voting strength of entire areas containing small, widely-scattered villages which could elect their own representatives if the Northwest were divided into single-member districts. In addition, voters in population centers located in one part of the district, which would stretch almost 800 air miles from the Kuskokwim to Point Barrow, might combine to prevent voters in other parts of the district from electing their unanimous choice. If voting strength of a minority of voters were minimized or cancelled out, vast areas of the Northwest would be without any effective representation in the legislature. It would be unconstitutional for the Board to create a multi-member district in the Northwest which would give rise to this type of discrimination.

In retaining multi-member districts in Anchorage and Fairbanks, the Board runs a risk that political or racial minorities in these areas will argue that use of multi-member districts minimizes or cancels out their voting strength. It is clear, however, that the Board plans to retain multi-member

Mr. Felix Toner
Juneau, Alaska

June 1, 1965
-3-

districts in these urban areas only because of the practical impossibility of dividing the cities into single-member districts and, in the case of Anchorage, because of the inequities that would result from following pre-earthquake census figures. Since the Board has no reason to believe that use of multi-member districts in these two relatively compact urban areas would submerge political or racial minorities, it is improbable that use of these multi-member districts would be held unconstitutional.

2. Your second question is whether the Board may include military personnel in population for apportionment purposes. The Alaska Constitution, in Article VI, Section 3, states:

"Reapportionment shall be based upon civilian population within each election district as reported by the census."

This clearly provides that military personnel are not to be included in population for apportionment purposes. Unless the United States Supreme Court declares this provision unconstitutional, it must be followed by the Board.

The United States Supreme Court has not held that military personnel must be included as part of the population base for apportionment purposes. It has not yet been asked to settle this specific issue. In Davis v. Mann, 377 U.S. 578 (1964), the Court discounted Virginia's argument that certain areas were not in fact under-represented because these areas contained large numbers of military personnel who were not domiciled in Virginia and did not vote there. The Court purported to answer this argument by stating that "discrimination against a class of individuals, merely because of the nature of their employment, without more being shown, is constitutionally impermissible." Whatever this statement means, it does not invalidate Alaska's constitutional provision excluding military personnel from the population base for apportionment purposes. Until the Supreme Court decides in explicit terms that such a provision is unconstitutional, the Board must follow Alaska's Constitution.

This was the approach taken by a federal district court in Holt v. Richardson, 33 U.S. Law Week 2443 (Feb. 17, 1965). Under Hawaii's Constitution, apportionment is based on the number of registered voters in the last general election. Since many military personnel are not Hawaii residents and do not vote there,

Mr. Felix Toner
Juneau, Alaska

June 1, 1965

they are not counted for apportionment purposes. Plaintiffs argued that apportionment must be based on total population, including military personnel. The federal district court refused to invalidate the apportionment of Hawaii's House of Representatives because registered voters, and not total population, were used as a basis for apportionment. The Court stated its reason for holding that registered voters were a valid basis for representation:

"Hawaii has become the United States' military bastion for the entire Pacific and military population in the State fluctuates violently as the Asiatic spots of trouble arise and disappear. If total population were to be the only acceptable criteria upon which legislative representation could be based, in Hawaii, grossly absurd and disastrous results would flow from a blind adherence to the elusive "one-person-one-vote" aphorism." (Mr. Justice Harlan in Forston v. Tombs, 33 U.S. Law Week 4172)"

Military personnel accounted for about 10 percent of Hawaii's total population in 1960. Military personnel account for about 15 percent of Alaska's population. Alaska can point to the same inequities as does Hawaii if military personnel are included in population for apportionment purposes.

Even if the Board were to include military personnel who are Alaska residents in the population base, this would not affect representation under any possible apportionment plan. The military has informed us that just over 100 military personnel stationed in Alaska consider themselves Alaska residents. There is no method of determining how many military personnel vote in Alaska. However, since voting is one factor in determining residence, it is likely that military personnel who claim residence in states other than Alaska do not vote in Alaska. Most vote by absentee ballot in the state where they claim residence and for that reason, in many cases, they will be counted for apportionment purposes.

Until the United States Supreme Court holds that a constitutional provision excluding military personnel from

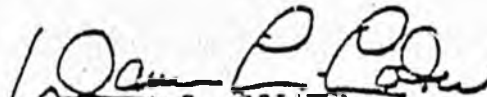
Mr. Felix Toner
Juneau, Alaska

June 1, 1965

-5-

population for apportionment purposes is invalid, the Board must follow Alaska's provision and reapportion on the basis of civilian population only.

Very truly yours,



WARREN S. COLVER
ATTORNEY GENERAL

WCC/STG

HEADQUARTERS, ALASKAN COMMAND

APO SEATTLE 98742



PA

16 April 1965

Mr. Felix J. Toner, Chairman
Reapportionment Advisory Board
P.O. Box 2534
Juneau, Alaska

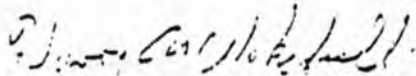
Dear Mr. Toner:

Reference is made to my letter of April 1st and your letter of March 29th concerning the matter of military residents in Alaska.

A survey of military personnel records indicates that there are 111 Alaskan residents in the military forces stationed in Alaska. I must point out, however, that this cannot be considered an absolutely accurate figure, as military personnel records do not contain an entry showing what can be called a "legal residence" for voting purposes. The record shows only the place the person prefers to consider as his permanent home.

The Alaska resident personnel are scattered in several places with the greater number in the Anchorage area. It appears, however, the total is so small that it would have no effect on reapportionment action.

Sincerely,


HARRY A. WAKEFIELD
Lt Col, USAF
Chief, Public Affairs

STATE REAPPORTIONMENT, ELECTORAL PERCENTAGES, 1966 ELECTIONS

STATE	DATE LATEST REAPPORTIONMENT		ELECTORAL PERCENTAGE*				REAPPORTIONING BODY**	PARTY STRENGTHS				1966 ELECTION
	HOUSE	SENATE	HOUSE		SENATE			UPPER HOUSE		LOWER HOUSE		
			Old	New	Old	New		Dem.	Rep.	Dem.	Rep.	
Alabama	1965	1965	43.0	47.7	27.6	47.8	Court, Legislature	35	0	103	3	Entire Legislature
Alaska	1961	1965	n.a.	47.8	33.4	51.0	Commission	17	3	30	10	One-half Upper House Entire Lower House
Arizona	1966	1966	45.8	49.1	12.8	49.1	Court	26	2	45	35	Entire Legislature
Arkansas	1965	1965	33.3	49.4	43.8	40.2	Commission	35	0	100	1	Entire Legislature
California	1965	1965	44.7	48.3	10.7	48.9	Legislature	1 Vacancy 25	13	3 Vacancies 49	31	Entire Legislature
Colorado	1965	1965	45.3	46.8	46.9	47.5	Legislature	2 Vacancies 15	20	42	23	One-half Upper House Entire Lower House
Connecticut	1965	1965	11.9	43.8	31.9	47.9	Legislature	23	13	111	183	Entire Legislature
Delaware	1961	1961	18.3	n.a.	22.0	n.a.	Legislature	13	3	30	3	One-half Upper House Entire Lower House
Florida	1966	1966	26.9	47.8	15.2	48.4	Legislature	41	2	105	7	Entire State Legislature
Georgia	1965	1962	22.5	42.3	21.4	48.2	Legislature	41	9	198	7	Entire Legislature
Hawaii	1959	1965	n.a.	38.4	18.1	n.a.	Legislature	16	0	40	11	Entire Legislature
Idaho	1966	1966	32.7	n.a.	16.6	n.a.	Legislature	19	25	37	41	Entire Legislature
Illinois	1965	1965	28.7	49.1	39.9	50.4	Commission, court	25	33	118	59	Entire Legislature
Indiana	1965	1965	34.8	48.7	40.4	49.5	Legislature	2 Vacancies 35	15	3 Vacancies 75	22	Entire Legislature
Iowa	1965	1965	26.9	41.8	35.2	45.1	Legislature	36	23	101	23	One-half Upper House Entire Lower House
Kansas	1966	1964	19.4	48.7	26.8	50.1	Legislature	36	23	101	23	Entire Lower House
Kentucky	1963	1963	31.1	41.8	42.0	46.6	Legislature	13	27	41	81	None
Louisiana	1963	1921	n.a.	33.1	n.a.	33.0	Legislature	25	13	61	36	None
Maine	1961	1961	39.7	40.0	n.a.	40.8	Legislature	39	0	103	2	None
Maryland	1965	1965	35.6	50.5	14.1	47.8	Legislature	29	5	81	70	Entire Legislature
Massachusetts	1963	1961	n.a.	45.5	n.a.	50.4	Legislature	22	7	117	25	Entire State Legislature
Michigan	1961	1961	44.0	52.0	29.0	52.0	Court	27	13	167	69	Entire Legislature
Minnesota	1966	1966	31.5	47.2	40.1	48.1	Legislature	24	43	3 Vacancies 73	37	Entire Legislature
Mississippi	1963	1963	29.1	41.2	31.6	37.4	Legislature	51	1	120	2	None
Missouri	1966	1965	20.3	49.8	47.7	52.0	Commission	22	12	123	40	One-half Upper House Entire Lower House
Montana	1965	1965	36.6	49.0	16.1	46.9	Court	32	24	56	38	Entire Legislature
Nebraska	1965	1965	44.0	49.3			Legislature	40 Non-Partisan Seats 8	8	25	12	Entire Legislature
Nevada	1965	1965	29.1	46.8	8.0	49.7	Legislature	1 Other 10	14	176	224	Entire Legislature
New Hampshire	1965	1965	41.0	45.2	43.8	52.5	Legislature					

STATE	DATE LATEST REAPPORTIONMENT		ELECTORAL PERCENTAGE*				REAPPORTIONING BODY**	PARTY STRENGTHS				1966 ELECTION
	HOUSE	SENATE	HOUSE		SENATE			UPPER HOUSE		LOWER HOUSE		
			Old	New	Old	New		Dem.	Rep.	Dem.	Rep.	
New Jersey	1961	1965	n.a.	46.5	49.0	47.0	Legislature	40	10	41	10	None
New Mexico	1965	1966	27.0	47.1	11.0	45.8	Legislature, court	20	1	59	18	15 Seats Upper House Entire Lower House
New York	1966	1966	49.3	49.2	49.4	49.1	Commission (court)	20	16	90	75	Entire Legislature
North Carolina	1966	1966	27.1	47.3	47.1	48.0	Legislature	49	1	106	41	Entire Legislature
North Dakota	1965	1965	40.9	48.7	31.9	48.7	Court	20	29	65	41	Entire Legislature
Ohio	1965	1965	30.3	47.5	41.7	49.6	Commission	16	16	62	75	Entire Legislature
Oklahoma	1965	1965	29.4	48.7	24.5	49.2	Legislature (court)	41	7	70	21	One-half Upper House Entire Lower House
Oregon	1961	1961	n.a.	48.1	n.a.	47.4	Secretary of State	19	11	28	32	One-half Upper House Entire Lower House
Pennsylvania	1966	1966	42.7	47.0	43.4	50.1	Court	21	27	116	83	One-half of Senate Entire Lower House
Rhode Island	1966	1966	46.3	n.a.	18.1	n.a.	Legislature	30	15	76	24	Entire Legislature
South Carolina	1961	1966	n.a.	46.2	23.3	48.0	Legislature	46	0	124	1	One-half Upper House Entire Lower House
South Dakota	1965	1965	34.5	46.7	30.3	47.1	Legislature	16	18	30	45	Entire Legislature
Tennessee	1965	1965	41.5	48.1	39.7	50.1	Legislature	24	9	71	24	Entire Legislature
Texas	1965	1965	38.7	47.0	30.3	49.4	Legislature	21	0	149	1	Entire Legislature
Utah	1965	1965	37.7	47.6	25.3	41.3	Legislature	15	12	39	30	One-half Upper House Entire Lower House
Vermont	1965	1965	11.6	43.7	47.0	48.3	Legislature	6	24	33	113	Entire Legislature
Virginia	1961	1961	40.5	47.7	41.1	49.0	Legislature	37	3	89	11	None
Washington	1965	1965	28.0	46.7	35.6	47.6	Legislature	32	17	60	30	One-half Upper House Entire Lower House
West Virginia	1961	1961	40.0	46.2	46.7	46.7	Legislature	27	7	91	9	One-half Upper House Entire Lower House
Wisconsin	1961	1961	40.0	43.4	42.5	48.1	Court	13	20	52	48	One-half Upper House Entire Lower House
Wyoming	1965	1965	35.8	46.5	24.1	47.4	Legislature, court	12	13	34	27	Entire Legislature

*The electoral percentage is the percentage of each state's population which is theoretically able to elect a majority of each chamber of the state legislature.

**Where two bodies are listed, the first reapportioned the House and the second reapportioned the Senate.

(Unlabeled legislature.)

n.a. Not available.

SOURCES: National Municipal League, Legislature Reference Service, Chamber of Commerce of the U.S., Congressional Quarterly.

REAPPORTIONMENT AND REDISTRICTING PLAN FOR THE ALASKA STATE LEGISLATURE



Prepared by: The Reapportionment Board
June 10, 1981

TABLE OF CONTENTS

- I. INTRODUCTION
 - A. Composition of the Board
 - B. Staff and Technical Requirements
 - C. Budget
- II. PUBLIC PARTICIPATION
- III. POPULATION BASE AND IDEAL DISTRICT SIZE
 - A. The Census Population
 - B. Adjustment of Census Figures
 - C. Ideal District Populations
- IV. THE ELECTION DISTRICTS
 - A. Guidelines
 - B. District Configurations and Populations
- V. TABLES
 - A. Table I - Public Hearing Dates and Locations
 - B. Table II - Calculation of Non-Resident Military Population
 - C. Table III - Statistical Summary House Districts
 - D. Table IV - Statistical Summary Senate Districts
- VI. NOTES
- VII. MAPS
 - A. Statewide Election Districts
 - B. Anchorage/Fairbanks Election Districts

I. INTRODUCTION

Article VI of the Alaska Constitution requires that reapportionment of election districts take place following each decennial census. The Governor is responsible for reapportionment with the assistance of a five-member advisory board.

The board must submit a plan for reapportionment and redistricting to the Governor within 90 days following receipt of official census data. The Governor has an additional 90 days to approve or modify the plan and issue a proclamation of reapportionment and redistricting.

A. COMPOSITION OF THE BOARD

Article VI, Section 8 of the Alaska Constitution provides for appointment of a five-member reapportionment board to act in an advisory capacity to the Governor. None of the members is to be a public employee or official. Appointments are to be made without regard to political affiliation. One member each is to be appointed from the Southeastern, Southcentral, Central and Northwestern Senate Districts, the original geographic senate districts at the time of statehood. In September of 1979 Governor Hammond appointed the following individuals to serve on the Reapportionment Board: Kent Dawson, Juneau; Cliff Groh, Anchorage; John Holm, Fairbanks; Byron Mallott, Yakutat; and John Schaeffer, Kotzebue. During their organizational meeting in December 1979, Byron Mallott was selected as Board chairman and served until his resignation in August of 1980. In

September 1980, Governor Hammond appointed Avrum Gross of Juneau to the Board to replace Mallot. John Schaeffer was elected chairman during the Board meeting on October 15, 1981 and Kent Dawson was elected vice chairman.

B. STAFF AND TECHNICAL REQUIREMENTS

The Board secured the services of Karen ^{Reine} Ward as full-time Executive Director to be responsible for all administrative and fiscal details for the Board. The Executive Director arranged meetings and prepared and maintained records for all meetings, hearings, and other business conducted by the Board. Additionally, the Executive Director developed proposals and monitored the work of consultants and other personnel retained by the Board. Suzanne Lowell was retained to provide clerical and administrative support on a part-time basis over the course of the project. The Board also entered into a Reimbursable Services Agreement (RSA) with the Department of Law to provide legal counsel on a full-time basis. Assistant Attorney General Thomas M. Jahnke served as legal counsel to the Board throughout its existence.

The University of Alaska, Institute of Social and Economic Research (ISER) was retained to assist the Board in its use of census data and to supplement that data with additional information on non-residents. The Institute presented a report prepared by Dr. John A. Kruse. Dr. Kruse's findings are discussed in detail in Section III of this report.

R & M Consultants, Inc., was selected to prepare the election district maps and corresponding legal boundary descriptions for the Board.

Additionally, demographic and statistical assistance was provided by the Department of Labor, Research and Analysis Section. Stephen Harrison assisted in developing pre-census population estimates by election district. State Demographer Dave Swanson assisted in organizing the census data for use by the Board. The Research and Analysis Section also handled all requests for population data regarding the 1980 census.

John Gliva of the Department of Community and Regional Affairs, Division of Community Planning, provided preliminary cartographic services. A complete set of Community and Regional Affairs mylars with incorporated city, regional corporation, Regional Education Attendance Area, and borough boundaries was made available to the Board and provided considerable assistance in developing preliminary proposals.

C. BUDGET

The Governor's Contingency Fund was the source of \$50,000 for the immediate activities of the Board in January of 1980. The Legislature approved a special appropriation of \$204,800 for Fiscal Year 1980. \$50,000 was returned to the Governor's Contingency Fund. \$47,025.90 lapsed at the end of FY 80. The Reapportionment Board was funded \$314,200 for FY 81.

II. PUBLIC PARTICIPATION

The Reapportionment Board conducted 20 public hearings across the state beginning in October of 1980 and ending in February, 1981. A schedule of the dates and locations of the hearings is included in Table I.

The Board scheduled a week out of each month, over a period of four months, for public hearings. In almost every case, at least two board members were present to conduct the hearing. Weather conditions during the December hearing schedule grounded several of the board members in different locations. John Holm conducted the Ketchikan and Wrangell hearings, and Avrum Gross conducted the Sitka hearing. The Petersburg hearing for December was cancelled due to weather and rescheduled in February.

Advertising for the hearings included newspaper display ads that were typeset and camera-ready, and sent to the newspapers in the specific areas for each hearing. Thirty second public service announcements were recorded with the assistance of the Broadcast Information Office in the Office of the Governor, Division of Communications, and sent via telephone to the local radio stations. Formal press releases were issued prior to each set of hearings with the dates and locations of the hearings. Additionally, a televised interview with Board Executive Director Karen ~~Ward~~ ^{Ward} was conducted prior to each round of hearings and sent via satellite to television stations across the state. Individual television and radio stations and newspapers

conducted interviews which resulted in increased advertising for the hearings.

Attendance at the hearings varied in each location. The time of day during which the hearing was held and conflicts with other activities may have contributed to a lower turnout at some of the meetings.

Many people expressed the sentiment that, prior to receipt of census data and absent any formal action by the Board, there was little to contribute regarding reapportionment during the public hearings. However, the Board had several major policy decisions to make concerning reapportionment and how they would proceed in developing their recommendations upon receiving census data. The Board sought public comment on a proposal to create 40 single-member house districts as well as arguments supporting multi-member districts. Various alternatives for apportioning the state senate were discussed during the hearings, including single-member districts and electing senators statewide. Local input and suggestions for either expanding current election district boundaries, if need be, or carving out portions of election districts to join with adjacent underpopulated districts were also sought during the meetings.

The Alaska Constitution allows 90 days from receipt of census data to prepare the reapportionment plan and submit it to the Governor. That period did not allow adequate time for the Board to conduct a second set of public hearings. The Board received official census data on

March 12, 1981. Organizing the census data, applying the results of the data obtained by ISER and preparing the maps for the Board to utilize in developing the plan took approximately 30 of the allotted 90 days.

The Board released a draft plan for house districts on May 5. Copies of the draft plan were supplied to each legislative information office, regional governor's and election offices, and mailed to each of the several hundred people who attended the public hearings. A statewide teleconference was scheduled for May 12, 1981 for public comment and testimony. The teleconference tied in 23 communities and approximately 60 people testified during the three-hour conference. Additionally, the Board received numerous telephone calls, telegrams and letters.

As a result of testimony received regarding the first proposal, the Board made several revisions and called for written public comment. The Board met on May 22, 1981 to finalize their recommendations and instructed the staff to prepare the text and corresponding maps to submit to the Governor.

III. POPULATION BASE AND IDEAL DISTRICT SIZE

A. THE CENSUS POPULATION

The United States Census of 1980 reported a state population of 400,481. That total may include a significant number of persons who do not consider themselves to be residents or domiciliaries of Alaska, including aliens, oil

production base camp workers, lumber camp workers, workers at fish processing facilities, college students and military personnel and their dependents.1/

B. ADJUSTMENT OF CENSUS FIGURES

The United States Supreme Court has held that

[T]he Equal Protection Clause does not require the states to use total population figures derived from the federal census as the standard by which this substantial population equivalency is to be measured ... Neither in Reynolds v. Sims nor in any other decision has this Court suggested that the states are required to include aliens, transients, short-term or temporary residents, or persons denied the vote for conviction of a crime, in the apportionment base by which their legislators are distributed and against which compliance with the Equal Protection Clause is to be measured.

Burns v. Richardson, 384 U.S. 73, 16 L. Ed 2d 376, 390-391 (1966). With this principle in mind, Dr. John A. Kruse of the Institute of Social and Economic Research (ISER) of the University of Alaska inquired into the census treatment of the groups enumerated in III-A above.2/

In communication with the Bureau of the Census prior to the census date, Dr. Kruse learned that the census bureau had developed a special procedure for enumerating oil production base camps which allowed the census bureau to allocate the workers back to their true residence in Alaska or elsewhere.3/

There was extensive consideration by Dr. Kruse of floating and on-shore fish processing facilities.4/ Floating processors were enumerated by the census bureau in January through March 1980, at which time the non-resident population would have been at its lowest. On-shore processors were

enumerated ahead of the peak employment period, but there was a chance that some non-residents were included. Dr. Kruse noted the very short time-frame in which ISER would have to work, the variations in residency patterns from company to company, uncertainty as to how the residency of persons would be recorded in the census, and the likely resistance of workers to the efforts of ISER. Based on these factors, the Board decided to forego further inquiry into the residency of workers at fish processing facilities.5/

All but one of 88 companies active in the timber industry responded to ISER inquiries. Their responses indicated 630 non-resident lumber camp employees or dependents out of a total of 1,442. The Board decided not to undertake a further inquiry given the large number of camp locations and the relatively small number of people in each affected region.6/

Dr. Kruse recommended that there be no special study of college students to determine their residency characteristics. His reasons included the extremely low proportion of students (10%) paying non-resident tuition rates, indicating a relatively low non-residency factor, and their small number compared to the population of the surrounding communities.7/ The Board concurred.

The alien population in Alaska, based upon figures provided by the Immigration and Naturalization Service, is extremely small. Though relatively concentrated in a dozen election districts, their proportion does not exceed 2.9% in

any one area of concentration. The decision was made not to undertake a special study.^{8/}

Felons and persons who are mentally incompetent were also considered. Their numbers were so small that no effort was made to eliminate any portion from the population base for reapportionment.

The only segment of the population thought to contain large and readily identifiable concentrations of non-residents is military personnel and their dependents. Historically, this group has been concentrated in great numbers in a handful of communities. Their residency factor has been thought to be very low.^{9/}

The Alaska Supreme Court has approved the principle that non-resident military personnel may constitutionally be excluded from the reapportionment population base:

[W]hile the clause of the Alaska Constitution seeking to exclude military as a class is unconstitutional, that is not to say that some military cannot be excluded as a permissible device for limiting the impact of transients and non-residents on legislative districting.

Egan v. Hammond, 502 P. 2d 586, 869 (Ak. 1972). More to the point, the court observed:

We hold that it was reasonable for the Board to exclude some proportion of military personnel not merely because of their transience, but because a significant number of Alaska-based military personnel exercise an option to be non-Alaskans, despite their physical presence here. This phenomenon is well demonstrated by the minuscule voter registration on military enclaves. It is thus not offensive to notions of equal protections to exclude from the population base even military personnel who have lived in Alaska for substantial

periods of time, so long as those people have exercised their option to remain residents and domiciliaries of other states.

Id. at 872-873. 10/

Dr. Kruse determined that there are seven military installations with populations large enough to affect the reapportionment process.11/ These installations are Elmendorf Air Force Base, Eielson Air Force Base, Fort Wainwright, Fort Richardson, Fort Greely, Adak Naval Base, and the Kodiak Coast Guard Station.

Because military records are not updated consistently, they were deemed unreliable. A full census of military personnel and their dependents was rejected both because of cost and because more reliable results can actually be obtained from a survey of a scientific sample. Thus, it was decided to proceed with a survey of military personnel and dependents, both on- and off-base.

The survey sought to answer two questions: First, did the respondent consider Alaska to be his or her home; second, was the respondent registered to vote in Alaska. If the answer to either of these inquiries was "yes", the respondent was deemed to be a resident; put another way, a person was not deemed to be a non-resident unless he or she neither voted nor considered Alaska home.12/

Separate non-residency factors were obtained for on-base servicemembers, on-base dependents, off-base servicemembers and off-base dependents. The off-base results were achieved by use of address lists provided by the military

branches which allowed Dr. Kruse to determine, with precision, how many servicemembers and dependents live in each off-base enumeration district near a given installation.

Table II shows the numbers of non-resident servicemembers and dependents deducted from the population of each base and the total number of non-resident servicemembers and dependents deducted from the off-base areas adjoining the installations.

C. IDEAL DISTRICT POPULATIONS

The total non-resident servicemember and dependent count is 31,363.8. When that number is subtracted from the census population of 400,481, an adjusted state population of 369,117.2 results. 37

The ideal house district population is the quotient of the adjusted population divided by the number of house seats to be apportioned, i.e. 40. $\frac{13}{40}$ That quotient is 9,228. $\frac{369,117.2}{40} = 9,227.93$

The ideal senate district population is the quotient of the adjusted population divided by the number of senate seats to be apportioned, i.e. 20. $\frac{14}{20}$ That quotient is 18,456.

IV. THE ELECTION DISTRICTS

A. GUIDELINES

Federal and state constitutional provisions prescribe two basic rules to be followed by the Board in designing new election districts. First,

The Equal Protection Clause requires that a state make an honest and good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as is practicable.

Reynolds v. Sims, 377 U.S. 533, 12 L. Ed 2d 506, 536 (1964)

(emphasis added).

Second,

Each new district so created shall be formed of contiguous and compact territory containing as nearly as practicable a relatively integrated socio-economic area.

Alaska Constitution, Article VI, § 6.

The population parameter first mentioned is elucidated in Groh v. Egan:

We conclude that in the absence of a showing that the manner of reapportioning the state was improperly motivated or had an impermissible effect, [combined] ~~deviations of up to ten percent~~ require no showing of justification. The state, however, has the burden of showing that [combined] deviations in excess of ten percent are "based on legitimate considerations incident to the effectuation of a rational state policy."

526 P.2d at 877. Thus, it was the Board's goal to fashion districts with combined deviations or variances from the population ideal of not more than ten percent. This was accomplished: the most overrepresented and underpopulated house district is Mid-Town Anchorage at 4.1737 percent; the most underrepresented and overpopulated house district is Juneau at 5.8084 percent; their combined variance is 9.9821 percent. Table III contains a statistical summary of the proposed house districts.

Notwithstanding the Board's success on the paramount population front, the district configurations also represent

contiguous, compact, relatively integrated socio-economic areas. The Board's conception of these terms follows.

1. Compactness and Contiguity

"Compact" and "contiguous" are relative terms embodying imprecise concepts. In the Board's view, the requirements aim to serve at least two goals. First, they are intended to foster the inclusion in a single district of people with substantially like backgrounds and concerns. Such people are typically found in a single region or area. Second, the standards introduce an efficiency into representative government by requiring a closer grouping of people to form a constituency. Such a grouping facilitates communication among constituents and between constituents and legislators.

To implement these concepts, the Board decided to fashion single-member house and senate districts throughout the state except in five relatively populous and socio-economically homogeneous areas.

Still, there is, in some features of the plan, an undeniable tension between the geographical aspect of the compactness requirement and its socio-economic aspect. Nowhere is this more apparent than in the Cordova-Inside Passage District. It is indisputable that Cordova is physically closer to Valdez and Seward than it is to the balance of House District 2. However, it is also indisputable that, from a socio-economic standpoint, Cordova has less in common with the predominantly commercialized and industrialized

economies of Seward and Valdez than with the fishing communities of the Inside Passage. Thus, to honor the form of the compactness command would debase its substance by combining socio-economically less compatible communities.

2. Socio-Economic Homogeneity

The concept of socio-economic homogeneity has a number of interrelated components, including ethnic composition, economic base, governmental and neighborhood boundaries, community size, transportation and communication links, and other miscellaneous considerations. In the task of district composition, a balance often had to be struck between competing socio-economic factors. In a given case one factor, e.g. economic base, might indicate the inclusion of a population group in district X. However, its ethnic composition might indicate inclusion in district Y. This balancing process was the most difficult part of the Board's task.

A primary concern of the Board, especially in northern and western Alaska was the ethnic composition of the districts. Divisions between the Athabascan and Eskimo peoples go back centuries and profoundly influence voting patterns today. Eskimos note bright-line distinctions between Inupiat Eskimos in the north and Yupik Eskimos in the south. Unfortunately, unbending observance of these divisions would have produced enormous population variances and severed other current and substantial cross-cultural socio-economic ties. It was therefore impossible to conform

district lines to the distribution of each of those cultural and social groups. Still, substantial respect for such divisions is apparent in the district boundaries between the North Slope-Kotzebue and Norton Sound districts on the one hand, and the Interior Rivers District on the other. Ethnic composition was a tertiary consideration in the design of the Inside Passage-Cordova District, after economic base and community size.

Economic base was a major factor in the composition of many districts. A shared economic base was a primary or secondary consideration in House Districts 1, 2 and 3 (fishing, timber), 4 (government), 5 (energy, fishing), 6 (shipping, recreation), 16 (agriculture), 17 (transportation, subsistence), 24 (subsistence), 26 and 27 (fishing).

A distinct effort was made to observe the Alaska Native Regional Corporation boundaries and the socio-economic divisions they embody, but there are a number of significant deviations therefrom, especially in the relatively populous Lower Yukon and Lower Kuskokwim areas. Respect for political subdivision boundaries is also apparent throughout the state. A deliberate and largely successful effort was made to respect the boundaries of the following political subdivisions: the Ketchikan Gateway Borough, the City and Borough of Juneau, the Haines Borough, the City and Borough of Sitka, the Kenai Peninsula Borough, the Municipality of Anchorage, the Matanuska-Susitna Borough, the Fairbanks North Star Borough, the North Slope Borough, the Bristol Bay

Borough and the Kodiak Island Borough. In Anchorage, the Board endeavored to follow the formal neighborhood council boundaries, with considerable success. Substantial strides were made toward the goal of eliminating large, multi-member districts in Anchorage and Fairbanks while preserving the integrity of the cities' neighborhoods. In Anchorage, none of the long-established neighborhoods has seen any substantial portion of its citizenry placed in a different district. It is the Board's hope that, in future decades, as the newer areas coalesce into readily identifiable neighborhoods, their geographic and social integrity will be respected in the reapportionment process.

Transportation and communication links explain many of the decisions made at the edges of districts. For example, these were important considerations in placing Platinum and Goodnews Bay in the Lower Kuskokwim district while Twin Hills and Togiak went with the Bristol Bay district. With the exception of the southern reaches of the Interior Rivers District and the southern third of the Norton Sound District, the villages on the edges of each bush district are oriented toward a transportation and communication center within the district.

There are a number of other miscellaneous considerations which influenced the Board, some of which are merely shorthand expressions for a combination of the socio-economic factors already discussed. One such expression is "lifestyle". It is illustrated more or less clearly in virtually every

district, with some districts reflecting an urban lifestyle, other districts representing a suburban lifestyle and still others representing rural and/or subsistence lifestyles. The senate district including South Anchorage, the Kenai Peninsula and the south coast constitutes a balance of rural and suburban interests in a region that is experiencing increasing commercialization and industrialization.

The Ketchikan-Wrangell-Petersburg district depicts the resolution of two legitimate but conflicting considerations: the logic of keeping all of the Ketchikan Gateway Borough together in one district; and the logic of not submerging the interests of Wrangell and Petersburg by including them in a "metropolitan" district with the much larger Ketchikan. In the case of House District 1, inclusion of Wrangell and Petersburg with Ketchikan is justified by the considerable identity and interdependence of their economies and the substantial ties between their citizens. Were districts drawn separating Ketchikan from Wrangell and Petersburg, it would also be necessary to submerge scores of small Indian villages in two districts dominated by the three larger white communities. This would do substantially more violence to the social interests of the Indian communities than District 1 does to the interests of Wrangell and Petersburg.

3. Single Member vs. Multi-member Districts

The Board decided at an early date to endeavor to fashion forty single-member house districts. Testimony in all communities save Fairbanks clearly favored the con-

} Single Member District

cept.15/ The case is especially compelling in the bush areas where even single-member house districts are larger than most of our sister states. Thus, the Board adhered steadfastly to the single-member concept in bush Alaska.16/

In six areas of the state, however, two-member districts were fashioned. In Ketchikan, a two-member district was designed because of the overpopulation of the Ketchikan Gateway Borough. In order to create single-member districts, a portion of urban Ketchikan would have had to be carved out and joined with either Wrangell and Petersburg or a collection of smaller communities to the west and north of Ketchikan.

In Juneau a two-member district was utilized for two reasons: First, a two-member district would allow the preservation of the entire City and Borough of Juneau in a single district. Second, the population of Juneau constitutes a virtually indivisible unit that, with a government service economy, is unique in a region otherwise dominated by fishing and timber interests.

The Kenai Peninsula Borough is populous enough for two and three-quarters seats. If single-member seats were utilized, as in the Board staff's first proposal, the borough would be divided in three.17/ By use of a two-member house district, the borough is divided only in two. Even that split is ameliorated by the combination of the Kenai Peninsula, South Coast and South Anchorage districts in a two-member senate district. With the exception of the

Kachemak Bay communities, the senate district encompasses an area of growing urbanization, commercialization and industrialization.

A two-member district was utilized in the Matanuska-Susitna Borough area to keep the borough intact. The population approximates the ideal for a two-member house district.

The Fairbanks North Star Borough includes one two-member house district in downtown Fairbanks and three single-member house districts covering the outlying areas.

In Anchorage there are eight two-member house districts. These configurations accomplish two things: First, they allow the inclusion in a single district of entire neighborhoods which would have to be split if single-member house districts were the rule. Second, they work less hardship on incumbents and constituents who have, since the 1974 reapportionment, been joined in districts with broader interests in Anchorage. This plan is, in effect, a step toward single-member districts, which goal may be reached in the 1991 reapportionment plan if the intervening decade of experience recommends the concept.

} Single Member District

In the rural areas of Alaska the Board combined two house districts to make one single-member senate district. In three areas, Fairbanks, Anchorage, and the Kenai Peninsula, the Board combined four house districts to make two-member senate districts with designated seats. Table IV contains a statistical summary of the proposed senate districts.

4. Length of Senate Terms

Realignment of senate districts in this plan creates some districts with two or more incumbents and some districts with no incumbents. The Board believes that that situation must be corrected at the next election in 1982. In order to accomplish this, candidates must run to represent the vacant districts. However, because the constitution limits the size of the senate to 20, for every vacant district that elects a senator, another district with two or more incumbents must give up a senator. Some of those senators are serving terms that will not expire until January 1985.

Another problem is the need to preserve the staggering of senate seats whereby only half of the seats are filled at each election.^{18/} Thus, for the 1982 elections in which more than ten senate seats may be filled, the Board must decide which seats will have two-year terms and which will have four-year terms.

Truncation of some senators' terms is unavoidable. The Board recommends that truncation occur only in two situations: First, where approximately one-third or more of an incumbent senator's constituency has changed, truncation may occur. That is, if approximately one-third of the population of an incumbent's new district did not have an opportunity to vote on the incumbent in 1980, that incumbent's term may be truncated in 1982. Additionally, if approximately one-third of the population which had the

opportunity to vote on the incumbent in 1980 is now in a different district, that incumbent's term may be truncated. Second, if it is the case that, notwithstanding the numerical standard just articulated, an incumbent now represents a district in which the method of selecting senators has changed, that incumbent's term may be truncated. For example, if an incumbent had been elected in an at-large, multi-member district in 1980, and were now in a two-member district with designated seats, his or her term could be truncated.

In each of the six two-member senate districts, the seat designated "A" will be a two-year seat for the 1982 elections; the seat designated "B" will be a four-year seat. For the remaining eight single-member senate districts, length of terms commencing in 1982 was decided by drawing lots:

<u>Senate District</u>	<u>Term</u>
A	four-year
B	two-year
C	four-year
I	two-year
J	four-year
L	four-year
M	two-year
N	two-year

Beginning in 1984, senate elections should follow the constitutionally prescribed scheme wherein ten seats are filled at each election for four-year terms.

B. DISTRICT CONFIGURATIONS AND POPULATIONS

1. Ketchikan-Wrangell-Petersburg

District 1 is an area within a line proceeding from Dixon Entrance in a northerly direction up Clarence Strait, passing west of Zarembo Island, northerly up Duncan Canal, across Frederick Sound to a point just north and west of Cape Fanshaw, then northeasterly to the Canadian border and southerly along the Canadian border to the point of beginning at Dixon Entrance. The district includes the Ketchikan Gateway Borough, Wrangell, Petersburg, Metlakata, Hyder, Saxman, Meyers Chuck and Kupreanof. It has a population of 17,940 and a variance of -2.8 percent. Candidates will run for either of two designated seats in the house and one senate seat.

2. Inside Passage-Cordova

District 2 is composed of that portion of Southeast Alaska between Dixon Entrance and Port Gravina on Prince William Sound that is not contained in Districts 1, 3 and 4. Included within its boundaries are the communities of Cordova, Yakutat, Haines, Skagway, Klukwan, Gustavus, Angoon, Kake, Thorne Bay, Klawock, Craig and Hydaburg. The district has a population of 9,301 and a variance of +.8 percent. One house member will be elected from the district. With District 3, it will elect one senator.

3. Baranof-Chichagof

District 3 consists of Baranof Island and Chichagof Island. The communities on the islands include Sitka,

Pelican, Hoonah, Tenakee Springs and Port Alexander. The district has a population of 9,266 and variance of +.4 percent. It will elect one house member and, with District 2, one senator.

4. Juneau

District 4 boundaries coincide with those of the City and Borough of Juneau. The district has a population of 19,528 and a variance of +5.8084 percent. It will elect two house members to designated seats and one senator.

5. Kenai-Cook Inlet

District 5 includes all of the coastal areas on the east and west sides of Cook Inlet that lie south and west of Nikishka. Sterling is also within the district. The district has a population of 19,068 and a variance of +3.3 percent. Candidates will run for either of two designated seats in the house. Districts 5, 6 and 7 will elect two senators to designated seats.

6. North Kenai-South Coast

District 6 includes the northern quarter of the Kenai Peninsula, Nikishka, Hope, Cooper Landing, Moose Pass, Seward, Whittier and Valdez. It has a population of 9,267 and a variance of +.4 percent. It will elect one house member and, with Districts 5 and 7, two senators to designated seats.

7. South Anchorage

District 7 contains the suburban southern and southeastern reaches of the Municipality of Anchorage,

including the community council areas of Eldon, Old Seward/Oceanview, Rabbit Creek, Turnagain Arm and Girdwood Valley. Its northern boundary proceeds east from the inlet on Klatt Road to the New Seward Highway, southerly on the New Seward Highway to DeArmoun Road, east on DeArmoun Road to Morgaard Road, easterly on Morgarrd Road to DeArmoun Road, easterly and southerly on Rabbit Creek. The district has a population of 8,853.2 and a variance of -4.1 percent. It will elect one house member and, with Districts 5 and 6, two senators to designated seats.

8. Hillside

District 8 is bounded on the south by Rabbit Creek, Morgaard Road and DeArmoun Road and on the west by the Seward Highway. At Tudor Road the boundary proceeds east to Bragaw Road where it turns south. This district includes the neighborhood council areas of Campbell Park, Abbott Loop, Huffman-O'Malley, Mid-Hillside, Hillside East and Glen Alps. The district population is 18,202.1 and its variance is -1.4 percent. It will elect two house members to designated seats and, with District 9, two senators to designated seats.

9. Sand Lake

District 9 is bounded by a line beginning at the inlet and proceeding east on Klatt Road. The line proceeds north on the New Seward Highway to Dimond Boulevard where it turns west. At Minnesota Drive the line turns north and proceeds to International Airport Road where it turns west

and extends to the inlet. The district includes the community council areas of Sand Lake and Klatt Road. Its population is 18,004.7 and its variance is -2.4 percent. It will elect two house members to designated seats and, with District 8, two senators to designated seats.

10. Mid-Town

District 10 is bounded by a line beginning at the intersection of the Seward Highway and Dimond Boulevard. The line proceeds west to Minnesota Drive, north to International Airport Road, east to the Alaska Railroad, north by northwest along the railroad right of way to Tudor Road, east to Arctic Boulevard, north to 36th Avenue, east on 36th Avenue to C Street, north to Northern Lights Boulevard, west to Spenard Road, north to W. 25th Street, west to Minnesota Drive, north to Chester Creek, easterly to Lake Otis Road, south to Tudor Road, west to the New Seward Highway and south to the point of beginning. The district includes the community council areas of North Star, Rogers Park, Tudor, and parts of Spenard and Taku-Campbell. It has a population of 17,685.7 and a variance of -4.1737 percent. It will elect two house members to designated seats and, with District 11, two senators to designated seats.

11. West Side

District 11 is bounded by the boundary of District 10 on the east, International Airport Road on the south, and the inlet and Chester Creek on the north. It includes the community council area of Turnagain and the major part of

the Spenard area. It has a population of 17,957.8 and a variance of -2.7 percent. It will elect two house members to designated seats and, with District 10, two senators to designated seats.

12. Downtown

District 12 is bounded by Chester Creek on the south, Bragaw Road on the east, Commercial Drive and the Elmendorf reservation boundary on the north and the inlet on the west. Included are the community council areas of Government Hill, Downtown, Penland Park and South Addition, and parts of the areas of Fairview, North Mountain View and Airport Heights. The district has a population of 18,170 and a variance of -1.5%. It will elect two house members to designated seats and, with District 13, two senators to designated seats.

13. Mountain View-University

District 13 is bounded by a line beginning at the intersection of Tudor Road and Lake Otis Road proceeding east to Baxter Road, north to Northern Lights Boulevard, west to Boniface Road, north to the Glenn Highway, west on the Glenn Highway, northerly and westerly around North Mountain View along the Elmendorf military reservation boundary, south to the Glenn Highway, east to Bragaw Road, south to Chester Creek, westerly to Lake Otis Road and south to the point of beginning. The district includes the community council areas of Russian Jack Park and University, and parts of the North Mountain View and Airport Heights

areas. It has a population of 18,907.5 and a variance of +2.4 percent. It will elect two house members to designated seats and, with District 12, two senators to designated seats.

14. Muldoon

District 14 includes Stuckagain Heights and the community council areas of Northeast and Scenic Park. That part of the Northeast area bounded by Boniface Road, DeBarr Road, Turpin Street and the Glenn Highway is included in District 15. District 14 has a population of 19,031.5 and a variance of +3.1 percent. It will elect two house members to designated seats and, with District 15, two senators to designated seats.

15. Chugiak-Eagle River-Bases

District 15 includes the community council areas of Eklutna Valley, Chugiak, Birchwood and Eagle River Valley. Also included are Fort Richardson, Elmendorf Air Force Base and that area of the Northeast community council area bounded by Boniface Road, DeBarr Road, Turpin Street and the Glenn Highway. The district has a population of 18,560.7 and a variance of +.56 percent. It will elect two house members to designated seats and, with District 14, two senators to designated seats.

16. Matanuska-Susitna

District 16 is comprised of the Matanuska-Susitna Borough, including the communities of Talkeetna, Willow, Houston, Big Lake, Wasilla, Bodenbug Butte, Palmer, Sutton,

Peter's Creek, Montana and Chickaloon. It has a population of 17,724.6 and a variance of -4.0 percent. It will elect two house members to designated seats and one senator.

17. Interior Highways

District 17 is made up of those areas outside of the Matanuska-Susitna Borough and the Fairbanks North Star Borough which are along the Glenn, Parks, Richardson and Alaska Highways. Included are Paxson, Gulkana, Glennallen, Copper Center, Tonsina, Tazlina, McCarthy, Eagle, Delta, Fort Greely, Tanacross, Tok, Tetlin, Northway, Nenana, Anderson, Healy and Cantwell. The district has a population of 9,111.9 and a variance of -1.2 percent. It will elect one house member and, with District 18, one senator.

18. Southeast North Star Borough

District 18 encompasses the southeast section of the Fairbanks North Star Borough. It includes North Pole, Eielson Air Force Base, Salcha and Harding Lake. Its population is 9,300, with a variance of +.7 percent. It will elect one house member and, with District 17, one senator.

19. Fort Wainwright-Outer Fairbanks

District 19 includes Livengood, Ester, Goldstream Road, the Steese Highway, the eastern half of Farmers Loop Road, Fort Wainwright, Chena Hot Springs Road, Circle, Central and Circle Hot Springs. It has a population of 8,934.3 and a variance of -3.2 percent. It will elect one house member and, with Districts 20 and 21, two senators to designated seats.

20. Fairbanks City

District 20 is bounded by the Noyes Slough and University Avenue on the west, the Fairbanks International Airport on the southwest, the Tanana River on the south and Fort Wainwright on the east. The Creamers Field area is included as the northern edge of the district. The district has a population of 18,319.7 and a variance of -.7 percent. It will elect two house members to designated seats and, with Districts 19 and 21, two senators to designated seats.

21. West Fairbanks

District 21 includes the western half of Farmers Loop Road and the area west of Noyes Slough and University Avenue to, but not including, the Ester area. It has a population of 9,247.1 and a variance of +.2 percent. It will elect one house member and, with Districts 19 and 20, two senators to designated seats.

22. North Slope-Kotzebue

District 22 includes the areas of the North Slope Borough/Arctic Slope Regional Corporation and the Northwest Alaska Native Association. It has a population of 9,030 and a variance of -2.1 percent. The district will elect one house member and, with District 23, one senator.

23. Norton Sound

District 23 includes the area of the Bering Straits Regional Corporation; Shishmaref, Diomedes, Teller, Nome, Koyuk and Saint Michael, and the coastal communities

as far south as Hooper Bay and Paimiut. Chevak is also included along with Yukon River villages down river from Mountain Village. The district has a population of 9,388 and a variance of +1.7 percent. It will elect one house member and, with District 22, one senator.

24. Interior Rivers

District 24 includes the communities on or near the great interior rivers, the Yukon, the Koyukuk and the Kuskokwim, as far down river as Mountain Village on the Yukon and Lower Kalskag on the Kuskokwim. The Lake Clark and Lake Iliamna communities, Minto and Manley Hot Springs are included; Eagle and Circle are not included. The district has a population of 9,549 and a variance of +3.5 percent. It will elect one house member and, with District 25, one senator.

25. Lower Kuskokwim

District 25 includes the Kuskokwim River communities down river from Tuluksak and the coastal communities from Newtok to Platinum. It has a population of 9,698 and a variance of +5.1 percent. It will elect one representative and, with District 24, one senator.

26. Bristol Bay-Aleutian Islands

District 26 includes all of the Bristol Bay Native Corporation area except Ivanof Bay, Perryville, Chignik Lake, Chignik Lagoon and the Lake Clark-Lake Iliamna communities. Included are the remainder of the Alaska Peninsula communities, the Aleutian communities, the Bristol Bay

communities as far west as Twin Hills, and communities as far up river as Aleknagik and Koliganek. The Bristol Bay Borough is also included. The district has a population of 9,479 and a variance of +2.7 percent. It will elect one house member and, with District 27, one senator.

27. Kodiak-East Alaska Peninsula

District 27 covers the Kodiak Island Borough and the Alaska Peninsula communities of Ivanof Bay, Perryville, Chignik Lake, Chignik and Chignik Lagoon. It has a population of 9,592.4 and a variance of +3.9 percent. It will elect one house member and, with District 26, one senator.

TABLE I
 REAPPORTIONMENT BOARD
 PUBLIC HEARING SCHEDULE

<u>Community</u>	<u>Date and Time</u>	<u>Location</u>
Anchorage	January 8, 1981 1:30 p.m. 7:30 p.m.	Grand Jury Room #402 Alaska Court Building 303 K Street
Barrow	October 20, 1980 1:30 p.m.	Borough Assembly Chambers
Bethel	October 17, 1980 7:30 p.m.	City Council Chambers
Cordova	November 20, 1980 7:30 p.m.	Public Library Meeting Room
Delta Junction	January 6, 1981 7:00 p.m.	Delta School Gymnasium
Dillingham	October 17, 1980 1:30 p.m.	City Council Chambers
Fairbanks	January 7, 1981 1:30 p.m. 7:30 p.m.	Borough Assembly Chambers
Glennallen	November 18, 1980 7:30 p.m.	School District Office
Juneau	December 11, 1980 7:30 p.m.	Alaska Court Building
Kenai	November 17, 1980 7:30 p.m.	Fire Hall
Ketchikan	December 8, 1980 7:30 p.m.	Borough Assembly Chambers
Kodiak	October 16, 1980 7:30 p.m.	Borough Assembly Chambers
Kotzebue	October 19, 1980 7:30 p.m.	City Council Chambers
Nome	October 18, 1980 1:30 p.m.	City Hall, Council Chambers
Palmer	November 18, 1980 1:30 p.m.	Borough Assembly Chambers
Petersburg	February 5, 1981* 7:30 p.m.	City Council Chambers