ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
5813 HOUSE JUDICIARY

Conclusions

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

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

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

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

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

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

Thus, strong interparty competition, as measured by relative shares of total votes in any given election or series of elections, does not necessarily refer to vigorous majority-opposition party contention. Increasingly, it means merely that a fluid and shifting electorate has divided its votes over time in ways that maintain the viability of candidates wearing either party's label. Such "competition" also does not necessarily stimulate turnout, as participation rates in national and state elections indicate. It is, instead, the intensity of individual races, the temporary salience of electorally related issues, and the sense of civic duty that motivate voters to go to the polls, despite the institutional obstacles and other costs of voting.

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

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

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

Item 5

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

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

May 2, 1986

MEMORANDUM

TO: Representative Roger Jenkins

ATTN: Shirley Armstrong

FROM: Deb Pomeroy, Administrative Officer DP

RE: Apportionment of the Legislatures in the United States

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

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

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

DP

Attachment

Apportionment of Legislatures

Single Member	Single/Multi-Member	Multi-Member
Alabama	Alaska	
Arizona Senate		Arizona House (2)
Arkansas Senate	Arkansas House	
California		
Colorado		
Connecticutt		
Delaware		
Florida		
Georgia	Idaho	
Hawaii	Indiana	
Illinois		
Iowa		
Kansas		
Kentucky		
Louisiana		
Maine		
Maryland Senate		Maryland House (3)
Massachusetts		
Michigan		
Minnesota		
Mississippi		
Missouri		
Montana		
Nebraska (unicameral)	Nevada	
New Hampshire Senate	New Hampshire House	
New Jersey Senate		New Jersey House (2)
New Mexico		
New York		
North Carolina[1]	North Dakota[2]	
Ohio		
Oklahoma		
Oregon		
Pennsylvania		
Rhode Island		
South Carolina		
South Dakota Senate		South Dakota House (2)
Tennessee		
Texas		
Utah	Vermont	
Virginia		
Washington Senate		Washington House (2)
Wisconsin	West Virginia	
	Wyoming	

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[1]The North Carolina House is currently appealing a court-mandated, single-member apportionment to the Supreme Court

[2]Of the 49 districts in North Dakota, 47 have 1 senate and 2 house seats; the remaining two districts have 2 senate and 4 house seats.

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

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

April 12, 1985

MEMORANDUM

TO: Representative Roger Jenkins

ATTN: Shirley Armstrong

FROM: Deb Pomeroy, Administrative Officer

RE: Representation in the Alaska Legislature
Research Request 85-293

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

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

Rationale for Representation

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

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

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

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

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

District Representation

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

Ratio of Population to Legislator

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

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

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[2]Proceedings of the Constitutional Convention, page 1576.

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

* * * *

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

DP

Attachment

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

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

March 11, 1985

MEMORANDUM

TO: Representative Roger Jenkins

ATTN: Dave Garrison

FROM: Mark Torgerson MT
Legislative Analyst

RE: Reapportionment Procedures in Other States
Research Request 85-[illegible]3

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

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

Summary of Procedures in all States

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

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

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

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

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

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

The reapportionment procedures in twelve western states is described below.

Arizona

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

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

California

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

Colorado

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

Hawaii

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

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

Idaho

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

Montana

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

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

Nevada

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

New Mexico

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

Oregon

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

Utah

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

Washington

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

Wyoming

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

Summary

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

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

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

MT

Item 6

LEGISLATIVE REPRESENTATION IN THE UNITED STATES

STATE	POPULATION	HOUSE	POPULATION REPRESENTED	SENATE	POPULATION REPRESENTED
California	24,887,000	80	311,088	40	622,175
New York	17,639,000	150	117,593	61	289,164
Ohio	10,733,000	99	108,414	33	325,242
Texas	15,577,000	150	103,847	31	502,484
Illinois	11,450,000	118	97,034	59	194,068
New Jersey	7,444,000	80	93,050	40	186,100
Florida	10,582,000	120	88,183	40	264,550
Michigan	9,058,000	110	82,345	38	238,368
Pennsylvania	11,883,000	203	58,537	50	237,660
Indiana	5,473,000	100	54,730	50	109,460
Virginia	5,387,000	100	53,870	40	134,675
North Carolina	5,976,000	120	49,800	50	119,520
Arizona	2,935,000	60	48,917	30	97,833
Wisconsin	4,750,000	99	47,980	33	143,939
Colorado	3,097,000	65	47,646	35	88,486
Tennessee	4,663,000	99	47,101	33	141,303
Oregon	2,660,000	60	44,333	30	88,667
Washington	4,242,000	98	43,286	49	86,571
Louisiana	4,407,000	105	41,971	39	113,000
Alabama	3,932,000	105	37,448	35	112,343
Kentucky	3,679,000	100	36,790	38	96,816
Massachusetts	5,752,000	160	35,950	40	143,800
Nebraska	1,585,000	49	32,347		
Oklahoma	3,264,000	101	32,317	48	68,000
Georgia	5,661,000	180	31,450	56	101,089
Minnesota	4,143,000	134	30,918	67	61,836
Missouri	4,953,000	163	30,387	34	145,676
Maryland	4,254,000	141	30,170	47	90,511
Idaho	2,903,000	100	29,030	50	58,060
South Carolina	3,199,000	124	25,798	46	69,543
Arkansas	2,318,000	100	23,180	35	66,229
Utah	1,612,000	75	21,493	29	55,586
Mississippi	2,565,000	122	21,025	52	49,327
Nevada	879,000	42	20,929	21	41,857
Connecticut	3,123,000	151	20,682	36	86,750
New Mexico	1,382,000	70	19,743	42	32,905
West Virginia	1,964,000	100	19,640	34	57,765
Kansas	2,397,000	125	19,176	40	59,925
Hawaii	968,000	51	18,980	25	38,720
Delaware	601,000	41	14,659	21	28,619
Idaho	983,000	70	14,043	35	28,086
Alaska	456,000	40	11,400	20	22,800
South Dakota	693,000	70	9,900	35	19,800
Rhode Island	950,000	100	9,500	50	19,000
Montana	812,000	100	8,120	50	16,240
Wyoming	510,000	64	7,969	30	17,000
Maine	1,136,000	151	7,523	33	34,424
North Dakota	669,000	106	6,311	53	12,623
Vermont	525,000	150	3,500	30	17,500
New Hampshire	954,000	400	2,385	24	39,750

ERR

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

Prepared by the House Research Agency, April 1984.

Pennsylvania — Eastern: Alfred L. Luongo, CJ; John P. Fullam, Charles R. Weiner, John B. Hannum, Daniel H. Huyett 3d, Donald W. VanArtsdalen, J. William Ditter Jr., Raymond J. Broderick, Clarence C. Newcomer, Clifford Scott Green, Louis Charles Bechtle, Joseph L. McGlynn Jr., Edward N. Cahn, Louis H. Pollak, Norma L. Shapiro, James T. Giles, James McGirr Kelly; Clerk's Office, Philadelphia 19106. Middle: William J. Nealon Jr., CJ; Malcolm Muir, Richard P. Conaboy, Sylvia H. Rambo, William W. Caldwell; Clerk's Office, Scranton 18501. Western: Hubert I. Teitelbaum, CJ; Gerald J. Weber, Barron P. McCune, Maurice B. Cohill Jr., Paul A. Simmons, Gustave Diamond, Donald E. Ziegler, Alan N. Bloch, Glenn E. Mencer, Carol Los Mansmann; Clerk's Office, Pittsburgh 15230.

Rhode Island — Francis J. Boyle, CJ; Bruce M. Selya; Clerk's Office, Providence 02903

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

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

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

Texas — Northern: Halbert O. Woodward, CJ; Eldon B. Mahon, Robert M. Hill, Robert W. Porter, Mary Lou Robinson, Barefoot Sanders, David O. Belew Jr., Jerry Buchmeyer, A. Joe Fish; Clerk's Office, Dallas 75242. Southern: John V. Singleton Jr., CJ; Carl O. Bue Jr., Robert O'Connor Jr., Ross N. Sterling, Norman W. Black, James De Anda, George E. Cire, Gabrielle K. McDonald, George P. Kazen, Hugh Gibson, Filemon B. Vela, Hayden W. Head Jr., Ricardo H. Hinojosa; Clerk's Office, Houston 77208. Eastern: William Wayne Justice, CJ; William M. Steger, Robert M. Parker; Clerk's Office, Beaumont 77701. Western: William S. Sessions, CJ; Lucius D. Bunton 3d, Harry Lee Hudspeth, Hipolito F. Garcia, James R. Nowlin; Clerk's Office, San Antonio 78206.

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

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

Virginia — Eastern: John A. MacKenzie, CJ; Robert R. Merhige Jr., Albert V. Bryan Jr., D. Dortch Warriner, J. Calvitt Clarke, Richard L. Williams, James C. Cacheris, Robert G. Doumar; Clerk's Office, Norfolk 23510. Western: James C. Turk, CJ; Glen M. Williams, James H. Michael Jr., Jackson L. Kiser; Clerk's Office, Roanoke 24006.

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

West Virginia — Northern: Robert Earl Maxwell, CJ; William M. Kidd; Clerk's Office, Elkins 26241. Southern: Charles H. Haden 2d, CJ; Robert J. Staker, John T. Copenhaver, Elizabeth V. Hallanan; Clerk's Office, Charleston 25329.

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

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

U.S. Territorial District Courts

Guam — Cristobal C. Duenas; Clerk's Office, Agana 96910.

Puerto Rico — Juan R. Torruella, CJ; Juan M. Perez-Gimenez, Gilberto Gierbolini-Ortiz, Carmen Consuelo Cerezo, Jaime Pieras Jr., Raymond L. Acosta, Hector M. Laffitte; Clerk's Office, San Juan 00904.

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

State Officials, Salaries, Party Membership

Compiled from data supplied by state officials, mid-1984

Alabama

Governor — George Wallace, D., $68,838.

Lt. Gov. — Bill Bailey, D., $95 per legislative day, plus annual salary of $600 per month plus $1,500 per month for expenses.

Sec. of State — Don Siegelman, D., $32,940.

Atty. Gen. — Charles Graddick, D., $58,000.

Treasurer — Mrs. Annie Laurie Gunter, D., $45,000.

Legislature: meets annually the 3d Tuesday in Apr. (first year of term of office, first Tuesday in Feb. (2d and 3d years), 2d Tuesday in Jan. (4th year) at Montgomery. Members receive $600 per month, plus $95 per day during legislative sessions, and mileage of 10¢ per mile.

Senate — Dem., 28; Rep., 4; ind. 3. Total, 35.

House — Dem., 87; Rep., 11; ind. 6.; 1 vacancy. Total, 105.

Alaska

Governor — Bill Sheffield, D., $81,648.

Lt. Gov. — Stephen McAlpine, D., $76,188.

Atty. General — Norman Gorsuch, D., $73,620.

Legislature: meets annually in January at Juneau, for as long as may be necessary. First session in odd years. Members receive $44,800 per year plus $4,000 for postage, personal stationery, and other expenses.

Senate — Dem., 11; Rep., 9. Total, 20.

House — Dem., 21; Rep., 19. Total, 40.

Arizona

Governor — Bruce Babbitt, D., $62,500.

Sec. of State — Rose Mofford, D., $35,000.

Atty. Gen. — Bob Corbin, R., $56,250.

Treasurer — Clark Derks, R., $37,500.

Legislature: meets annually in January at Phoenix. Each member receives an annual salary of $15,000.

Senate — Dem., 12; Rep., 18. Total, 30.

House — Dem., 31; Rep., 29. Total, 60.

Arkansas

Governor — Bill Clinton, D., $35,000.

Lt. Gov. — Winston Bryant, D., $14,000.

Sec. of State — Paul Riviere, D., $22,500.

Atty. Gen. — Steve Clark, D., $26,500.

Treasurer — Jimmie Lou Fisher, D., $22,500.

General Assembly: meets odd years in January at Little Rock. Members receive $7,500 per year, $45 a day while in regular session, plus 13¢ a mile travel expenses.

Senate — Dem., 32; Rep., 3. Total, 35.

House — Dem., 93; Rep., 7. Total, 100.

California

Governor — George Deukmejian, R., $49,100.

Lt. Gov. — Leo T. McCarthy, D., $42,500.

Sec. of State — March Fong Eu, D., $42,500.

Controller — Kenneth Cory, D., $42,500.

Atty. Gen. — John Van de Kamp, D., $47,500.

Treasurer — Jesse M. Unruh, D., $42,500.

Legislature: meets at Sacramento; regular sessions commence on the first Monday in Dec. of every even-numbered year; each session lasts 2 years. Members receive $28,110 per year plus mileage and $85 per diem.

Senate — Dem., 25; Rep., 14; ind 1. Total, 40.

Assembly — Dem., 44; Rep., 32. Total, 80.

Colorado

Governor — Richard D. Lamm, D., $60,000.

Lt. Gov. — Nancy Dick, D., $32,500.

Secy. of State — Natalie Meyer, R., $32,500.

Atty. Gen. — Duane Woodard, R., $40,000.

Treasurer — Roy Romer, D., $32,500.

General Assembly: meets annually in January at Denver. Members receive $14,000 annually.

Senate — Dem., 14; Rep., 21. Total, 35.

House — Dem., 25; Rep., 40. Total, 65.

Connecticut

Governor — William A. O'Neill, D., $65,000.

Lt. Gov. — Joseph J. Fauliso, D., $40,000.

Sec. of State — John H. Tashjian, D., $35,000.

Treasurer — Henry E. Parker, D., $35,000.

Comptroller — J. Edward Caldwell, D., $35,000.

Atty. Gen. — Joseph I. Liberman, D., $50,000.

General Assembly: meets annually odd years in January and even years in February at Hartford. Salary $21,000 per 2-year term plus $2,500 per year for expenses, plus travel allowance.

Senate — Dem., 23; Rep., 13. Total, 36.

House — Dem., 86; Rep., 64; 1 vacancy. Total, 151.

Delaware

Governor — Pierre S. du Pont 4th, R., $70,000.
Lt. Gov. — Michael N. Castle, R., $16,600.
Sec. of State — Glenn C. Kenton, R., $46,700.
Atty. Gen. — Charles Oberly 3d, D., $39,600.
Treasurer — Janet C. Rzewnicki, R., $25,700.
General Assembly: meets annually at Dover from the 2d Tuesday in January to midnight June 30. Members receive $12,255 base salary.
Senate — Dem., 13; Rep., 8. Total, 21.
House — Dem., 24; Rep., 17. Total, 41.

Florida

Governor — Robert Graham, D., $69,550.
Lt. Gov. — Wayne Mixon, D., $60,455.
Sec. of State — George Firestone, D., $59,385.
Comptroller — Gerald Lewis, D., $59,385.
Atty. Gen. — Jim Smith, D., $59,385.
Treasurer — Bill Gunter, D., $59,385.
Legislature: meets annually at Tallahassee. Members receive $12,000 per year plus expense allowance while on official business.
Senate — Dem., 27; Rep., 13. Total, 40.
House — Dem., 80; Rep., 40. Total, 120.

Georgia

Governor — Joe Frank Harris, D., $71,314.
Lt. Gov. — Zell Miller, D., $41,496.
Sec. of State — Max Cleland, D., $51,896.
Comptroller General — Johnnie L. Caldwell, D., $51,896.
Atty. Gen. — Michael J. Bowers, $57,681.
General Assembly: meets annually at Atlanta. Members receive $7,200 per year. During session $39 per day for expenses.
Senate — Dem., 49; Rep., 7. Total, 56.
House — Dem., 156; Rep., 24. Total, 180.

Hawaii

Governor — George R. Ariyoshi, D., $59,000.
Lt. Gov. — John Waihee, D., $53,460.
Atty. Gen. — Tany Hong, $50,490.
Comptroller — Hideo Murakami, $50,490.
Dir. of Budget & Finance — Jensen S. L. Hee, $50,490.
Legislature: meets annually on 3d Wednesday in January at Honolulu. Members receive $13,650 per year plus expenses.
Senate — Dem., 20; Rep., 5. Total, 25.
House — Dem., 43; Rep., 8. Total, 51.

Idaho

Governor — John V. Evans, D., $50,000.
Lt. Gov. — David H. Leroy, R., $14,000.
Sec. of State — Pete T. Cenarrusa, R., $37,500.
Treasurer — Marjorie Ruth Moon, D., $37,500.
Atty. Gen. — Jim Jones, R., $42,000.
Legislature: meets annually on the Monday after the first day in January at Boise. Members receive $4,200 per year, plus $25 per day when authorized, plus travel allowances.
Senate — Dem., 14; Rep., 21. Total, 35.
House — Dem., 19; Rep., 51. Total, 70.

Illinois

Governor — James R. Thompson, R., $58,000.
Lt. Gov. — George H. Ryan, R., $43,500.
Sec. of State — Jim Edgar, R., $50,500.
Comptroller — Roland W. Burris, D., $48,000.
Atty. Gen. — Neil F. Hartigan, D., $50,500.
Treasurer — James H. Donnewald, D., $48,000.
General Assembly: meets annually on January at Springfield. Members receive $28,000 per annum.
Senate — Dem., 33; Rep., 26. Total, 59.
House — Dem., 70; Rep., 48. Total, 118.

Indiana

Governor — Robert D. Orr, R., $66,000 plus discretionary expenses.
Lt. Gov. — John M. Mutz, R., $51,000 plus discretionary expenses.
Sec. of State — Edwin J. Simcox, R., $46,000.
Atty. Gen. — Linley E. Pearson, R., $51,000.
Treasurer — Julian Rollin, R., $46,000.
General Assembly: meets annually in January. Members receive $11,600 per year plus $65 per day while in session, $15 per day while not in session.
Senate — Dem., 18; Rep., 32. Total, 50.
House — Dem., 65; Rep., 57. Total, 100.

Iowa

Governor — Terry Branstad, R., $64,000 plus $5,724 expenses.
Lt. Gov. — Robert Anderson, R., $21,900 plus personal expenses and travel allowances at same rate as for a senator.
Sec. of State — Mary Jane Odell, R., $41,000.
Atty. Gen. — Tom Miller, D., $54,000.
Treasurer — Michael L. Fitzgerald, D., $41,000.
General Assembly: meets annually in January at Des Moines. Members receive $14,600 annually plus maximum expense allowance of $30 per day for first 120 days of first session, and first 100 days of 2d session; mileage expenses at 20c a mile.
Senate — Dem., 28; Rep., 22. Total, 50.
House — Dem., 60; Rep., 40. Total, 100.

Kansas

Governor — John Carlin, D., $54,774.
Lt. Gov. — Tom Docking, D., $16,436 plus $1,875 for expenses.
Sec. of State — Jack H. Brier, R., $33,480.
Atty. Gen. — Robert T. Stephan, R., $48,697.
Treasurer — Joan Finney, D., $33,480.
Legislature: meets annually in January at Topeka. Members receive $47 a day plus $50 a day expenses while in session, plus $400 per month while not in session.
Senate — Dem., 16; Rep., 24. Total, 40.
House — Dem., 53; Rep., 72. Total, 125.

Kentucky

Governor — Martha L. Collins, D., $60,000.
Lt. Gov. — Steve Beshear, D., $51,008.
Sec. of State — Drexell R. Davis, D., $51,008.
Atty. Gen. — Dave Armstrong, D., $51,008.
Treasurer — Francis J. Mills, D., $51,008.
Auditor — Mary A. Tobin, D., $51,008.
General Assembly: meets even years in January at Frankfort. Members receive $100 per day and $100 per day during session and $950 per month for expenses for interim.
Senate — Dem., 30; Rep., 8. Total, 38.
House — Dem., 77; Rep., 23. Total, 100.

Louisiana

Governor — Edwin W. Edwards, D., $73,440.
Lt. Gov. — Robert L. Freeman, D., $63,367.
Sec. of State — James H. Brown, D., $60,169.
Atty. Gen. — William J. Guste Jr., D., $60,169.
Treasurer — Mary Evelyn Parker, D., $60,169.
Legislature: meets annually for 60 legislative days commencing on 3d Monday in April. Members receive $75 per day and mileage at 21c a mile for 13 round trips, plus $1,400 per month expense allowance.
Senate — Dem., 38; Rep., 1. Total, 39.
House — Dem., 93; Rep., 11; no party, 1. Total, 105.

Maine

Governor — Joseph E. Brennan, D., $35,[illegible].
Sec. of State — Rodney Quinn, D., $30,000.
Atty. Gen. — James Tierney, D., $44,431.
Treasurer — Samuel Shapiro, D., $30,000.
Legislature: meets biennially in January at Augusta. Members receive $6,500 for regular sessions, $3,500 for special sessions plus expenses; presiding officers receive 50% more.
Senate — Dem., 23; Rep., 10. Total, 33.
House — Dem., 93; Rep., 58. Total, 151.

Maryland

Governor — Harry Hughes, D., $75,000.
Lt. Gov. — J. Joseph Curran Jr., D., $62,500.
Comptroller — Louis L. Goldstein, D., $62,500.
Atty. Gen. — Stephen H. Sachs, D., $62,500.
Sec. of State — Lorraine Sheehan, D., $45,000.
Treasurer — William S. James, D., $62,500.
General Assembly: meets 90 days annually on the 2d Wednesday in January at Annapolis. Members receive $22,000 per year.
Senate — Dem., 41; Rep., 6. Total, 47.
House — Dem., 124; Rep., 17. Total, 141.

Massachusetts

Governor — Michael S. Dukakis, D., $73,000.
Lt. Gov. — John Kerry, D., $60,000.
Sec. of State — Michael Joseph Connolly, D., $60,000.
Atty. Gen. — Francis X. Bellotti, D., $65,000.
Treasurer — Robert Q. Crane, D., $60,000.
Auditor — John J. Finnegan, D., $60,000.
General Court (Legislature): meets each January in Boston; rise $30,000 per annum.
Senate — Dem., 33; Rep., 7. Total, 40.
House — Dem., 131; Rep., 28; 1 vacancy. Total, 160.

Michigan

Governor — James J. Blanchard, D., $78,000.
Lt. Gov. — Martha W. Griffiths, D., $53,500.
Sec. of State — Richard H. Austin, D., $75,000.
Atty. Gen. — Frank J. Kelley, D., $75,000.
Treasurer — Robert A. Bowman, N-P, $44,400.

Legislature: meets annually in January at Lansing. Members receive $13,200 per year, plus $6,700 expense allowance.
Senate — Dem., 18; Rep., 20. Total, 38.
House — Dem., 62; Rep., 46; 2 vacancies. Total, 110.

Minnesota

Governor — Rudy Perpich, DFL., $66,500.
Lt. Gov. — Marlene Johnson, DFL., $40,000.
Sec. of State — Joan Anderson Growe, DFL., $36,000.
Atty. Gen. — Hubert H. Humphrey 3d, DFL., $56,000.
Treasurer — Robert W. Mattson, DFL., $36,000.
Auditor — Arne H. Carlson, IR., $36,000.
Legislature: meets for a total of 120 days within every 2 years at St. Paul. Members receive $18,500 per year, plus expense allowance during session.
Senate — DFL., 42; IR., 25. Total, 67.
House — DFL., 76; IR., 58. Total, 134.
(DFL means Democratic-Farmer-Labor. IR means Independent Republican.)

Mississippi

Governor — William A. Allain, D., $63,000.
Lt. Gov. — Brad Dye, D., $34,000 per regular legislative session, plus expense allowance.
Sec. of State — Dick Molpus, D., $45,000.
Atty. Gen. — William L. Pittman, D., $51,000.
Treasurer — William J. Cole 3d, D., $45,000.
Legislature: meets annually in January at Jackson. Members receive $8,100 per regular session plus travel allowance, and $210 per month while not in session.
Senate — Dem., 49; Rep., 1. Total, 52.
House — Dem., 117; Rep., 5. Total, 122.

Missouri

Governor — Christopher S. Bond, R., $55,000.
Lt. Gov. — Kenneth J. Rothman, D., $30,000.
Sec. of State — James C. Kirkpatrick, D., $42,500.
Atty. Gen. — John Ashcroft, R., $45,000.
Treasurer — Mel Carnahan, D., $42,500.
General Assembly: meets annually in Jefferson City on the first Wednesday after first Monday in January; adjournment in odd-numbered years by June 30, in even-numbered years by May 15. Members receive $15,000 annually.
Senate — Dem., 22; Rep., 12. Total, 34.
House — Dem., 110; Rep., 53. Total, 163.

Montana

Governor — Ted Schwinden, D., $47,963.
Lt. Gov. — George Turman, D., $34,344.
Sec. of State — Jim Waltermire, R., $31,692.
Atty. Gen. — Mike Greely, D., $43,745.
Legislative Assembly: meets odd years in January at Helena. Members receive $49.50 per legislative day plus $45 per day for expenses while in session.
Senate — Dem., 26; Rep., 24. Total, 50.
House — Dem., 45; Rep., 55. Total, 100.

Nebraska

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

Nevada

Governor — Richard Bryan, D., $45,000.
Lt. Gov. — Robert Cashell, R., $10,500 plus $104 per day when acting as governor and president of the Senate during legislative sessions.
Sec. of State — William D. Swackhamer, D., $42,500.
Comptroller — Darrel Daines, R., $41,000.
Atty. Gen. — Brian McKay, R., $32,500.
Treasurer — Patty Cafferata, R., $41,000.
Legislature: meets odd years in January at Carson City. Members receive $104 per day for 60 days (20 days for special sessions), plus per diem of $50 per day for entire length of session. Travel allowance of 20c per mile.
Senate — Dem., 17; Rep., 4. Total, 21.
Assembly — Dem., 23; Rep., 19. Total, 42.

New Hampshire

Governor — John H. Sununu, R., $44,520.
Sec. of State — William M. Gardner, D., $31,270.
Atty. Gen. — Gregory H. Smith, $38,690.
Treasurer — Robert W. Flanders, R., $31,270.
General Court (Legislature): meets odd years in January at Concord. Members receive $200; presiding officers $250.
Senate — Dem., 9; Rep., 14; 1 vacancy. Total, 24.
House — Rep., 234; Dem., 154; 2 ind., 6 vacancies. Total, 400.

New Jersey

Governor — Thomas H. Kean, R., $85,000.
Sec. of State — Jane Burgio, R., $66,000.
Atty. Gen. — Irwin I. Kimmelman, R., $70,000.
Treasurer — Michael M. Horn, R., $70,000.
Legislature: meets throughout the year at Trenton. Members receive $25,000 per year, except president of Senate and speaker of Assembly who receive 1/3 more.
Senate — Dem., 21; Rep., 17. Total, 40.
Assembly — Dem., 44; Rep., 36. Total, 80.

New Mexico

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

New York

Governor — Mario M. Cuomo, D., $100,000.
Lt. Gov. — Alfred B. DelBello, D., $85,000.
Sec. of State — Gail S. Shaffer, D., $65,700.
Comptroller — Edward V. Regan, R., $85,000.
Atty. Gen. — Robert Abrams, D., $85,000.
Legislature: meets annually in January at Albany. Members receive $32,960 per year.
Senate — Dem., 27; Rep., 34. Total, 61.
Assembly — Dem., 98; Rep., 52. Total, 150.

North Carolina

Governor — James B. Hunt, D., $60,7[illegible] plus $11,500 per year expenses.
Lt. Gov. — James C. Green, D., $50,328 per year, plus $11,500 per year expense allowance.
Sec. of State — Thad Eure, D., $50,328.
Atty. Gen. — Rufus L. Edmisten, D., $51,976.
Treasurer — Harlan E. Boyles, D., $50,328.
General Assembly: meets odd years in January at Raleigh. Members receive $6,936 annual salary and $2,064 annual expense allowance, plus $50 per diem subsistence and travel allowance while in session.
Senate — Dem., 44; Rep., 6. Total, 50.
House — Dem., 102; Rep., 18. Total, 120.

North Dakota

Governor — Allen I. Olson, R., $60,862 plus $13,862 expenses.
Lt. Gov. — Ernest Sands, R., $12,500.
Sec. of State — Ben Meier, R., $43,180 plus $9,880 expenses.
Atty. Gen. — Bob Wefald, R., $49,209 plus $11,206 expenses.
Treasurer — John Leutmester, R., $43,180 plus $9,880 expenses.
Legislative Assembly: meets odd years in January at Bismarck. Members receive $90 per day expenses during session and $180 per month when not in session.
Senate — Dem., 21; Rep., 32. Total, 53.
House — Dem., 53; Rep., 51. Total, 104.

Ohio

Governor — Richard F. Celeste, D., $60,000.
Lt. Gov. — Myrl H. Shoemaker, D., $35,000.
Sec. of State — Sherrod Brown, D., $50,000.
Atty. Gen. — Anthony J. Celebrezze Jr., D., $50,000.
Treasurer — Mary Ellen Withrow, D., $50,000.
Auditor — Thomas E. Ferguson, D., $50,000.
General Assembly: meets odd years at Columbus on first Monday in January for the 1st session, and no later than Mar. 15th of the following year for the 2d session. Members receive $22,500 per annum.
Senate — Dem., 17; Rep., 16. Total, 33.
House — Dem., 62; Rep., 37. Total, 99.

Oklahoma

Governor — George Nigh, D., $70,000.
Lt. Gov. — Spencer T. Bernard, D., $40,000.
Sec. of State — Jeannette B. Edmondson, D., $37,000.
Atty. Gen. — Mike Turpen, D., $55,000.
Treasurer — Leo Winters, D., $50,000.
Legislature: meets annually in January at Oklahoma City. Members receive $20,000 annually.
Senate — Dem., 34; Rep., 14. Total, 48.
House — Dem., 76; Rep., 25. Total, 101.

Oregon

Governor — Victor Atiyeh, R., $52,092, plus $1,000 monthly expenses.
Sec. of State — Norma Paulus, R., $42,864.
Atty. Gen. — David B. Frohnmayer, R., $50,105.

Treasurer — Phil Rutherford, R., $42,864.
Legislative Assembly: meets odd years in January at Salem. Members receive $658 monthly and $44 expenses per day while in session; $300 per month while not in session.
Senate — Dem., 21; Rep., 9. Total, 30.
House — Dem., 36; Rep., 24. Total, 60.

Pennsylvania

Governor — Dick Thornburgh, R., $75,000.
Lt. Gov. — William W. Scranton 3d, R., $57,500.
Sec. of the Commonwealth — William R. Davis, R., $48,000.
Atty. Gen. — Leroy S. Zimmerman, R., $55,000.
Treasurer — R. Budd Dwyer, R., $48,000.
General Assembly — convenes annually in January at Harrisburg. Members receive $25,000 per year plus $15,000 for expenses.
Senate — Dem., 23; Rep., 27. Total, 50.
House — Dem., 103; Rep., 100. Total, 203.

Rhode Island

Governor — J. Joseph Garrahy, D., $49,500.
Lt. Gov. — Thomas R. DiLuglio, D., $35,500.
Sec. of State — Susan Farmer, R., $35,500.
Atty. Gen. — Dennis J. Roberts 2d, D., $41,875.
Treasurer — Anthony J. Solomon, D., $35,500.
General Assembly: meets annually in January at Providence. Members receive $5 per day for 60 days, and travel allowance of 8c per mile.
Senate — Dem., 29; Rep., 21. Total, 50.
House — Dem., 85; Rep., 15. Total, 100.

South Carolina

Governor — Richard W. Riley, D., $60,000.
Lt. Gov. — Michael Daniel, D., $35,000.
Sec. of State — John T. Campbell, D., $55,000.
Comptroller Gen. — Earle E. Morris Jr., D., $55,000.
Atty. Gen. — T.T. Medlock, D., $55,000.
Treasurer — G.L. Patterson Jr., D., $55,000.
General Assembly: meets annually in January at Columbia. Members receive $10,000 per year and expense allowance of $90 per day, plus travel and postage allowance.
Senate — Dem., 39; Rep., 6, 1 vacancy. Total, 46.
House — Dem., 100; Rep., 22; 2 vacancies. Total, 124.

South Dakota

Governor — William J. Janklow, R., $49,025.
Lt. Gov. — Lowell C. Hansen 2d, R., $6,800 plus $50 per day during legislative session.
Sec. of State — Alice Kundert, R., $33,275.
Treasurer — David Volk, R., $33,275.
Atty. Gen. — Mark Meierhenry, R., $41,675.
Auditor — Vernon Larson, R., $33,275.
Legislature: meets annually in January at Pierre. Members receive $3,200 for 40-day session in odd-numbered years, and $2,800 for 35-day session in even-numbered years, plus $50 per legislative day.
Senate — Dem., 8, Rep., 27. Total, 35.
House — Dem., 16; Rep., 54. Total, 70.

Tennessee

Governor — Lamar Alexander, R., $68,228.
Lt. Gov. — John S. Wilder, D., $8,308.
Sec. of State — Gentry Crowell, D., $51,510.
Comptroller — William Snodgrass, D., $51,510.
Atty. Gen. — William M. Leech, D., $64,494.
General Assembly: meets annually in January at Nashville. Members receive $8,308 yearly plus $66.47 expenses for each day in session, plus mileage and expense allowances.
Senate — Dem., 22, Rep., 11. Total, 33.
House — Dem., 60, Rep., 38, Ind., 1. Total, 99.

Texas

Governor — Mark White Jr., D., $88,900.
Lt. Gov. — Bill Hobby, D., $7,200, plus living quarters. Governor's salary when acting as governor.
Sec. of State — John W. Fainter Jr., D., $61,200.
Comptroller — Bob Bullock, D., $69,000.
Atty. Gen. — Jim Mattox, D., $69,000.
Treasurer — Ann W. Richards, D., $69,000.
Legislature: meets odd years in January at Austin. Members receive annual salary not exceeding $7,200, per diem while in session, and travel allowance.
Senate — Dem., 27; Rep., 5. Total, 31.
House — Dem., 114; Rep., 36. Total, 150.

Utah

Governor — Scott M. Matheson, D., $52,000.
Lt. Gov. — David S. Monson, R., $35,500.
Atty. Gen. — David L. Wilkinson, R., $41,000.
Treasurer — Edward T. Alter, D., $35,500.
Legislature: convenes for 60 days on 2d Monday in January in odd-numbered years; for 20 days in even-numbered years; members receive $23 per day, $15 daily expenses, and mileage.
Senate — Dem., 5; Rep., 24. Total, 29.
House — Dem., 16; Rep., 59. Total, 75.

Vermont

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

Virginia

Governor — Charles S. Robb, D., $75,000.
Lt. Gov. — Richard J. Davis, D., $20,000.
Atty. Gen. — Gerald L. Baliles, D., $56,000.
Sec. of the Commonwealth — Laurie Naismith, D., $36,410.
Treasurer — C. J. Boehm, $60,612.
General Assembly: meets annually in January at Richmond. Members receive $11,000 annually plus expense and mileage allowances.
Senate — Dem., 32; Rep., 8. Total, 40.
House — Dem., 65; Rep., 34; Ind., 1. Total, 100.

Washington

Governor — John Spellman, R., $63,000.
Lt. Gov. — John A. Cherberg, D., $18,600.
Sec. of State — Ralph Munro, R., $31,000.
Atty. Gen. — Ken Eikenberry, R., $47,100.
Treasurer — Robert S. O'Brien, D., $37,200.
Legislature: meets annually in January at Olympia. Members receive $13,750 annually plus per diem of $44 per day and 10¢ per mile while in session, and $50 per diem for attending meetings during interim.
Senate — Dem., 26; Rep., 23. Total, 49.
House — Dem., 51; Rep., 45. Total, 98.

West Virginia

Governor — Jay Rockefeller, D., $60,000.
Sec. of State — A. James Manchin, D., $36,000.
Atty. Gen. — Chauncey Browning, D., $42,000.
Treasurer — Larrie Bailey, D., $42,000.
Comm. of Agric. — Gus R. Douglass, D., $39,000.
Auditor — Glen B. Gainer Jr., D., $39,000.
Legislature: meets annually in January at Charleston. Members receive $5,136.
Senate — Dem., 31; Rep., 3. Total, 34.
House — Dem., 87; Rep., 13. Total, 100.

Wisconsin

Governor — Anthony S. Earl, D., $75,337.
Lt. Gov. — James T. Flynn, D., $41,390.
Sec. of State — Douglas La Follette, D., $37,334.
Treasurer — Charles P. Smith, D., $37,334.
Atty. Gen. — Bronson C. La Follette, D., $58,139.
Superintendent of Public Instruction — Herbert J. Grover, $58,139.
Legislature: meets in January at Madison. Members receive $12,632 annually plus $41.63 per day expenses.
Senate — Dem., 18, Rep., 14; 1 vacancy. Total, 33.
Assembly — Dem., 54, Rep., 40, 1 vacancy. Total, 99.

Wyoming

Governor — Ed Herschler, D., $70,000.
Sec. of State — Thyra Thomson, R., $52,500.
Atty. Gen. — A.G. McClintock., $52,500.
Treasurer — Stan Smith, R., $52,500.
Legislature: meets odd years in January, even years in February, at Cheyenne. Members receive $30 per day while in session, plus $60 per day for expenses.
Senate — Dem., 11; Rep., 19. Total, 30.
House — Dem., 28, Rep. 35; 1 Ind. Total, 64.

Puerto Rico

Governor — Carlos Romero Barcelo.
Secretary of State — Carlos S. Quirós.
Secy. of Justice — Nelson Martinez Acosta, act.
These officials belong to the New Progressive Party.
Legislature: composed of a Senate of 27 members and a House of Representatives of 51 members. Majority of the members of both chambers belongs to the Popular Democratic Party. They meet annually on the 2d Monday in January at San Juan.

Item 7

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

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

Article VI

Legislative Apportionment

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

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

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

For current election districts, see note following section 1 of Article XIV of this constitution.

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

Cross references. — See note to Alaska Const., art. XIV.

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

See notes on redistricting under section 6, Article VI of this constitution.

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

Reapportionment of senate must be similar to reapportionment of house. — Although no provision comparable to this article governs reapportionment of the senate, the supreme court has held that the senate, too, must be reapportioned similarly to the house of representatives in order to conform to constitutional requirements imposed by the United States supreme court. Groh v. Egan, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Intent of constitutional convention as to reapportionment of senate. — See Wade v. Nolan, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

The senate was unconstitutionally apportioned. Wade v. Nolan, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

An analysis of the Alaska legislature's apportionment indicated that the senate was not then apportioned on a population basis within the meaning of the United States supreme court's reapportionment rulings. 1964 Op. Att'y Gen., No. 4.

And this affected entire legislative apportionment system. — A court can declare Alaska's entire legislative apportionment system unconstitutional on the ground that the senate's apportionment is invalid. 1964 Op. Att'y Gen., No. 4.

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

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

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

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

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

Not the legislature. — No part of the authority or responsibility for apportionment was intended to be entrusted to the legislature. Wade v. Nolan, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

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

The reapportionment plan proclaimed by the governor on September 3, 1965 (see note to Alaska Const., art. XIV), was declared to be effective for the 1966 primary and general elections and thereafter until the state constitution has been amended to provide a valid, permanent reapportionment plan for the senate. Wade v. Nolan, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

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

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

Cross references. — See notes to Alaska Const., art. XIV, §§ 1-3. See note to § 2 of this article.

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

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

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

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

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

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

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

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

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

This section is invalid insofar as it is based on "civilian population". — The provision basing reapportionment upon civilian population within each election district as reported by the census is invalid insofar as it is based on "civilian population." Egan v. Hammond, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

As legislature cannot be expected to reapportion itself. — The Alaska constitutional convention reports and minutes indicate that the delegates who drafted this article gave the duty of reapportioning to the governor for one reason: a legislature cannot and should not be expected to properly reapportion itself. 1964 Op. Att'y Gen., No. 4.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rigid standards for reapportionment applied in Egan v. Hammond, Sup. Ct. Op. Nos. 815 and 830 (File No. 1711), 502 P.2d 856 (1972), **have been somewhat ameliorated.** — See Groh v. Egan, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

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

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

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

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

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

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

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

But insuring voice in legislature to political subdivision was consideration of substance. — A consideration that appeared to be of more substance in justifying some deviations from population-based representation in state legislatures was that of insuring some voice to political subdivisions, as political subdivisions. Egan v. Hammond, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

And designating seats within multi-member districts. — The governor's general power to reapportion includes the right to utilize the tool of designated seats within multi-member districts. Egan v. Hammond, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

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

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

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

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

The power to create single-member districts applies to integrated socio-economic areas as well as to other areas. Groh v. Egan, Sup. Ct. Op. No. 1018(A) (File No. 2233), 526 P.2d 863 (1974).

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

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

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

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

Const., art. VI, § 6, are complied with. 1961 Op. Att'y Gen., No. 20.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

How plan becomes law. — Once a valid reapportionment plan has been established and proclaimed, it becomes law, or "effective," by the force of the constitution. Wade v. Nolan, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

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

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

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

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

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

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

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

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

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

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

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

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

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

Article VII

Health, Education and Welfare

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

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

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

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

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

This section was designed to commit Alaska to the pursuit of public, not private education, without requiring absolute governmental indifference to any student choosing to be educated outside the public school system. Sheldon Jackson College v. State, Sup. Ct. Op. No. 1916 (File Nos. 3976, 4002), 599 P.2d 127 (1979).

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

Item 8

HOUSE
COMMITTEE REPORT

(7)
Date referred: 2/14/86

FURTHER REFERRALS: JUDICIARY

DATE: 5/2/86

The STATE AFFAIRS Committee has considered HB 593

"A' t relating to election districts; and providing for an effective dat..

and recommends:

[ ] do pass
[ ] do not pass
[ ] do pass with at:ached amendment(s)
[ ] no recommendatio
[ ] replace with _ ________________ [ ] same title
[ ] new title
and recommends ________________
[ ] further referral to the ________________ Committee

and ..ttaches: [ ] letter of intent
[ ] first fiscal note
[ ] new fiscal note
[✓] zero fiscal note

SIGNING DO PASS:

D. A. Brinkman
Gregg Mock
Roger Jenkins

SIGNING OTHER RECOMMENDATIONS:

Katie Hurley - No Rec)
Bette Cate - no Rec)

Katie Hurley
Chairman

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

Members Present:

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

COMMITTEE CALENDAR

CSSB 278:

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

HB 593:

An Act relating to election districts.

WITNESS REGISTER

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

ACTION NARRATIVE

TAPE 117 SIDE ONE
Number 008

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

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

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

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

Number 070

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

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

Number 249

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

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

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

Number 260

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

Number 272

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

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

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

1. The cost of campaigns would be reduced because candidates in both urban and rural areas would be able to utilize less expensive forms of communication media.

2. Voters would identify their local area with the candidates/public officials and vice versa.

3. The election process is open to a wider range of candidates for public office because of district size.

4. Greater legislative responsibility and accountability of public officials to the voters of the district and less to political parties.

5. Greater input by the public on issues facing their state and district.

6. The courts are less likely to set aside reapportionment plans because they favor single member districts. It is easier to identify if the one man, one vote rule is being violated. Most of the districts would be compact and contiguous.

Number 472

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

Number 506

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

Number 515

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

Number 545

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

Number 584

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

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

Number 622

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

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

TAPE 118 SIDE ONE
Number 008

Committee discussion continued regarding the fiscal impact of HB 593.

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

Number 047

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

Number 097

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

Number 120

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

Number 138

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

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

IN THE HOUSE BY JENKINS

HOUSE BILL NO. 593

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

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

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

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

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

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

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

WORK OF THE REAPPORTIONMENT BOARDS

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

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

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

(1) to retain the existing districting and apportionment and to give senators multiple votes, ranging from one vote for District F (Cordova-Valdez to nineteen votes for District G (Anchorage-Palmer);

(2) to apportion the twenty senators among the four regional senate districts (A, E, J, and N) by the method of equal proportions;

(3) to apportion the twenty senators among the twelve small senate districts by the method of equal proportions;

(4) to apportion the twenty senators among five new senate districts;

(5) to create twenty small single-member senate districts, each consisting of one or two existing house districts;

(6) to create districts based on the number of persons who actually voted at the last presidential election;

(7) to create wedge-shaped districts, the apex being in an urban area and the base in a rural area;

(8) to create twenty new single-member senate districts approximately equal in population, two representatives would run at large in thirteen of these districts, and the remaining seven would be divided into an urban half and a rural half for house elections; and

(9) to create forty new election districts equal in population, assigning one representative to each and one senator to each pair.

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

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

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

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

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

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

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

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

THE GOVERNOR'S REAPPORTIONMENT

On September 3, 1965, Governor Egan issued his second Proclamation of Reapportionment and Redistricting. The governor's plan was based on the report of the Reapportionment Board, but it discarded the board's proposal to subdivide District 8 (Anchorage). In an accompanying statement explaining his deviation from the board's plan, the governor stated:

> It would be unwise and unfair . . . to divide District 8 into more than one legislative district on the basis of the 1960 census figures. These figures became obsolete with the March 27, 1964, earthquake which . . . resulted in radical population dislocation and movement of unknown proportions. Therefore, any reapportionment plan based on the 1960 census which would split District 8 into several legislative districts could result in over-representation of districts which have lost a considerable part of their population and under-representation of districts which gained substantially in population as a result of the earthquake and subsequent dislocation.
>
> Furthermore, Anchorage has traditionally been a multi-member district with all of its candidates for the Legislature running at large. This system has proved workable and fair in the past, and is the most equitable one which can be devised under existing circumstances.[20]

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

In a statement accompanying his proclamation, Governor Egan said:

> Making this proclamation today has not been an easy task for me. My personal feelings and my duties and obligations as Governor under the Constitution of Alaska do not exactly coincide.
>
> Nearly 10 years ago at the Constitutional Convention, I was one of those who worked hard and saw to it that the apportionment of the State Senate would take into consideration factors other than just population. We considered, among other things, geography, socio-economical needs, the relationships of contiguous areas, and the future possibilities of growth.
>
> It was my view, as well as that of a majority of the other delegates, that it was in the public interest to have one house of the Legislature apportioned more by area than population, to serve as a check and balance on the other. This is still my view.
>
> However, this is a land ruled by law, not me. The Supreme Court of the United States is our final arbiter of justice.
>
> Our Nation's highest court has ruled that each citizen's vote must count as much as another's, and we must abide as closely as possible by that decision. In this instance it was with reluctance that I approached my duty, but as your Governor I took an oath to uphold both the Constitution of the United States and the Constitution of the State of Alaska.[21]

IMPACT OF REAPPORTIONMENT ON THE THIRTEEN WESTERN STATES

Edited by ELEANORE BUSHNELL

University of Utah Press
Salt Lake City, Utah

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

1. SINGLE-MEMBER VERSUS MULTIMEMBER DISTRICTS

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

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

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

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

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

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

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

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

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

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

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

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

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

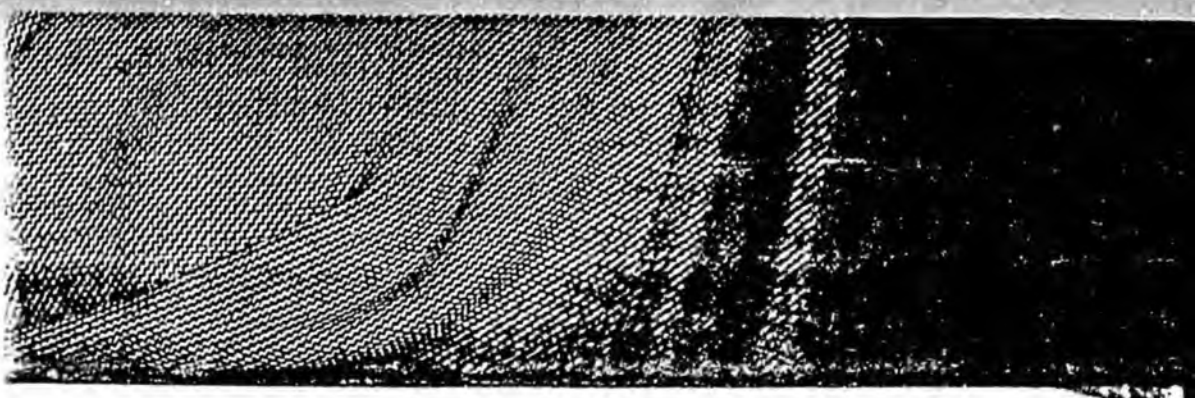
The Hamilton survey also indicated that apart from the impact on statewide party totals flowing from use of multimember districts, a use of single-member districts—or a series of small multimember districts—will provide greater minority party representation inside metropolitan areas than use of large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

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

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

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

19. Hamilton, *supra* note 16, at 325; see also Hamilton, "Some Observations in Ohio: Single-Member Districts, Multi-Member Districts and the Floating Fraction," *Reapportioning Legislatures* 75 (Columbus, Ohio: Charles E. Merrill, 1966).



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

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

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

Although the foregoing studies, as well as the logic of the matter, indicate that multimember districts do tend to operate as political monoliths, their effect on statewide party totals will be affected by such variables as party member residence distribution in a given state and the manner of construction of the multimember districts themselves. The Oregon experience does seem to bear out this hypothesis: the larger the district, the greater the distortion. So far as constitutionality is concerned, the Supreme Court precedents discussed in Chapter XVIII in cases from Georgia, Hawaii, and Texas[23] indicate that all forms of multimember districting are still permissible. They are subject to judicial challenge, however, if a plaintiff can demonstrate serious racial or political mis-representativeness in the operation of the districting system.

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

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

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

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

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

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

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

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

> . . . I reserve decision on one aspect of the problem concerning multi-member districts.
>
> Under the present regime each voter in the district has one vote for each office to be filled. This allows the majority to defeat the minority on all fronts. . . .
>
> I am not sure in my own mind how this problem should be resolved.[57]

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

55. 384 U.S. at 88 n.14.
56. *Id.* at 88.
57. Kilgarlin v. Hill, 386 U.S. 120, 122 (1967).
58. Kilgarlin v. Martin, 252 F. Supp. 404 (S.D. Tex. 1966). The district court doubted the justiciability of a "political" gerrymander, and felt that a racial gerrymander had not been intended and could not be proven to be a necessary result of the multimem-

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

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

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

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

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

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

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

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

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

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

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

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

61. *Id.* at 364.
62. *Id.* at 363.

DEMOCRATIC REPRESENTATION

Reapportionment in Law and Politics

ROBERT G. DIXON, Jr.

NEW YORK
OXFORD UNIVERSITY PRESS
LONDON TORONTO
1968

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

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

March 11, 1985

MEMORANDUM

TO: Representative Roger Jenkins

ATTN: Dave Garrison

FROM: Mark Torgerson MT
Legislative Analyst

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

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

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

Summary of Procedures in all States

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

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

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

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

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

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

The reapportionment procedures in twelve western states is described below.

Arizona

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

---

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

California

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

Colorado

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

Hawaii

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

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

Idaho

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

Montana

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

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

Nevada

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

New Mexico

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

Oregon

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

Utah

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

Washington

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

Wyoming

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

Summary

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

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

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

MT

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

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

April 12, 1985

MEMORANDUM

TO: Representative Roger Jenkins

ATTN: Shirley Armstrong

FROM: Deb Pomeroy, Administrative Officer DLP

RE: Representation in the Alaska Legislature
Research Request 85-293

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

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

Rationale for Representation

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

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

---

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

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

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

District Representation

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

Ratio of Population to Legislator

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

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

---

[2]Proceedings of the Constitutional Convention, page 1576.

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

* * * *

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

DP

Attachment

HB

451

HOUSE COMMITTEE REPORT

(7)
Date Referred: March 14, 1990 FURTHER REFERRALS:

Date of Committee Action: _____

The JUDICIARY Committee considered: HB 451

HOUSE BILL NO. 451 REVISE LEGISLATIVE ETHICS LAW

"An Act relating to conduct of legislators, legislative employees, former legislators and legislative employees, and to the Select Committee on Legislative Ethics."

RECOMMENDATIONS:
[ ] be replaced with _____ [ ] the same title [ ] a new title

[ ] have attached amendment(s)

[ ] do pass

[ ] do not pass

[ ] no recommendation

[ ] individual recommendations

[ ] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

[ ] fiscal impact_____

[ ] zero fiscal note_____

[ ] zero with analysis_____

APPROVES PREVIOUS: (Date/Dept)

[ ] fiscal note(s) _____

[ ] zero fiscal note(s)_____

[ ] zero fn/analysis _____

SIGNING DO PASS:

_____

_____

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_____

SIGNING: (Check approp. column)

	Do Not Pass	No Rec	Amend

_____
Chairman's Signature

B

HOUSE COMMITTEE REPORT

3/14

(7)
Date Referred: March 2, 1990 FURTHER REFERRALS:

JUDICIARY

Date of Committee Action: _____

The STATE AFFAIRS Committee considered: HB 451

HOUSE BILL NO. 451 REVISE LEGISLATIVE ETHICS LAW

"An Act relating to conduct of legislators, legislative employees, former legislators and legislative employees, and to the Select Committee on Legislative Ethics."

RECOMMENDATIONS:
[X] be replaced with CSHB451(SA) [X] the same title
[ ] a new title
[ ] have attached amendment(s).
[ ] do pass
[ ] do not pass
[ ] no recommendation
[X] individual recommendations
[ ] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s): (Dept)
[ ] fiscal impact _____
[X] zero fiscal note LAA
[ ] zero with analysis _____

APPROVES PREVIOUS: (Date/Dept)
[ ] fiscal note(s) _____
[ ] zero fiscal note(s) _____
[ ] zero fn/analysis _____

SIGNING DO PASS:

SIGNING: (Check approp. column)

		Do Not Pass	No Rec	Amend
FINKELSTEIN	HALEY		✓	
BOUCHER	MACLEAN			

D.C. Boucher
Chairman's Signature

HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF
HB 451

Revise Legislative Ethics Law

Received January 29, 1990
by the Rules Committee by Request of the Select Committee on Legislative Ethics

Heard February 14, 1990
Heard February 27, 1990
Heard February 28, 1990
Heard March 1, 1990
Passed out March 1, 1990
Rescinded Action March 7, 1990
Heard March 7, 1990
Heard March 13, 1990

CSHB 451 (SA) Adopted March 13, 1990

Passed Out of Committee March 13, 1990
3 Do Pass
2 No Recommendation

TABLE OF CONTENTS

HB 451: Revise Legislative Ethics Law

HOUSE COMMITTEE REPORT

(7)
Date Referred: March 2, 1990 FURTHER REFERRALS:

JUDICIARY

Date of Committee Action: _____

The STATE AFFAIRS Committee considered: HB 451

HOUSE BILL NO. 451 REVISE LEGISLATIVE ETHICS LAW

"An Act relating to conduct of legislators, legislative employees, former legislators and legislative employees, and to the Select Committee on Legislative Ethics."

RECOMMENDATIONS:
[X] be replaced with CSHBA51(SA) [X] the same title
[ ] a new title
[ ] have attached amendment(s)
[ ] do pass
[ ] do not pass
[ ] no recommendation
[X] individual recommendations
[ ] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s): (Dept)
[ ] fiscal impact _____
[X] zero fiscal note LAA
[ ] zero with analysis _____

APPROVES PREVIOUS: (Date/Dept)
[ ] fiscal note(s) _____
[ ] zero fiscal note(s) _____
[ ] zero fn/analysis _____

SIGNING DO PASS:

Dan Gilbert

D.C. Berkowitz

SIGNING: (Check approp. column)

	Do Not Pass	No Rec	Amend
Alyce Hensley		✓	
Eileen R. Mackey		✓	

D.C. Berkowitz
Chairman's Signature

Item 2

STATE OF ALASKA
1990 LEGISLATIVE

BILL VERSION HB 451
PUBLISH DATE

FISCAL NOTE

REQUEST:
Revision Date:
Affected Agency: Legislative Affairs Agency
Title: "An Act relating to conduct of legislators, legislative employees...
BRU: Legislative Council
Sponsor: House Rules Committee
Components Council and Subcommittees
Requestor: House State Affairs

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY91	FY92	FY93	FY94	FY95	FY96
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (THOUSANDS OF DOLLARS)

General Fund	0	0	0	0	0	0
Federal Fund	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

Full-Time	0	0	0	0	0	0
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

NO FISCAL IMPACT

Prepared By: Pamela Stoops, Director — Pamela Stoops — Phone: 465-3850
Division: Administrative Services — Date: 2/9/90

Approved By: Warren Endicott, Executive Director — Warren W Endicott II
Agency: Legislative Affairs Agency — Date: 2/9/90

DISTRIBUTION (BY PREPARER)
LEGISLATIVE FINANCE
LEGISLATIVE SPONSOR

REQUESTOR
OFFICE OF MANAGEMENT & BUDGET
AGENCY (IES)

Item 3

Alaska State Legislature

Select Committee on Legislative Ethics

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

TO: Rep. Red Boucher, Chairman
House State Affairs Committee

FROM: Rep. Mike Davis, Chairman
Select Committee on Legislative Ethics

DATE: February 1, 1990

SUBJECT: Ethics Bill

I am writing to request a hearing for HB 451, relating to conduct of legislators and legislative employees, before the State Affairs Committee.

During several years of work with the current ethics statute, the Select Committee on Legislative Ethics has identified areas which it believes need revision. The goal of HB 451 bill is to improve committee procedures and reinforce public confidence in the legislative process.

A copy of the bill and a sectional analysis are attached. I would be glad to discuss the legislation with you at your convenience.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3[illegible]

MEMORANDUM January 30, 1990

SUBJECT: Ethics reform bill (HB 451)

TO: Representative Mike Davis
Chair, Select Committee on Legislative Ethics

FROM: John B. Gaguine JBG
Legislative Counsel

At your request, here is a section-by-section analysis of HB 451, the bill reforming AS 24.60, the legislative ethics law.

Section 1 provides that legislators may not lobby the legislature for one year after they leave office.

Section 2 gathers in one place the conflicts of interest prohibited by current law and spread throughout AS 24.60. It does not add any new prohibitions, and retains, in subsection (b), the current provision that an act is not a conflict of interest if a person's actions affected only insignificant interests or if the person's authority is far removed from any official action that could reasonably be affected by the potential conflict.

Section 3 broadens the current restriction on legislators' holding fundraisers in Juneau during the session. Such fundraisers are now permitted when the legislator is running for non-legislative office (governor, Congress, mayor); Section 3 would bar them. The section also eliminates the exception that allowed Juneau legislators to hold fundraisers during the session.

Sections 4, 5 and 6 modify the gift section of the ethics code. Section 4 allows gifts of up to $100 to be accepted, rather than the previous ceiling of $50. Section 5 permits acceptance of gifts of over $100 when the gift has no connection with the recipient's legislative status. Under Section 6, gifts of this nature would have to be disclosed, just as gifts of travel and hospitality currently must be.

Section 7 adds a ban on honoraria (but not on the receipt of travel and hospitality expenses) to give a speech or make an appearance. The section makes an exception where the speech or appearance is not related to the person's legislative status (for instance, where a doctor-legislator received a fee to discuss a medical subject before a medical association). An advisory opinion of the ethics committee in 1987 found that a legislator could not accept an honorarium; Section 5 codifies this opinion.

Section 8 provides that no person covered by the ethics code may represent a client for compensation before a state agency, board, or commission, or before an employee or officer of an agency, board, or commission.

Section 9 formally establishes the ethics committee as a permanent interim committee.

Section 10 provides that the Open Meetings Act, the legislative procurement rules and the legislature's Uniform Rules do not apply to the ethics committee to the limited extent that those statutes and rules would conflict with the confidentiality requirements of the ethics law.

Section 11 extends the time requirements for the ethics committee to issue advisory opinions in response to advisory opinion requests.

Section 12 overhauls the process by which the ethics committee handles complaints. It streamlines existing procedures, and makes one major change: proceedings of the ethics committee, and opinions issued by the committee, would become public after the committee as a result of its investigation into a complaint finds probable cause to believe that the subject of a complaint has violated the ethics law. The section also allows the committee to consider alleged violations occurring within five years before the filing of a complaint, instead of the current two years. It further requires the committee to dismiss a complaint against a legislative employee who leaves legislative service, and gives the committee discretion to dismiss a complaint against a former legislator.

Section 13 repeals three sections of existing law that have been recodified elsewhere.

JBG:pl
WKP1/065

Item 4

Alaska State Legislature

3111 C Street
Anchorage, Alaska 99503
561-7626

While in Session:
P.O. Box V
State Capitol
Juneau, Alaska 99811
465-2435

CHAIR
Special Committee on Tourism

State Affairs Committee
Labor and Commerce Committee

Military & Veterans' Affairs
Health and Social Services
Budget Subcommittees

Representative David Finkelstein

January 31, 1990

TO: Rep. Red Boucher, Chairman
House State Affairs Committee

FR: David Finkelstein

RE: HB 451, the ethics reform bill

I wanted to offer a couple of suggestions for issues that I think should be addressed in a committee substitute for this bill:

1) A prohibition is needed on legislative employees engaging in political activities on state time or using state property. Common sense tells us that this is wrong, but a recent House Ethics Committee decision appears to condone it. Political activities could be defined to include any activities which primarily serve to help or hurt the prospects of a candidate for public office, rather than address public policy.

2) A similar prohibition is needed on legislators engaging in political activities while using state property. The House Ethics Committee's previous ruling indicates that many activities are acceptable which clearly aid or harm candidates. The idea of legislators and their staffs using their state offices to investigate, harrass, promote, or otherwise affect political candidates is unacceptable.

3) A standard needs to be set for a minimum level of legislative activity necessary to qualify for state-reimbursed travel. A recent decision by the Senate Ethics Committee indicates that any amount of legislative activity is sufficient to justify state-paid travel. A standard like the four-hour minimum for interim per-diem payments would help correct this situation.

If you have any questions please let me know.

Item 5

Alaska State Legislature

Select Committee on Legislative Ethics

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

TO: All Representatives

FROM: Rep. Mike Davis, Chairman
Select Committee on Legislative Ethics

DATE: January 29, 1990

SUBJECT: Ethics bill

This morning, the attached Ethics Committee bill will be introduced in the House and Senate.

During several years of work with the current ethics statute, the Select Committee on Legislative Ethics has identified areas which it believes need revision. The goal of the bill is to improve committee procedures and reinforce public confidence in the legislative process.

This legislation:

- increases the statute of limitations from 2 to 5 years;
- opens certain committee proceedings to the public;
- prohibits former legislators from lobbying for one year;
- modifies the gift section and raises the ceiling to $100;
- prevents legislators and staff from representing private clients before state agencies; and
- streamlines the process for handling complaints.

A strong and workable ethics law benefits both the legislature and the public. The committee invites your ideas and support in this bipartisan effort.

Alaska State Legislature

Select Committee on Legislative Ethics

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

M E M O R A N D U M February 12, 1990

SUBJECT: Ethics reform bill (HB 451)

TO: Representative H.A."Red" Boucher
Chair, House State Affairs

FROM: Representative Mike Davis, Chair
Select Committee on Legislative Ethics

HB 451, the bill to reform the legislative ethics law (AS 24.60), contains many sections. Some make substantial changes in the law, and others simply make technical changes. Rather than presenting you with a sectional analysis of the bill, I thought it would be more useful to highlight a few parts of the bill that make major changes to the law.

Complaint procedure. In my opinion, the most important part of HB 451 is the part that overhauls AS 24.60.170, the statute setting out the procedure by which the ethics committee hears complaints. Section 12 of the bill partially opens the process to public scrutiny. Currently the entire process is held behind closed doors, even the hearing that takes place after the committee has found probable cause to believe that an ethics violation has occurred. Only the final opinion, finding the subject of a complaint innocent or guilty, is public. I believe that the closed nature of the process is the main reason that elements of the press and public view ethics committee proceedings as whitewashes. I think that if more of the process were open to the public, the press and public would realize that the ethics committee is doing its job thoroughly and conscientiously.

On the other hand, the ethics committee in crafting this bill realized the unfairness that can result if baseless complaints are aired in public. Therefore, the committee sought to balance the competing interests of the public and the subject of a complaint by providing that complaints, initial committee proceedings, and investigations be private, but that after a finding of probable cause to believe a vio-

lation has occurred proceedings are open to the public. According to the ethics committee's counsel, the ethics laws of the vast majority of states draw precisely this line: complaint proceedings are confidential until probable cause determination, then are open to the public thereafter. Note that, under this approach, if an investigation does not establish probable cause to believe that a violation occurred, the matter does not become public. Note also that the subject of a complaint always has the right to waive confidentiality and request that all proceedings be open to the public (except for committee deliberations).

In addition to this partial opening of the process, Section 12 streamlines the complaint process, which the committee has found to be unnecessarily cumbersome. I am attaching a flow chart outlining the way the process would work if this bill is passed.

Statute of limitations. Currently the ethics committee has no jurisdiction to investigate or hear any matters that occurred more than two years before a complaint is filed with, or initiated by, the committee. On several occasions this two-year limit has prevented the committee from examining matters that were clearly appropriate subjects for committee inquiry. The committee is recommending in this bill (also in Section 12) a five-year statute of limitations. That is the same statute of limitations as applies to criminal prosecutions in the state, except for murder.

One-year ban on lobbying by ex-legislators. Section 1 of HB 451 would forbid former members of the legislature from lobbying the legislature for compensation during the year after they leave office. A similar ban was just enacted by Congress at the federal level as part of the 1989 ethics reform act there. The ethics committee felt that legislators who have just left office might be in a position to disproportionately influence their former colleagues. While the committee was not aware of any past problems in this area, it felt, as Congress apparently did, that this prohibition would improve the public perception of the legislature. Note that this section would not prohibit a former legislator from lobbying the legislature without pay or from lobbying the executive branch, and would not in any way restrict a former legislative aide or employee.

Ban on representation. Section 8 of the bill would prohibit all individuals covered by the ethics code from representing

clients for compensation before agencies, boards or commissions of the state, and before employees of agencies, boards and commissions. The section would ban both representation of clients during adversarial proceedings of agencies and "administrative lobbying" of state officers and employees. It would not affect representation in courts. There is currently a ban on this sort of representation in AS 39.50.-090(c) for legislators and a few high-level legislative employees; Section 8 extends this ban to all legislative employees Range 18 and above.

Gifts. Sections 4, 5 and 6 clarify the gifts section of the ethics law, AS 24.60.080. The sections raise, from $50 to $100, the value of a gift that a person covered by the code can accept; allow a person to accept a gift of any size if the gift has no connection to the person's legislative status (e.g., a wedding gift from an old friend) or if the gift is given by a foreign government while the recipient is travelling on business in that country; and require recipients of most gifts worth over $100 to disclose the gifts in the journal. These changes were made because existing law was somewhat confusing.

Honoraria. Section 7 would ban a person covered by the code from accepting an honorarium for a speech or appearance, although the person could accept reasonable travel, food, and lodging expenses. An advisory opinion of the ethics committee found that honoraria were improper under existing law, but the committee wanted to codify that advisory opinion. The U.S. House of Representatives recently accepted a ban on honoraria for its members.

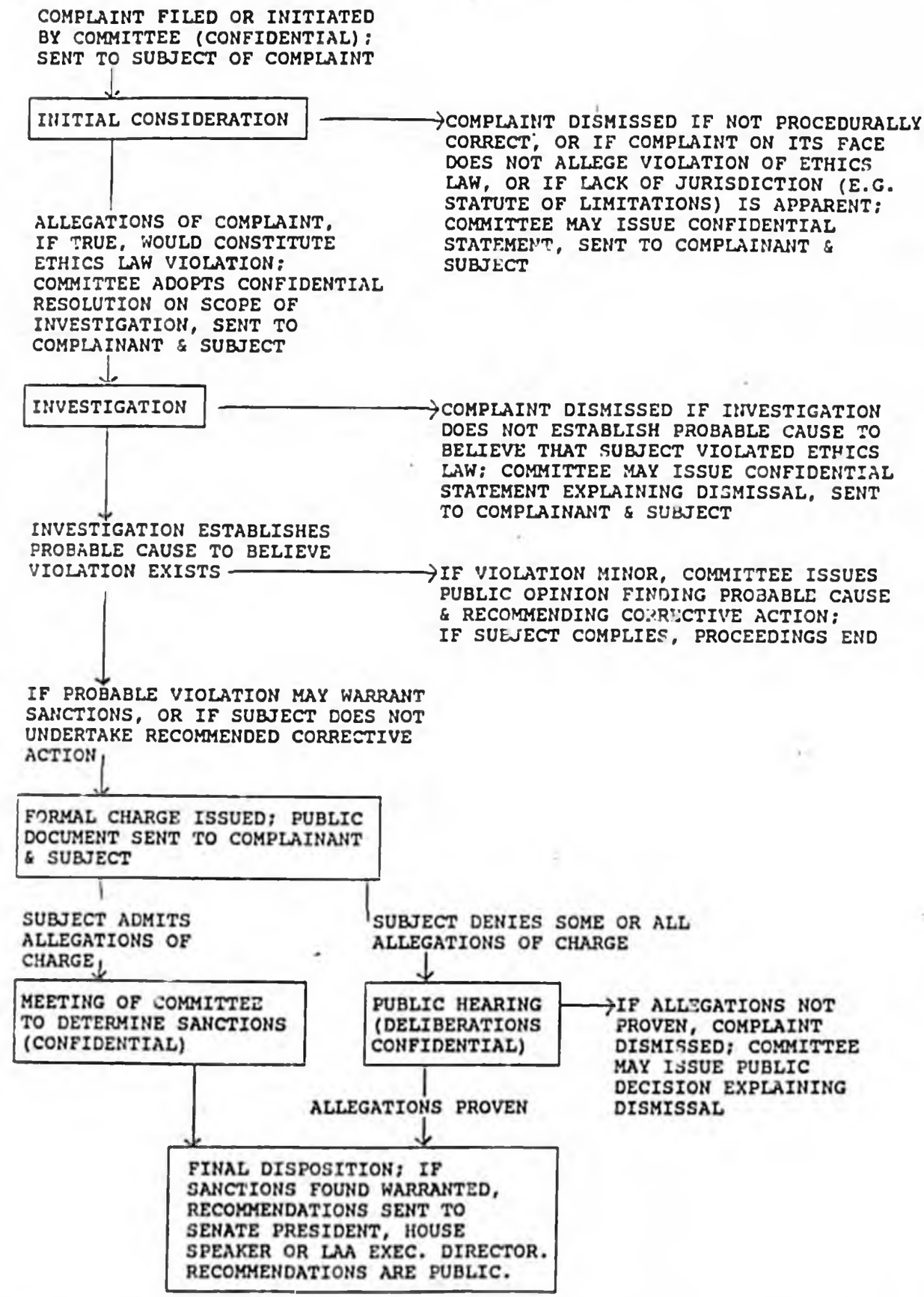
Fundraisers. Section 3 of HB 451 broadens the current ban on fundraisers in Juneau during the session. Such fundraisers are now prohibited for legislators seeking reelection, or seeking election to another position in the legislature. Section 3 would broaden the ban to fundraisers for any office - legislative, gubernatorial, congressional, municipal. The section also eliminates the current exception on the ban for Juneau legislators.

If you have any questions about HB 451, please do not hesitate to contact me.

MD:JG:mi
wkmi6/041

Enclosure

ETHICS COMMITTEE COMPLAINT PROCESS



NOTE: IF COMPLAINT IS AGAINST LEGISLATIVE EMPLOYEE, AND EMPLOYEE QUITS, COMPLAINT IS DISMISSED AT ANY STAGE. IF COMPLAINT IS AGAINST FORMER LEGISLATOR, OR IS AGAINST LEGISLATOR WHO QUITS OR WHOSE TERM EXPIRES (AND IS NOT RE-ELECTED), COMMITTEE MAY AT ITS DISCRETION DISMISS COMPLAINT.

Foreign Gifts

6-1634Ed
Gaguine

AMENDMENT /

OFFERED IN THE HOUSE BY REP. M.DAVIS

TO: HB 451

Page 3, line 14, following "person;":

Insert "or"

Page 3, lines 15 - 17:

Delete all material.

Renumber the following paragraph accordingly.

Page 3, line 22:

Delete ", (6), or (7)"

Insert "or (6)"

Page 4, following line 4:

Insert a new bill section to read:

"* Sec. 7. AS 24.60.080 is amended by adding a new subsection to read:

(f) Notwithstanding (a) of this section, a person to whom this chapter applies may accept a gift of property worth $100 or more, other than money, from a foreign government if the person accepts the gift on behalf of the legislature. The person shall, within 60 days of receiving the gift, deliver the gift to the legislative council, which shall determine the appropriate disposition of the gift."

2/8/90

Renumber the following bill sections accordingly.

Cumulative gifts

s-1634Ed
Gaguine

AMENDMENT 2

OFFERED IN THE HOUSE BY REP. A.DAVIS

TO: HB 451

Page 2, line 24, following "form":

Insert ", or gifts from the same person worth less than $100 that in a calendar year aggregate to $100 or more in value"

2/12/90

Fundraising by Juneau Legislators

6-1634Ec
Gaguine

AMENDMENT 3

OFFERED IN THE HOUSE BY REP. M.DAVIS

TO: HB 451

Page 2, line 15, after "RAISING.":

Insert "(a)"

Page 2, following line 19:

Insert a new subsection to read:

"(b) Members of the legislature elected to represent the capital city are exempt from the prohibitions of (a) of this section."

2/8/90

Dismissal orders made public

p-1634Eb
Gaguine

AMENDMENT 4

OFFERED IN THE HOUSE BY REP. M.DAVIS

TO: HB 451

Page 7, line 14:

Delete "may"

Insert "shall"

Page 7, line 17, following "complaint.":

Insert "Notwithstanding (1) of this section, a dismissal order and decision is open to inspection and copying by the public."

2/12/90

Representation

Section 6 contains four alternatives on the representation question. Alternative A is derived from Representative Goll's original version of HB 150. This version does not just reinstate AS 39.50.090(c) as to legislators; it extends the representation prohibition to all persons covered by AS 24.60. I deleted the part in HB 150 stating that legislators may appear before courts, because, as I mentioned at the meeting, I don't think anyone has ever suggested that they can't under current law.

Alternative B would just reinstate AS 39.50.090(c), and would bar representation by legislators and a handful of senior legislative agency employees. Alternative C would bar representation for all persons covered by AS 24.60, but would allow them to represent clients for compensation before adversarial hearings of administrative agencies where the state is not a party. Alternative D would expand the exclusion of C to all adversarial hearings, whether or not the state is a party.

* Sec. 6. Alternative A. AS 24.60.100 is amended to read:

Sec. 24.60.100. REPRESENTATION PROHIBITED. A person to whom this chapter applies may not represent [WHO REPRESENTS] another person for compensation before an agency, board, or commission of the state, or before an officer or employee of the agency, board, or commission of the state [SHALL DISCLOSE THE NAME OF THE PERSON REPRESENTED, THE SUBJECT MATTER OF THE REPRESENTATION, AND THE BODY BEFORE WHICH THE REPRESENTATION IS TO TAKE PLACE IN THE JOURNAL OF THE APPROPRIATE BODY OR IF THE LEGISLATURE IS NOT IN SESSION TO THE COMMITTEE. THE COMMITTEE SHALL MAINTAIN A PUBLIC RECORD OF THE DISCLOSURE AND FORWARD THE DISCLOSURE TO THE RESPECTIVE HOUSE FOR INCLUSION IN THE JOURNAL BY THE FIFTH DAY OF THE SESSION].

* Sec. 6. Alternative B. AS 24.60.100 is amended to read:

Sec. 24.60.100. REPRESENTATION. A person to whom this chapter applies who represents another person for compensation before an agency, board, or commission of the state, or before an officer or employee of an agency, board, or commission of the state, and who is not prohibited from this representation by AS 39.50.090, shall disclose the name of the person represented, the subject matter of the representation, and the body before which the representation is to take place in the journal of the appropriate body or if the legisla-

ture is not in session to the committee. The committee shall maintain a public record of the disclosure and forward the disclosure to the respective house for inclusion in the journal by the fifth day of the session.

* Sec. 6. Alternative C. AS 24.60.100 is amended to read:

Sec. 24.60.100. REPRESENTATION. A person to whom this chapter applies may not represent [WHO REPRESENTS] another person for compensation before an agency, board, or commission of the state, or before an officer or employee of an agency, board, or commission of the state, except that representation is permitted when the agency, board, or commission is acting in a quasi-judicial manner and the state is not the adverse party. When representation is permitted, the person representing another person shall disclose the name of the person represented, the subject matter of the representation, and the body before which the representation is to take place in the journal of the appropriate body or if the legislature is not in session to the committee. The committee shall maintain a public record of the disclosure and forward the disclosure to the respective house for inclusion in the journal by the fifth day of the session.

* Sec. 6. Alternative D. AS 24.60.100 is amended to read:

Sec. 24.60.100. REPRESENTATION. A person to whom this chapter applies may not represent [WHO REPRESENTS] another person for compensation before an agency, board, or commission of the state, or before an officer or employee of an agency, board, or commission of the state, except that representation is permitted when the agency, board, or commission is acting in a quasi-judicial manner. When representation is permitted, the person representing another person shall disclose the name of the person represented, the subject matter of the representation, and the body before which the representation is to take place in the journal of the appropriate body or if the legislature is not in session to the committee. The committee shall maintain a public record of the disclosure and forward the disclosure to the respective house for inclusion in the journal by the fifth day of the session.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3400

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM January 30, 1990

SUBJECT: Ethics reform bill (HB 451)

TO: Representative Mike Davis
Chair, Select Committee on Legislative Ethics

FROM: John B. Gaguine JBG
Legislative Counsel

At your request, here is a section-by-section analysis of HB 451, the bill reforming AS 24.60, the legislative ethics law.

Section 1 provides that legislators may not lobby the legislature for one year after they leave office.

Section 2 gathers in one place the conflicts of interest prohibited by current law and spread throughout AS 24.60. It does not add any new prohibitions, and retains, in subsection (b), the current provision that an act is not a conflict of interest if a person's actions affected only insignificant interests or if the person's authority is far removed from any official action that could reasonably be affected by the potential conflict.

Section 3 broadens the current restriction on legislators' holding fundraisers in Juneau during the session. Such fundraisers are now permitted when the legislator is running for non-legislative office (governor, Congress, mayor); Section 3 would bar them. The section also eliminates the exception that allowed Juneau legislators to hold fundraisers during the session.

Sections 4, 5 and 6 modify the gift section of the ethics code. Section 4 allows gifts of up to $100 to be accepted, rather than the previous ceiling of $50. Section 5 permits acceptance of gifts of over $100 when the gift has no connection with the recipient's legislative status. Under Section 6, gifts of this nature would have to be disclosed, just as gifts of travel and hospitality currently must be.

Section 7 adds a ban on honoraria (but not on the receipt of travel and hospitality expenses) to give a speech or make an appearance. The section makes an exception where the speech or appearance is not related to the person's legislative status (for instance, where a doctor-legislator received a fee to discuss a medical subject before a medical association). An advisory opinion of the ethics committee in 1987 found that a legislator could not accept an honorarium; Section 5 codifies this opinion.

Section 8 provides that no person covered by the ethics code may represent a client for compensation before a state agency, board, or commission, or before an employee or officer of an agency, board, or commission.

Section 9 formally establishes the ethics committee as a permanent interim committee.

Section 10 provides that the Open Meetings Act, the legislative procurement rules and the legislature's Uniform Rules do not apply to the ethics committee to the limited extent that those statutes and rules would conflict with the confidentiality requirements of the ethics law.

Section 11 extends the time requirements for the ethics committee to issue advisory opinions in response to advisory opinion requests.

Section 12 overhauls the process by which the ethics committee handles complaints. It streamlines existing procedures, and makes one major change: proceedings of the ethics committee, and opinions issued by the committee, would become public after the committee as a result of its investigation into a complaint finds probable cause to believe that the subject of a complaint has violated the ethics law. The section also allows the committee to consider alleged violations occurring within five years before the filing of a complaint, instead of the current two years. It further requires the committee to dismiss a complaint against a legislative employee who leaves legislative service, and gives the committee discretion to dismiss a complaint against a former legislator.

Section 13 repeals three sections of existing law that have been recodified elsewhere.

JBG:pl
WKP1/065

Alaska State Legislature

3111 C Street
Anchorage, Alaska 99503
561-7626

While in Session:
P.O. Box V
State Capitol
Juneau, Alaska 99811
465-2435

CHAIR
Special Committee on Tourism

State Affairs Committee
Labor and Commerce Committee

Military & Veterans Affairs
Health and Social Services
Budget Sub-committees

Representative David Finkelstein

January 22, 1990

TO: Rep. Mike Davis, Chair
Ethics Committee

FR: David Finkelstein

RE: Ethics reform bill

I wanted to offer a couple of suggestions for issues that I think should be addressed in this bill. I will be in the State Affairs Committee while your hearing is going on tomorrow, otherwise I would come and testify in person.

1) A prohibition is needed on legislative employees engaging in political activities on state time or using state property. Common sense tells us that this is wrong, but a recent House Ethics Committee decision appears to condone it. Political activities could be defined to include any activities which primarily serve to help or hurt the prospects of a candidate for public office, rather than address public policy.

2) A similar prohibition is needed on legislators engaging in political activities while using state property. The House Ethics Committee's previous ruling indicates that many activities are acceptable which clearly aid or harm candidates. The idea of legislators and their staffs using their state offices to investigate, harrass, promote, or otherwise affect political candidates is unacceptable.

3) A standard needs to be set for a minimum level of legislative activity necessary to qualify for state-reimbursed travel. A recent decision by the Senate Ethics Committee indicates that any amount of legislative activity is sufficient to justify state-paid travel. A standard like the four-hour minimum for interim per-diem payments would help correct this situation.

The public perception of our legislative ethics review system is not very positive at present. I believe that the problem is a lack of clear standards in some areas for the committee to enforce. I look forward to your ideas on possible remedies.

Chapter 60.
Standards of Conduct.

Sec. 24.60.010. LEGISLATIVE FINDINGS AND PURPOSE.

The legislature finds that it is essential in the conduct of public business that legislators hold the respect and confidence of the people. Legislators must avoid conduct that even appears to violate the trust the people have placed in them. To ensure and preserve public confidence, legislators should have the benefit of specific standards to guide their conduct. Article II, sec. 12, Constitution of the State of Alaska grants to each house of the legislature the power to judge the qualifications of its members. It is the purpose of this act to establish standards of conduct for state legislators and legislative employees and to establish the Select Committee on Legislative Ethics to consider alleged violations of this chapter and to render advisory opinions to persons affected by this chapter.

(Sec. 1 ch 36 SLA 1984)

Sec. 24.60.020. APPLICABILITY.

(a) Except as otherwise provided in this subsection, this chapter applies to a member of the legislature and to a person employed by the legislative branch of government. This chapter does not apply to

(1) a former member of the legislature or to a person formerly employed by the legislative branch of government unless the provision specifically states that it so applies;

(2) a person elected to the legislature who at the time of election is not a member of the legislature;

(3) a person employed by the legislative branch of government whose position is established below Range 18 of the state salary schedule established in AS 39.27.011(a).

(b) The provisions of this chapter specifically supersede the provisions of the common law relating to legislative conflict of interest that may apply to a member of the legislature or a person employed by the legislative branch of government. They do not supersede or repeal provisions of the criminal laws of the state.

(Sec. 1 ch 36 SLA 1984; secs. 2, 3 ch 113 SLA 1986; am sec. 1 ch 67 SLA 1988)

Sec. 24.60.030. CONFLICTS OF INTEREST.

(a) A person to whom this chapter applies may not use public office for private advancement or gain.

(b) A conflict of interest exists when a person to whom this chapter applies takes or withholds official action or exerts official influence that could

during the interim following a session in which the person worked. This section applies to legislative staff members Range 18 or higher. In this section "hazardous waste" has the meaning given in AS 46.03.900.

(Sec. 10 ch 77 SLA 1984)

Sec. 24.60.050. STATE PROGRAMS AND LOANS.

(a) It is not a conflict of interest for a person to whom this chapter applies to participate in a state program or to receive a loan from the state if the program or loan

(1) is generally available to members of the public;
(2) is subject to fixed eligibility standards; and
(3) requires minimal discretion in determining qualification.

(b) The committee shall annually review state programs and state loans and publish a list of programs and loans that, in the view of the committee,

(1) meet the standards of (a) of this section;
(2) do not meet the standards of (a) of this section.

(c) Each February 1, each person to whom this chapter applies shall deliver to the division of legislative audit a report of each participation by the person in a state program or receipt of a state loan as of January 15 of that year for a program or loan listed in (b)(2) of this section. The division of legislative audit shall prepare an appropriate report for the presiding officer of each house that lists the name of the person and kind of program participation or loan. The lists shall be published in the supplemental journals before February 15.

(d) Each person to whom this chapter applies who begins participation in a state program or who receives a loan listed under (b)(2) of this section after January 15 of each year shall deliver a report of the program or loan to the committee within 30 days after the participation in the state program or receipt of a state loan begins. The report shall be published in the appropriate supplemental journal if received by the committee during the regular session of the legislature. Each report filed with the committee under this subsection is open to the public.

(e) Each record of a state agency relating to participation in a state program or receipt of a state loan by a person to whom this chapter applies may be disclosed to the committee and to the division of legislative audit.

(f) The committee shall annually identify the program and loans to be audited by the division of legislative audit during the following year, including the scope of the audit. The division of legislative audit shall prepare a report to the committee on the audit of the participation in state programs and the receipt of loans from the state by persons to whom this chapter applies. The report to the committee is confidential until it is released by the committee.

(g) In this section "state program" means a program in which tangible assets of the state or a right to use tangible assets of the state are transferred from the state to a person to whom this chapter applies.

(Sec. 1 ch 36 SLA 1984; am sec. 5 ch 113 SLA 1986; am sec. 2 ch 167 SLA 1988)

CORRECTION

THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

Chapter 60.
Standards of Conduct.

Sec. 24.60.010. LEGISLATIVE FINDINGS AND PURPOSE.

The legislature finds that it is essential in the conduct of public business that legislators hold the respect and confidence of the people. Legislators must avoid conduct that even appears to violate the trust the people have placed in them. To ensure and preserve public confidence, legislators should have the benefit of specific standards to guide their conduct. Article II, sec. 12, Constitution of the State of Alaska grants to each house of the legislature the power to judge the qualifications of its members. It is the purpose of this act to establish standards of conduct for state legislators and legislative employees and to establish the Select Committee on Legislative Ethics to consider alleged violations of this chapter and to render advisory opinions to persons affected by this chapter.

(Sec. 1 ch 36 SLA 1984)

Sec. 24.60.020. APPLICABILITY.

(a) Except as otherwise provided in this subsection, this chapter applies to a member of the legislature and to a person employed by the legislative branch of government. This chapter does not apply to

(1) a former member of the legislature or to a person formerly employed by the legislative branch of government unless the provision specifically states that it so applies;

(2) a person elected to the legislature who at the time of election is not a member of the legislature;

(3) a person employed by the legislative branch of government whose position is established below Range 18 of the state salary schedule established in AS 39.27.011(a).

(b) The provisions of this chapter specifically supersede the provisions of the common law relating to legislative conflict of interest that may apply to a member of the legislature or a person employed by the legislative branch of government. They do not supersede or repeal provisions of the criminal laws of the state.

(Sec. 1 ch 36 SLA 1984; secs. 2, 3 ch 113 SLA 1986; am sec. 1 ch 67 SLA 1988)

Sec. 24.60.030. CONFLICTS OF INTEREST.

(a) A person to whom this chapter applies may not use public office for private advancement or gain.

(b) A conflict of interest exists when a person to whom this chapter applies takes or withholds official action or exerts official influence that could

substantially benefit or harm a financial matter in which the person has a direct or indirect private interest.

(c) Conflicts of interest are prohibited but there is not a conflict of interest if, as to a specific matter, there is no

(1) the person's interest is relatively insignificant; or

(2) the person's authority is relatively far removed from any official action that could reasonably be affected by the potential conflict of interest, provided that no attempt has been made to remove the appearance of impropriety by delegating responsibility for official action.

(d) A conflict exists if benefits accrue to a person to whom this chapter applies beyond that which may accrue uniformly to members of the profession, occupation or group to which the person belongs, or to the public at large.

(e) [Repealed, sec. 8 ch 167 SLA 1988.]

(f) It is a conflict of interest for a member of the legislature to accept money from an event held within the capital city during the session if a substantial purpose of the event is to raise money on behalf of the member for state legislative campaign purposes or for other state legislative political purposes.

(g) Members of the legislature elected to represent the capital city are exempt from the requirements of (f) of this section.

(Sec. 1 ch 36 SLA 1984; am sec. 27 ch 85 SLA 1988; am sec. 8 ch 167 SLA 1988)

Sec. 24.60.040. CONTRACTS OR LEASES.

(a) A person to whom this chapter applies may not be a party to or have an interest in a state contract or lease unless the contract or lease is let through competitive sealed bidding under AS 36.30 (State Procurement Code) or the total annual amount of the state contract or lease is $1,000 or less, or is a standardized contract or lease which was developed under publicly established guidelines and is generally available to the public at large, members of a profession, occupation or group. A person has an interest in a state contract or lease under this section if the person receives direct or indirect financial benefits.

(b) In this section, "direct or indirect financial benefits" means income, profits or other financial benefits under a state contract, without regard to whether the income, profits or other financial benefits ensue to the person as a partner, shareholder, investor, agent, employee, consultant, or joint venturer of the contractor.

(Sec. 1 ch 36 SLA 1984; am sec. 24 ch 106 SLA 1986; am sec. 4 ch 113 SLA 1986)

Sec. 24.60.045. HAZARDOUS WASTE CONTRACTS.

A legislative staff member may not solicit or receive a contract concerning hazardous waste from a state agency or department other than the legislature