

**LDIR#164**  
**LEGISLATIVE**  
**APPORTION-**  
**MENT**  
**1966**

MÉMO FROM THE DESK OF

**JOHN C. DOYLE**

ALASKA COURTS ON

SENATE REAPPORTIONMENT - 1966

## "The General Subject of Reapportionment" \*

Listed are selected publications issued 1960 to date. All are available at the State Library.

More complete bibliographies may be consulted at the Cass Branch of the State Library.

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- "Apportionment and the Courts--A Synopsis and Prognosis," Northwestern University Law Review, Vol. LIX (1964), 500.
- "Apportionment and the 'One Man, One Vote' Standard," University of Pittsburgh Law Review, Vol. XXVI (1964), 125.
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- "Baker v. Carr and Legislative Apportionments: A Problem of Standards," Yale Law Journal, Vol. LXXII (1963), 968-1040.
- "Baker v. Carr--Malapportionment in State Government Becomes a Federal Constitutional Issue," Vanderbilt Law Review, Vol. XV (1962), 985-1004.

ESTIMATES OF CIVILIAN RESIDENT POPULATION OF ALASKA BY ELECTION DISTRICT  
 JULY 1, 1965 AND COMPONENTS OF POPULATION CHANGE SINCE APRIL 1, 1960

ELECTION DISTRICT	July 1		April 1		NET CHANGE			COMPONENTS OF CHANGE		
	1965		1960		Number	Percent	Births	Deaths	Net Civil. Migration	
ALASKA	232,175	193,678	+38,497	+ 19.9	41,345	6,858	+ 4,010			
01 Prince of Wales	1,890	1,767	+ 123	+ 7.0	276	84	- 69			
02 Ketchikan	11,252	9,770	+ 1,482	+ 15.2	1,522	475	+ 435			
03 Wrangell-Petersburg	4,983	4,181	+ 802	+ 19.2	542	222	+ 482			
04 Sitka	8,159	6,605	+ 1,554	+ 23.5	1,068	242	+ 728			
05 Juneau	12,189	9,546	+ 2,643	+ 27.7	1,718	459	+ 1,384			
06 Lynn Canal-Icy Straits	3,151	2,926	+ 225	+ 7.7	423	115	- 83			
07 Cordova-McCarthy	1,925	1,557	+ 368	+ 23.6	277	97	+ 188			
08 Valdez-Chitina-Whittier	2,376	2,394	- 18	- .8	341	149	- 210			
09 Palmer-Wasilla-Talkeetna	6,052	5,162	+ 890	+ 17.2	756	176	+ 310			
10 Anchorage	87,187	68,650	+ 18,537	+ 27.0	16,060	1,697	+ 4,174			
11 Seward	2,162	2,956	- 794	- 26.9	327	139	- 982			
12 Kenai-Cook Inlet	8,292	5,694	+ 2,598	+ 45.6	1,017	214	+ 1,795			
13 Kodiak	6,777	5,367	+ 1,410	+ 26.3	1,346	240	+ 304			
14 Aleutian Islands	4,860	3,599	+ 1,261	+ 35.0	773	143	+ 631			
15 Bristol Bay	4,013	3,488	+ 525	+ 15.1	817	162	- 130			
16 Bethel	7,156	5,412	+ 1,744	+ 32.2	1,507	284	+ 521			
17 Kuskokwim	2,649	2,149	+ 500	+ 23.3	506	118	+ 112			
18 Yukon-Koyukuk	3,419	3,328	+ 91	+ 2.7	688	147	- 450			
19 Fairbanks	35,312	33,532	+ 1,780	+ 5.3	7,749	919	- 5,050			
20 Upper Yukon	1,358	1,496	- 138	- 9.2	290	81	- 347			
21 Barrow	2,458	1,985	+ 473	+ 23.8	528	79	+ 24			
22 Kobuk	4,001	3,470	+ 531	+ 15.3	977	192	- 254			
23 Nome	6,208	5,587	+ 621	+ 11.1	1,028	261	- 146			
24 Wade Hampton	4,346	3,057	+ 1,289	+ 42.2	809	163	+ 643			



# ALASKA LEGISLATIVE COUNCIL

LEGISLATIVE AFFAIRS AGENCY

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LEGISLATIVE APPORTIONMENT

IN ALASKA

Historical and Future Considerations

---

NOVEMBER

1966

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# ALASKA LEGISLATIVE COUNCIL

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STAFF BACKGROUND REPORT

RECENT LEGISLATIVE APPORTIONMENT DEVELOPMENTS  
AS THEY APPLY TO ALASKA

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August

1964

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April 19, 1966

LEGISLATIVE APPORTIONMENT  
TO GET PRIORITY ATTENTION

Legislative apportionment will be given priority attention by the Legislative Council it was announced today by Representative Mike Gravel, Council Chairman and Speaker of the House.

Gravel reported that before adjourning the Legislature had approved a resolution calling for Council action on a priority basis to gather information and propose alternatives particularly for the reapportionment of the Senate and include information and suggestions for other constitutional amendments relating to the legislative apportionment and districting problem. All material and recommendations will be referred to the new Legislature convening in January of 1967.

The Superior Court this month confirmed that the present Senate was invalidly apportioned under recent rulings of the U.S. Supreme Court. The Alaska court ordered that the Legislature submit appropriate amendments to the people in 1967 and that a valid reapportionment be adopted by December 1, 1967. If the decision is upheld the 1967 session will have to move with despatch on the subject.

Gravel pointed out that the work of the Legislative Council and the staff of the Legislative Affairs Agency would look at the entire picture including the size of the Legislature, the reapportionment advisory agency, the use of single or multi-member districts, allowable population differentials, the continued use of the decennial censuses and civilian population bases and other factors.

While legislative apportionment study and reporting will take precedence over all other continued or assigned interim work the agency staff and the Council will be working on other subjects. These include the revision of the

OPINIONS ANNOUNCED APRIL 25, 1966

The Supreme Court decided:

ELECTIONS - Legislative Apportionment

Fourteenth Amendment's Equal Protection Clause does not render invalid Hawaii Legislature's interim reapportionment plan based on number of registered voters, rather than total population, so long as distribution of registered voters approximates distribution of state citizens or other permissible population base; multi-member districts that do not result in population disparities are invidiously discriminatory only if they cancel out or minimize voting strength of racial or political elements of voting population; federal district court's finding that only one of state's legislative houses is malapportioned does not permit it to issue order limiting state legislature's consideration to curing of malapportionment in that house. (Burns v. Richardson, Nos. 318, 323 & 409) . . . . . page 4365

GOVERNMENT PROPERTY - Mineral Leasing Act

State, not federal, law governs assignments by private parties of oil and gas leases validly issued under Mineral Leasing Act of 1920. (Wallis v. Pan American Petroleum Corp., No. 341) . . . . . page 4373

Full Text of Opinions

Nos. 318, 323 AND 409.—OCTOBER TERM, 1965.

John A. Burns, Governor of the State of Hawaii, Appellant,  
318 v.  
William S. Richardson, et al.  
323 v.  
John B. Cravalho, et al., Appellants,  
409 v.  
William S. Richardson, et al.  
Kazunisa Abe et al., Appellants,  
409 v.  
William S. Richardson, et al.

On Appeals From the United States District Court for the District of Hawaii.

[April 25, 1966.]

MR. JUSTICE BRENNAN delivered the opinion of the Court.

This reapportionment case was brought in the District Court of Hawaii by residents and qualified voters of the

Section 4

City and County of Honolulu, appellees in each of the three appeals consolidated here. They alleged that Hawaii's legislative apportionment was unconstitutional under our decisions in *Reynolds v. Sims*, 377 U. S. 533, and companion cases.<sup>1</sup> William S. Richardson, Lieutenant Governor of Hawaii, also an appellee in all three appeals, was named defendant in his capacity as the state officer responsible for supervising state elections. John A. Burns, Governor of Hawaii, appellant in No. 318, intervened as a party plaintiff. Members of the State House of Representatives, appellants in No. 323, and members of the State Senate, appellants in No. 409, intervened as parties defendant.

Under the Hawaii Constitution, adopted in 1950 and put into effect upon admission to statehood in 1959, the State is divided into four counties, referred to in the State Constitution as "basic areas." Each county is made up of a group of islands, separated from each of the other counties by wide and deep ocean waters. The principal island of the City and County of Honolulu, the most populous county, is the island of Oahu. It is the State's industrial center, principal tourist attraction, and site of most of the many federal military establishments located in the State. In 1960, 79% of the State's population lived there. The three other counties, primarily rural and agricultural, are Hawaii County, Maui County, and Kauai County.<sup>2</sup>

The apportionment article of the State Constitution was framed to assure that the three small counties would choose a controlling majority of the State Senate and that the population center, Oahu, would control the State House of Representatives. Thus, Art. III, § 2 of the State Constitution apportions a 25-member senate among six fixed senatorial districts, assigning a specified number of seats to each. Fifteen senate seats, a controlling majority, are allocated among Hawaii, Kauai and Maui Counties and 10 seats are assigned to Oahu. Alteration of this apportionment is made very difficult by a provision "that no constitutional amendments altering . . . the representation from any senatorial district in the senate shall become effective unless it shall also be

<sup>1</sup> *WMCA, Inc. v. Lomenzo*, 377 U. S. 633; *Maryland Committee v. Taves*, 377 U. S. 656; *Davis v. Mann*, 377 U. S. 678; *Roman v. Sincock*, 377 U. S. 695; and *Lucas v. Colorado General Assembly*, 377 U. S. 713.

<sup>2</sup> The State's 1960 population of 632,772 was divided among the four counties as follows: Oahu, 500,409; Hawaii County, 61,332; Maui County, 42,855; and Kauai County, 28,176.

PROBLEMS OF  
LEGISLATIVE APPORTIONMENT AND  
DISTRICTING AFTER BAKER v. CARR

A Subject Bibliography

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

HENRIETTA DAVIDSON HOLT, et al., )  
 )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 WILLIAM S. RICHARDSON, )  
 Lieutenant Governor of Hawaii, )  
 )  
 Defendant, )  
 )  
 JOHN J. HULTEN et al., and )  
 JOHN A. BURNS, Governor of Hawaii, )  
 Interveners-Plaintiffs, )  
 )  
 NELSON K. DOI et al. and )  
 ELMER F. CRAVALHO et al., )  
 )  
 Interveners-Defendants. )

CIVIL NO. 2308

MINUTE ORDER ON MOTION TO ALTER OR AMEND JUDGMENT

As stated in this court's Decision and Order of February 17, 1965, a reapportionment plan for the Senate of Hawaii must be operative for the 1966 general election, and this court did not and does not now wish to assume the task of devising a reapportionment scheme. Faced with the legislature's failure to act during its special reapportionment session of 1964, this court felt compelled to channel reapportionment measures into the constitutional convention route.

The members of this court have engaged in prolonged conference discussion on the motion to amend our order of February 17, 1965. Based upon the instant actions of the legislators and the representations of all parties to this suit that they are in accord with the objectives outlined in the motion, this court now

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

HENRIETTA DAVIDSON HOLT,  
et al.,

Plaintiffs,

vs.

WILLIAM S. RICHARDSON,  
Lieutenant Governor of Hawaii,

Defendant,

JOHN J. HULTEN, et al.,  
Members of the Legislature of  
the State of Hawaii, and  
JOHN A. BURNS, Governor of  
Hawaii,

Intervenors-Defendants,

ELMER F. CRAVALHO, et al.,  
Members of the House of  
Representatives, Second  
Legislature, State of Hawaii,

Intervenors-Defendants.

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

FEB. 17, 1965

at 9 o'clock A m

⑤ Wm. F. Thompson, Jr., Clerk

By S  
Deputy

CIVIL NO. 2308

RECEIVED  
MAR 31 1965  
ALASKA LEGISLATIVE COUNCIL  
JUNFAU, ALASKA

DECISION AND ORDER

On August 13, 1964, the plaintiffs, citizens and residents of the State of Hawaii and qualified voters in their respective senatorial and representative districts, on their own behalf and as a class action on behalf of all other citizens, residents and voters in the State of Hawaii similarly situated, filed this complaint against William S. Richardson, Lieutenant Governor of Hawaii (he being responsible for the supervision of elections), seeking to enjoin Richardson from performing any duties relating to the

such sanctions as may be appropriate if the orders of this court are not carried out; (b) judicially reapportioning the Senate in the event that the electors of Hawaii reject a constitutional convention, or the convention fails to propose an amendment reapportioning the Senate, or the electors reject such an amendment, or if any amendment of the convention does not insure the apportionment of the Hawaii State Legislature in accordance with the requirements of the Equal Protection Clause of the 14th Amendment to the Constitution of the United States.

7. All other relief prayed for in the Complaint, Complaint in Intervention, and Cross Complaint is hereby denied.

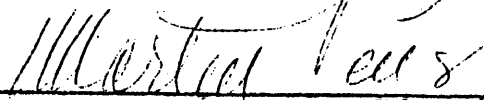
DATED: Honolulu, Hawaii, this 17th day of February, 1965.

GILBERT H. JERTBERG

Circuit Judge

WILLIAM T. BEEKS

District Judge



District Judge

LEGISLATIVE REFERENCE BUREAU  
STATE OF HAWAII

UNIVERSITY OF HAWAII  
HONOLULU, HAWAII 96822

TOM DINELL  
DIRECTOR

September 4, 1964

RECEIVED  
SEP 3 1964

ALASKA LEGISLATIVE COUNCIL  
JUNEAU, ALASKA


MEMORANDUM

TO: Legislative Service Agencies

SUBJECT: Reapportionment; Request No. B-0729

Enclosed please find a paper entitled "A Resume of Legislative Apportionment in Hawaii" which we prepared to bring you up-to-date concerning developments in Hawaii. We hope that the information contained in the paper will be helpful to you.

The legislature of the State of Hawaii will be working on reapportionment during the interim prior to the convening of the next general session (February 17, 1965). One important aspect of this work will be a study of all court decisions rendered in various jurisdictions on state legislative apportionment questions. Would you please assist us by sending us transcripts of federal and state court reapportionment decisions affecting your state which have been rendered since June 15, 1964 and would you also send us any decisions which may be rendered in the future. I hope this request will not be unduly burdensome. Thanks so very much for your help.

  
Tom Dinell  
Director

TD:HD:my  
Enc.

Your July 24 letter was real helpful. Thanks.

NATIONAL MUNICIPAL LEAGUE  
47 East 68th Street  
New York 21, New York

Comparative Data On The  
Composition of State Legislative Districts

The following is a revised table of comparative data first compiled for use in the 1962 edition of the *National Municipal League Compendium on Legislative Apportionment*. That table showed the status of legislative apportionment at the time the U. S. Supreme Court handed down its ruling in Baker v. Carr. The following table has been updated

The column marked **AVERAGE** gives the population figure obtained when a state's total population is divided by the number of senate or lower house seats.

The **LARGEST** and **SMALLEST** columns give the population represented by each legislator in a state's largest or lower house district. In those states where multi-member districts are used, a figure suitable for comparative purposes is obtained by dividing the population of the district by the total number of representatives assigned to that district.

The **PER CENT** column gives a percentage of the state's population that could theoretically elect one member of the legislature. These percentage figures have been obtained by calculating the percentage of the state's total population represented by one-half plus one of the state senators or representatives coming from the districts with the smallest populations.

Several states will institute new apportionment formulae effective with legislative sessions beginning in January 1967. These states are noted in the chart and a supplemental chart is attached which shows what the figures for those states would be if the new formulae go into effect.

All population figures are from the 1960 census.