

HOUSE BILL NO. 345

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE EASTMAN

Introduced: 2/17/22

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to a constitutional convention."**

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

3 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
4 to read:

5 DATE AND LENGTH OF CONVENTION. If, at the 2022 general election, a
6 majority of votes cast on the question of holding a constitutional convention are in the
7 affirmative, a constitutional convention, composed of delegates elected in accordance with
8 sec. 2 of this Act, shall assemble at the University of Alaska Anchorage on November 8,
9 2023, or as soon thereafter as a quorum is present. The convention shall meet for not more
10 than 75 days but may, at its discretion, recess for a period of not more than 15 days for the
11 purpose of holding public hearings in the state on proposed provisions of the constitution.

12 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
13 read:

14 QUALIFICATION, NOMINATION, AND ELECTION OF DELEGATES. (a) Each
15 delegate must be a qualified voter who has been a resident of the state for at least five

1 consecutive years immediately preceding the convention. Each delegate representing a district
 2 must have been a resident of that district for at least three years immediately preceding the
 3 convention. The holding of office of delegate or any other office of the convention does not
 4 disqualify a person from the selection for, or the holding of, another office. The holding of
 5 another office, except an appointive office under the federal government, does not disqualify a
 6 person from filing a nominating petition or holding the office of delegate.

7 (b) The following election districts are created from which delegates to the
 8 convention shall be elected:

- 9 (1) Election District No. 1 - Ketchikan and Hyder Recording Districts;
- 10 (2) Election District No. 2 - Wrangell and Petersburg Recording Districts;
- 11 (3) Election District No. 3 - Sitka Recording District;
- 12 (4) Election District No. 4 - Juneau Recording District;
- 13 (5) Election District No. 5 - Haines and Skagway Recording Districts;
- 14 (6) Election District No. 6 - First Judicial District;
- 15 (7) Election District No. 7 - Cape Nome and Wade Hampton Recording
 16 Districts;
- 17 (8) Election District No. 8 - Fairhaven and Noatak-Kobuk Recording Districts;
- 18 (9) Election District No. 9 - Second Judicial District;
- 19 (10) Election District No. 10 - Cordova and McCarthy Recording Districts;
- 20 (11) Election District No. 11 - Valdez and Chitina Recording Districts;
- 21 (12) Election District No. 12 - Seward and Whittier Recording Districts;
- 22 (13) Election District No. 13 - Kenai, Homer, and Seldovia Recording
 23 Districts;
- 24 (14) Election District No. 14 - Kodiak and Aleutian Islands Recording
 25 Districts;
- 26 (15) Election District No. 15 - Anchorage Recording District;
- 27 (16) Election District No. 16 - Palmer, Wasilla, and Talkeetna Recording
 28 Districts;
- 29 (17) Election District No. 17 - Iliamna, Kvichak, and Bristol Bay Recording
 30 Districts;
- 31 (18) Election District No. 18 - Third Judicial District;

1 (19) Election District No. 19 - Bethel, Kuskokwim, Mt. McKinley, Innoko,
2 Nulato, Nenana, Hot Springs, Rampart, and Fort Gibbon Recording Districts;

3 (20) Election District No. 20 - Fairbanks Recording District;

4 (21) Election District No. 21 - Fourth Judicial District; and

5 (22) Election District No. 22 - statewide.

6 (c) The convention shall consist of 55 delegates elected as follows:

7 (1) Election District No. 1 - one delegate;

8 (2) Election District No. 2 - one delegate;

9 (3) Election District No. 3 - one delegate;

10 (4) Election District No. 4 - one delegate;

11 (5) Election District No. 5 - one delegate;

12 (6) Election District No. 6 - seven delegates;

13 (7) Election District No. 7 - one delegate;

14 (8) Election District No. 8 - one delegate;

15 (9) Election District No. 9 - four delegates;

16 (10) Election District No. 10 - one delegate;

17 (11) Election District No. 11 - one delegate;

18 (12) Election District No. 12 - one delegate;

19 (13) Election District No. 13 - one delegate;

20 (14) Election District No. 14 - one delegate;

21 (15) Election District No. 15 - one delegate;

22 (16) Election District No. 16 - one delegate;

23 (17) Election District No. 17 - one delegate;

24 (18) Election District No. 18 - 12 delegates;

25 (19) Election District No. 19 - one delegate;

26 (20) Election District No. 20 - one delegate;

27 (21) Election District No. 21 - eight delegates; and

28 (22) Election District No. 22 - seven delegates.

29 (d) A special election for the election of delegates shall be held on September 12,
30 2023. The division of elections shall prepare and furnish all ballots, certificates, and forms
31 necessary for the holding of the election, in a manner substantially similar to the election of

1 legislators by law. The lieutenant governor may employ technical and other personnel as
2 necessary to assist in the preparation for and conduct the election. The director of elections
3 may adopt regulations under AS 44.62 (Administrative Procedure Act) consistent with the
4 provisions of this Act.

5 (e) A candidate for the office of delegate shall be nominated by petition filed in
6 person or by mail on or before May 9, 2023, with the clerk of the court of the judicial district
7 in which the candidate is a resident. Each petition shall be accompanied by a fee of \$10,
8 except that the fee for a candidate for statewide election is \$40. Each nominating petition shall
9 be signed by legally qualified voters of the state residing within the election district for which
10 the delegate is nominated in number equal to or greater than five percent of the number of
11 votes cast in the 2022 general election in the election district for which the delegate is
12 nominated, except that a nominating petition must have at least 50 signatures and is not
13 required to have more than 200 signatures.

14 (f) Each nominating petition shall contain the name of not more than one candidate
15 and state the name, place of residence, and post office address of the candidate nominated;
16 that the nomination is for the office of delegate to the constitutional convention to be
17 convened on November 8, 2023; and that the petitioner is legally qualified to vote and pledges
18 to support and vote for the person named in the petition. Every voter signing a nominating
19 petition shall include a signature, place of residence, post office address, and street number, if
20 any. A voter may not sign a petition for a greater number of candidates than are to be elected
21 in the election district in which the voter resides, except that any petitioner may sign seven
22 petitions of candidates for election as statewide delegates, in addition to the petition or
23 petitions of candidates from the petitioner's local and judicial election districts.

24 (g) Each nominating petition shall, before it may be filed with the clerk of the court,
25 contain an acceptance of the nomination in writing, signed and verified by an oath or
26 affirmation of the candidate nominated on or attached to the petition. The acceptance shall
27 certify that the candidate has been a resident of the election district for which nominated for at
28 least one year and is a qualified voter in the election district for which nominated. The
29 acceptance shall also certify that the nominee consents to enter as a candidate at the special
30 election for the election of delegates to a constitutional convention, and that if elected the
31 candidate agrees to take office and serve as a delegate from the election district in which

1 nominated.

2 (h) In the event of a vacancy in the office of delegate for any reason, the vacancy shall
3 be filled by the candidate who received the next highest number of votes among candidates in
4 the election district in which the vacancy occurs. If a vacancy occurs again in the same
5 election district, the vacancy shall be filled in the same manner. An election contest that
6 results in a tie shall be resolved by lot, and the loser of the drawing shall be considered second
7 only to the winner and shall rank above other candidates receiving votes in the same election
8 district.

9 (i) All nominating petitions and their acceptances shall, when filed, be and remain
10 open for public inspection during regular business hours, at the office where filed, until
11 May 19, 2023; thereafter, they will be transmitted to the division of elections for
12 determination of the candidates nominated and for permanent filing. Determination of the
13 validity of petitions shall be made in a manner similar to AS 15.25.042 and AS 15.45. The
14 director of elections shall make the determination as to the candidates nominated from each
15 election district and certify the names designated for placement on the ballot for each election
16 district.

17 (j) The election of delegates shall be conducted without any reference to the political
18 party affiliations of the candidates, and the ballots used shall be nonpartisan in every respect.
19 A separate ballot shall be prepared for each local election district, and each ballot shall
20 contain

21 (1) the names of the candidates running for the office of delegate in that district;

22 (2) the names of the candidates running for the office of delegate in the judicial
23 district in which the local election district is situated; and

24 (3) the names of the candidates running for the office of delegate statewide.

25 (k) The candidate receiving the greatest number of votes in the election district for
26 which the candidate is nominated is elected to represent that district, and the lieutenant
27 governor shall issue certificates of election in the manner prescribed by law for a person
28 elected to the legislature. The provisions for ranked-choice voting described in AS 15.15.350
29 - 15.15.370 do not apply to elections conducted under this section.

30 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
31 read:

1 CONVENTION PROCEDURES. (a) The governor shall open the convention and
2 preside until temporary officers are selected. The constitutional convention shall be the judge
3 of the qualifications, election, or appointment of its members. By vote of a majority of the
4 delegates to which the body is entitled, the convention may elect a president, secretary, and all
5 other appropriate officers, prescribe the functions, powers, and duties of the officers, and
6 make rules and regulations to conduct business. Following its organization, the convention
7 shall have the power to make revisions and ordinances.

8 (b) Any revision or amendment adopted by the constitutional convention shall be
9 submitted to the lieutenant governor in accordance with AS 15.50.100 and placed on the
10 ballot in accordance with AS 15.50.010 - 15.50.060.

11 (c) The constitutional convention shall have the power to incur expenses, including
12 expenses for employment of clerical, technical, and professional personnel as the convention
13 may require and to perform the duties imposed by law.

14 (d) A delegate shall be reimbursed for actual travel costs incurred in attending the
15 convention. A delegate may receive a daily per diem allowance not to exceed \$210 while the
16 convention is in session. A delegate shall receive a salary of \$157 a day for each day in
17 attendance for the duration of the constitutional convention.

18 (e) The constitutional convention shall adopt procedures for the operation and
19 implementation of AS 40.25.110 - 40.25.140 by the constitutional convention.