

Alaska State Constitution Article XIII: Constitutional Convention

Introduction

The purpose of this short paper is to provide a brief overview of article XIII of the Alaska State Constitution with specific focus on a Constitutional Convention. The paper also briefly addresses questions that might arise during the period leading up to the general election in 2022, where the question of whether there “[s]hall be a constitutional convention,” is put to the voters as required by article XIII, section 3. Since a constitutional convention has not been held in Alaska since the original convention called in 1955, there are aspects of conducting a constitutional convention that will present original questions, require consideration by the legislature, and possibly result in litigation and review by the courts.¹

Discussion

Article XIII, section 3 of the Constitution of the State of Alaska provides:

If during any ten-year period a constitutional convention has not been held, the lieutenant governor shall place on the ballot for the next general election the question: “Shall there be a Constitutional Convention?” If a majority of the votes cast on the question are in the negative, the question need not be placed on the ballot until the end of the next ten-year period. If a majority of the votes cast on the question are in the affirmative, delegates to the convention shall be chosen at the next regular statewide election, unless the legislature provides for the election of the delegates at a special election. The lieutenant governor shall issue the call for the convention. Unless other provisions have been made by law, the call shall conform as nearly as possible to the act calling the Alaska Constitutional Convention of 1955, including, but not limited to, number of members, districts, election and certification of delegates, and submission and ratification of revisions and ordinances. The appropriation provisions of the call shall be self-executing and shall constitute a first claim on the state treasury. *[Amended 1970]*

Question #1: If the voters approved a Constitutional Convention at the general election in 2022, how long would it likely take before a convention is held, and how long before any revision of the constitution approved by the delegates at the convention would become effective?

It depends. The general election ballot in 2022 as noted above, will require the question of “[s]hall there be a Constitutional Convention” on the ballot. If a majority of the voters approve a convention, the delegates will be elected at the next general election, in 2024.

On a theoretical “fast” track the legislature could provide for a special election earlier than the 2024 general election for the election of delegates. If the legislature authorized a special election during the

¹ The first time the voters of Alaska were asked whether there “[s]hall be a Constitutional Convention,” was in 1970. The vote was reported to be 34,911 in favor and 34,472 opposed. Litigation ensued, and the court determined in *Boucher v. Bomhoff*, 495 P.2d 77 (1972), that the question on the ballot was biased in favor of a Constitutional Convention. When the issue was placed on the ballot again during the general election of 1972, the voters rejected a Constitutional Convention by a reported vote of 22,192 to 55,389, and at every subsequent general election each 10 years afterward, a convention has been rejected by the voters.

2023 regular session, and the convention occurred early in 2024, and the voters ratified the revisions proposed by the convention in the 2024 election as provided by article XIII, section 4, the revisions would be effective shortly after the 2024 general election. While this timeline is theoretically possible, caution is warranted, as assembling a Constitutional Convention is likely to be a substantial and expensive undertaking with many new bridges to cross, likely taking more than less time.

If the legislature did not provide for a special election before the next general election in 2024, it would mean that any revision adopted by the delegates would not be effective until ratification by the public at the general election in 2026. This traditional approach is more likely, based on the complexities and reasons discussed above. As a final note, if the delegates propose revisions, and those revisions are not ratified by the voters, then of course those provisions would not become effective, and the issues involved would either remain unresolved, or require legislative action through amendment to the extent allowed by the constitution.

Question #2: Does the legislature have to pass a bill to provide for a Constitutional Convention?

Likely yes.

Article XIII, section 3 directs that “unless other provisions have been made by law,” that the call shall conform as nearly as possible to ch. 46 Laws of Alaska (1955).² It is very likely that the legislature would need to pass an act, similar to ch. 46 Laws of Alaska (1955), to “provide by law,” and implement article XIII, section 3, with appropriate “updates.” The reason is that the legislature, and the senate and house election districts, are significantly different today than they were in 1955. As a brief example, the legislature, at the time of the convention held pursuant to the 1955 call consisted of 16 senate members, and 24 representatives.³ It is likely that a future call provided by legislation, would align delegates in some way with current senate and house districts to simplify the process, and facilitate the public’s understanding of which delegate represents them. To do so requires passage of a bill by the legislature.

Question #3: Could sitting legislators run for election as delegates to the Constitutional Convention or be otherwise employed by the convention?

Likely yes.

The prohibition on dual office holding in article II, section 5 of the Constitution of the State of Alaska that precludes a legislator from holding any other office or position of profit under the United States or the State, specifically excludes application of that prohibition to a Constitutional Convention. The exclusion provides: “[t]his section shall not apply to employment by or election to a constitutional convention.”

So, in general, it appears that a legislator could run for election as a delegate, or be otherwise employed by the convention in some employment capacity such as an advisor, etc.

Question #4: Would the legislature have to provide for an appropriation to pay for the Constitutional Convention?

Yes.

² See *Attachment 1*.

³ See *Attachment 2*.

The legislature provided \$300,000 in the 1955 call for the pre-statehood Constitutional Convention. Since only the legislature can provide for money to be withdrawn from the state treasury, the legislature would be required to appropriate sufficient funds for the convention. An appropriation for a Constitutional Convention would require decisions on the following questions, among others, that relate to cost:

1. Would the convention utilize the 75-day limit with a 15-day recess provision to allow travel of delegates to meet with Alaskans around the state, as it did in the 1955 call?
2. Would delegates and staff require resources and funding prior to the convention to get proposals drafted, etc?
3. Would delegates be paid for their service in the form of a salary as was authorized in the 1955 call? Would delegates be entitled to a per diem as was authorized in the 1955 call?
4. Would delegates be reimbursed for travel expenses for delegates; actual costs were provided in the 1955 call for delegates.
5. Would the convention be held in leased or perhaps gifted space, or would the legislature provide for a convention held using existing legislative space, such as in the Capitol in Juneau, the Anchorage Legislative Information Office?
6. Would the convention require its own legal staff, support staff, technology resources, including recording secretaries, floor staff, copying services, etc? Answers to this group of questions would require analysis under ethics rules and require legislative judgment.

It is likely that the convention will need some level of government support, but also independence in many areas, and so estimating the amount of an appropriation may be complex. Thus, the difficult question to answer is how much would a convention cost?

Creating a budget for a convention will likely be difficult. However, to briefly illustrate convention budgeting issues that might arise, consider the following hypothetical. If the Constitutional Convention lasted for 75 days, there were 60 delegates (for ease of estimating expenses based existing legislative sessions and special sessions), with 60 days of support prior to commencement of the convention (legal, administrative, etc.), and a 30-day wind-down period, the convention begins to look much like a legislative session lasting approximately 165 days in length. Based on the current costs in the legislature’s budget for legislative operations, selecting the components that a convention may require, a budget for a Constitutional Convention could be as follows:

	Annual Cost per Leg Council FY22 Enacted Budget	Daily Cost	Fixed Costs	75 days	60 days	30 days	Total (165 Days)
Attorney Staff	\$ 4,547,400	\$ 12,459	\$ -	\$ 934,397	\$ 747,518	\$ 373,759	\$ 2,055,674
Security Staff	\$ 805,414	\$ 2,207	\$ -	\$ 165,496	\$ 132,397	\$ 66,198	\$ 364,091
Service Agency	\$ 12,877,800	\$ 35,282	\$ -	\$ 2,646,123	\$ 2,116,899	\$ 1,058,449	\$ 5,821,471
Space Rental		\$ 4,000	\$ -	\$ 300,000	\$ 240,000	\$ 120,000	\$ 660,000
Session Operations	\$ 8,585,500	\$ 23,522	\$ -	\$ 1,764,144	\$ 1,411,315	\$ 705,658	\$ 3,881,116
Salaries & Per Diem	\$ 8,680,100	\$ 23,781	\$ -	\$ 1,783,582	\$ 1,426,866	\$ 713,433	\$ 3,923,881
		\$ 101,250	\$ -	\$ 7,593,743	\$ 6,074,994	\$ 3,037,497	\$ 16,706,234

Question #5: Could the governor veto an appropriation for a Constitutional Convention.

Likely no.

Article III section 3 provides that “[t]he appropriation provisions of the call shall be self-executing and shall constitute a first claim on the state treasury.” While this provision of the constitution has not been interpreted by a court, “self-executing” strongly suggests that an appropriation would not be subject to a governor’s veto or reduction under Article II, section 15.

Question #6: How much authority would a Constitutional Convention have with regard to revisions to the Alaska State Constitution.

The brief answer is plenary authority.

Article XIII, section 4, makes clear that the scope of a convention called under article XIII, “shall have plenary power to amend or revise the constitution subject only to ratification by the people.” Thus, the scope of a convention may not be restricted, and the entire constitution is before the Constitutional Convention for revision, limited only by ratification by the people of Alaska.

Conclusion

A Constitutional Convention will likely be a slow, deliberative, contentious and costly process. At a convention, the entire Alaska State Constitution would be open for delegates to consider and revise. Proposed revisions by the convention could either be ratified by the voters or rejected in whole or in part. Voters are likely aware that a Constitutional Convention may resolve contentious issues but may also raise more contentious issues than it resolves. Perhaps that is why the voters of Alaska have rejected conventions with sweeping plenary powers over the years and relied on the amendment process to make the necessary and discreet changes to the constitution that have been necessary.

CHAPTER 46

AN ACT

To provide for the holding of a constitutional convention to prepare a constitution for the State of Alaska; to submit the constitution to the people for adoption or rejection; to prepare for the admission of Alaska as a State; to make an appropriation; and setting an effective date.

(C. S. for H. B. 1)

Be it Enacted by the Legislature of the Territory of Alaska:

Section 1. A constitutional convention, comprised of delegates elected by the legal voters of the Territory of Alaska, shall assemble at the University of Alaska, College, Alaska, on the 8th day of November, 1955, at ten o'clock a. m., or as soon thereafter as a quorum shall be present, for the purpose of preparing and agreeing upon a constitution for the proposed State of Alaska. The convention shall meet for not more than seventy-five days but may, at its discretion, recess for a period of not to exceed fifteen days for the purpose of holding public hearings in Alaska on proposed provisions of the constitution.

Section 2. Delegates to the convention shall possess the qualifications of legal voters of Alaska and shall have been residents of Alaska for not less than three years immediately preceding the first day of the convention. The holding of the office of delegate or any other

office of the convention shall not constitute a disqualification for selection for or the holding of any other office, and the holding of any other office, except an appointive office under the Federal Government, shall not constitute a disqualification for election to or the holding of office as a delegate or any other office of the convention.

Section 3. There are hereby created the following election districts from which delegates to the convention shall be elected. These election districts shall be comprised of the several recording districts of Alaska which shall be known as "local election districts", the judicial divisions of Alaska, and the Territory of Alaska at Large:

Election District No. 1—Ketchikan and Hyder Recording Districts.

Election District No. 2—Wrangell and Petersburg Recording Districts.

Election District No. 3—Sitka Recording District.

Election District No. 4—Juneau

Recording District.

Election District No. 5—Haines and Skagway Recording Districts.

Election District No. 6—First Judicial Division.

Election District No. 7—Cape Nome and Wade Hampton Recording Districts.

Election District No. 8—Fairhaven and Noatak-Kobuk Recording Districts.

Election District No. 9—Second Judicial Division.

Election District No. 10—Cordova and McCarthy Recording Districts.

Election District No. 11—Valdez and Chitina Recording Districts.

Election District No. 12—Seward and Whittier Recording Districts.

Election District No. 13—Kenai, Homer and Seldovia Recording Districts.

Election District No. 14—Kodiak and Aleutian Islands Recording Districts.

Election District No. 15—Anchorage Recording District.

Election District No. 16—Palmer, Wasilla and Talkeetna Recording Districts.

Election District No. 17—Iliamna, Kvichak and Bristol Bay Recording Districts.

Election District No. 18—Third Judicial Division.

Election District No. 19—Bethel, Kuskokwim, Mt. McKinley, Innoko, Nulato, Nenana, Hot Springs, Rampart and Fort Gibbon Recording Districts.

Election District No. 20—Fair-

banks Recording District.

Election District No. 21—Fourth Judicial Division.

Election District No. 22—Territory of Alaska at Large.

Section 4. The convention shall consist of fifty-five delegates apportioned among the election districts as follows:

Election District No. 1—One Delegate.

Election District No. 2—One Delegate.

Election District No. 3—One Delegate.

Election District No. 4—One Delegate.

Election District No. 5—One Delegate.

Election District No. 6—Seven Delegates.

Election District No. 7—One Delegate.

Election District No. 8—One Delegate.

Election District No. 9—Four Delegates.

Election District No. 10—One Delegate.

Election District No. 11—One Delegate.

Election District No. 12—One Delegate.

Election District No. 13—One Delegate.

Election District No. 14—One Delegate.

Election District No. 15—One Delegate.

Election District No. 16—One Delegate.

Election District No. 17—One

Delegate.

Election District No. 18—
Twelve Delegates.

Election District No. 19—One
Delegate.

Election District No. 20—One
Delegate.

Election District No. 21—Eight
Delegates.

Election District No. 22—Seven
Delegates.

Section 5. A special election for the election of delegates shall be held throughout Alaska on September 13, 1955. The Governor of Alaska shall prepare and furnish all ballots, certificates, and forms necessary for the holding of the election, which shall in general be conducted, including the making of returns, the canvassing of ballots, and the ascertaining of results substantially in the manner fixed by the laws governing the election of legislators in general elections in Alaska, including rotation of names on the ballot. The Governor may employ such technical and other personnel as may be necessary to assist him in the preparation for and conduct of the election provided for herein. The Governor may make such reasonable rules and regulations regarding the conduct of the election, the counting of ballots, the preparation, transmission and canvassing of returns, and other matters relating to the election, as may appear necessary and are consistent with the purposes of the special election provided for herein.

Section 6. Candidates for the of-

ice of delegate shall be nominated by petition filed in person or by mail with the clerk of the court of the judicial division in which the candidate is a resident on or before May 10, 1955. Each petition shall be accompanied by a fee of ten dollars, except that the fee for candidates for election from the Territory at large shall be forty dollars. Each nominating petition shall be signed by legally qualified voters of Alaska residing within the election district in and for which the delegates nominated are to be elected equal in number to at least five per cent of the number of votes cast in the election district in the General Election of 1954, provided that no nominating petition need contain more than two hundred signatures nor may it contain less than fifty signatures, in any election district.

Section 7. Each nominating petition shall contain the name of not more than one candidate and shall set forth the name, place of residence and post office address of the candidate thereby nominated, that the nomination is for the office of delegate to the constitutional convention to be convened on November 8, 1955, that the petitioners are legally qualified to vote for such candidates and pledge themselves to support and vote for the person named in such petition, and that this petition, together with all other petitions theretofore signed by them, does not nominate a greater number of candidates than the number of delegates to be elected in the election district for which

the nominations are made. Every voter signing a nominating petition shall add to his signature his place of residence, post office address, and street number, if any. No voter shall sign a petition or petitions for a greater number of candidates than are to be elected in the election district in which he resides, except that any petitioner may sign not more than seven petitions of candidates for election as delegates from the district composed of the Territory of Alaska at large, in addition to the petition or petitions of candidates from the petitioner's local and judicial election districts. It is the intent of this Act that qualified petitioners may sign not more nominating petitions than there are delegates authorized from the local and judicial election districts in which the petitioner resides, and in addition may sign not more than seven nominating petitions for candidates seeking election from the Territory at Large.

Section 8. Each nominating petition shall, before it may be filed with the clerk of the court, contain an acceptance of such nomination in writing, signed and verified by an oath or affirmation of the candidate therein nominated, upon or annexed to such petition. Such acceptance shall certify that the candidate shall have been a resident of the election district for which he is nominated for at least one year and that he is a qualified voter in the election district for which he is nominated. Such acceptance shall also certify that the nominee

consents to enter as a candidate at the ensuing special election for the election of delegates to a constitutional convention, and that if elected he agrees to take office and serve as a delegate from the election district in which he is nominated.

Section 9. If any delegate from any election district shall die, resign, or otherwise become disqualified from serving, or if a vacancy occurs for any reason whatsoever, the vacancy shall be filled by the candidate not theretofore certified as elected who received the next highest number of votes amongst the candidates in the election district in which the vacancy occurred. If a vacancy should again occur in such district, it shall be filled in like manner from amongst the remaining candidates. Any election contest which results in a tie shall be resolved by the drawing of lots between the competing candidates, and the loser of the drawing shall be considered second only to the winner and shall hold such standing among the balance of the winning candidates.

Section 10. All nominating petitions and their acceptances shall when filed be and remain open for public inspection during regular business hours, at the office where filed until May 20, 1955; thereafter they shall be transmitted to the Governor of Alaska for determination of the candidates nominated and for permanent filing in the office of the Secretary of Alaska. Deter-

mination of the validity of petitions shall be made initially by the Governor of Alaska, and recourse by candidates believing themselves aggrieved may be had by appeal from the determination of the Governor to the canvassing board, the decision of which shall be final. Objections to petitions may be raised by any qualified voter of the election district from which the candidate is nominated, and such objection must be stated in writing to the Governor of Alaska on or before May 25, 1955. Not later than May 31, 1955, the Governor shall make his determination as to the candidates nominated from each election district and shall thereupon certify the names designated for placement on the ballot for each such district.

Section 11. The election of delegates shall be conducted without any reference to the political party affiliations of the candidates, and the ballots used shall be nonpartisan in every respect. A separate ballot shall be prepared for each local election district, and each such ballot shall contain (a) the names of the candidates running for the office of delegate from that district, (b) the names of the candidates running for the office of delegate from the judicial division election district in which the local election district is situate, and (c) the names of the candidates running for the office of delegate from the district which comprises the Territory at Large.

Section 12. The candidate or candidates receiving the greatest number of votes in the election district for which nominated shall be deemed elected for that district, and the Governor of Alaska shall issue to them certificates of election in the manner otherwise prescribed by law for persons elected to the Legislature of Alaska.

Section 13. The Governor of Alaska shall open the convention and preside until temporary officers are selected. The convention shall be the judge of the qualifications of its members, their election, or appointment. It shall have the power by vote of a majority of the delegates to which the body is entitled to choose a president and secretary and all other appropriate officers, to prescribe their functions, powers and duties, and to make rules and regulations for the conduct of its business. Following its organization the convention shall declare on behalf of the people of the proposed State that they adopt the Constitution of the United States; thereafter, the convention shall proceed to prepare a constitution, which shall be republican in form and shall contain the provisions expressly required by any Act of the Congress of the United States providing for the admission of Alaska as a State, and a State government for the proposed State, and for this purpose the convention shall have power to make ordinances and to take all measures necessary or proper in preparation for the admission of Alaska as a

State of the Union.

Section 14. After a constitution and State government have been framed, the convention shall provide by ordinance for submission of the constitution, and such ordinances as may properly be submitted, to the people of the proposed State for ratification or rejection at an election to be held at a date to be fixed by the convention not less than forty nor later than one hundred twenty days from the date of adjournment of the convention, at which election the persons entitled to vote for delegates under this Act shall be entitled to vote on the ratification or rejection of the constitution and the ordinances submitted, under such rules and regulations as the convention may prescribe. The returns of this election shall be made to the Governor of Alaska and shall be canvassed substantially in the manner now provided by law for the canvass of votes cast in Territorial elections.

Section 15. The convention shall provide by ordinance that after the constitution and ordinances submitted shall have been ratified by the people of the Territory by a majority of the legal votes cast thereon, the Governor shall forthwith submit a certified copy of the same through the President of the United States to the Congress for approval or disapproval, together with a statement of the votes cast thereon.

Section 16. The convention shall

provide by ordinance that in case of the ratification of the constitution by the people and of its approval by the Congress, or by the President, as may be provided in the Enabling Act, there shall be a process of election, at such time and in such manner as the convention may prescribe, in which the qualified voters of Alaska shall choose officers for a full State government, including a governor, members of the legislature, such other officers as the constitution shall prescribe, and the authorized number of Representatives and Senators in the Congress of the United States. The persons elected hereunder shall assume their offices, and the State government shall become in effect, at the time and in the manner that the Congress may provide in enabling the admission of Alaska as a State.

Section 17. Until the admission of Alaska as a State, all of the officers of the Territory shall continue to discharge the duties of their respective offices in and for the Territory of Alaska, and the laws of the Territory shall also remain in force and effect.

Section 18. The convention shall have power to incur such expenses as may be necessary, including but not limited to expenses for employment of such clerical, technical, and professional personnel as it may require, in order to exercise the powers conferred and to perform the duties imposed by this Act.

Section 19. The delegates shall receive a per diem of twenty dollars for each day in attendance at, including time spent going to and returning from, the convention; and they shall be reimbursed for their actual travel costs incurred in attending upon their duties as delegates. In addition they shall receive for their services the sum of fifteen dollars per day as compensation for each day's attendance while the convention is in session.

Section 20. There is hereby appropriated the sum of \$300,000, or so much thereof as may be necessary, for defraying the expenses of the elections provided for herein

and the expenses of the convention, including compensation of the delegates, and for all other purposes of this Act. The disbursements for all costs attributable to the elections of delegates to the convention, not to exceed \$60,000, shall be made upon vouchers certified by the Governor of Alaska. All other disbursements of moneys appropriated hereunder shall be made upon vouchers certified by the president of the convention.

Section 21. This Act shall be in effect on and after its passage and approval, or upon its becoming law without such approval.

Approved March 19, 1955

CHAPTER 47

AN ACT

Relating to financing roads, airfields, and water and harbor facilities; increasing the motor fuel tax; setting rates for motor fuel and aviation fuel; providing refunds for taxes paid on non-highway use fuels; amending Subsection (a) of Sec. 48-5-1, ACLA, 1949, as amended by Ch. 56 Session Laws of Alaska 1949; amending Sec. 48-5-2, ACLA, 1949, as amended by Sec. 1 of Ch. 80, SLA, 1951; amending Sec. 1 of Ch. 81, SLA 1949; repealing subsection 4 of Sec. 14 A. of Ch. 123, SLA, 1949; and setting an effective date.

(C. S. for H. B. 13)

Be it Enacted by the Legislature of the Territory of Alaska:

Section 1. Section 48-5-2, Alaska Compiled Laws Annotated, 1949, as

BY MRS. RYAN, MRS. SWEENEY AND MESSRS.
BAILEY, BRONSON, BUCKALEW, FAGERSTROM,
GILBERT, GREUEL, JOHNSON, KALANARIDES,
KAY, MCCUTCHEON, MCNABB, MCNEALY, MET-
CALFE, PALMER, PLUMMER, RILEY, STEWART
TAYLOR AND YOUNG.
HOUSE BILL NO. 1

1 IN THE HOUSE

2
3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act calling a Constitutional Convention
7 for the purpose of making a constitution
8 for the State of Alaska, presently the
9 Territory of Alaska; fixing the time and
10 place thereof; defining the number of
11 delegates and providing the manner of
12 their election and the amount of their
13 compensation; making an appropriation for
14 such convention; and providing for the
15 submission of the constitution to the
16 people for their approval."

17 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

18 Section 1. Constitutional Convention. There is hereby
19 called a Constitutional Convention for the purpose of framing
20 and making a Constitution for the State of Alaska, to be sub-
21 mitted to the people for their approval or rejection.

22 Sec. 2. Said Constitutional Convention shall convene on
23 the second Tuesday in January, 1956 at twelve o'clock noon.

24 Sec. 3. Basis of Representation. The basis of representa-
25 tion in said convention shall be double the number as provided
26 by law for representation in the House of Representatives of
27 the Territorial Legislature for the Twenty-second regular ses-
28 sion, and in addition there shall be seven (7) delegates elected
29 at large.

1 Sec. 4. Special election, non-partisan. For the purpose
2 of nominating delegates to said convention, there shall be held
3 a special election throughout the Territory on the _____
4 _____

5 Any person desiring to be nominated as a non-partisan can-
6 didate as a delegate to said convention shall file his or her
7 application with the Clerk of the District Court in the Division
8 where he or she resides not later than forty (40) days prior to
9 said special election, and the candidates for delegates at large
10 shall likewise make their filing or application with the Secre-
11 tary of Alaska.

12 Candidates declared elected shall be as follows:

- 13 (a) First Division - The twelve (12) candidates on the
14 ballot having the highest number of votes.
15 (b) Second Division - The six (6) candidates on the
16 ballot having the highest number of votes.
17 (c) Third Division - The twenty (20) candidates on the
18 ballot having the highest number of votes.
19 (d) Fourth Division - The ten (10) candidates on the
20 ballot having the highest number of votes.
21 (e) At Large - The seven (7) candidates on the ballot
22 at large having the highest number of votes.

23 Sec. 5. Qualifications of Delegates. No person shall be
24 eligible as a delegate unless he or she be a qualified elector
25 of the Territory of Alaska ~~for a period of eight (8) years~~ and
26 shall have resided in the division which he seeks to represent
27 as such delegate for at least ^{one (1)} ~~five (5)~~ years prior to the time
28 of filing as such candidate, and delegates at large shall have
29 been a qualified elector of the Territory of Alaska for at least

1 ~~eight~~ ^{one (1)} years.

2 Sec. 6. It shall be the duty of the Secretary of Alaska,
3 and the Clerks of the District Court in their respective divi-
4 sions to prepare and furnish all ballots, certificates and forms
5 necessary for a primary election within the Territory of Alaska,
6 and the laws applicable to nomination and election of Terri-
7 torial Legislators shall be applicable to said election insofar
8 as the same may not be inconsistent herewith.

9 Sec. 7. Any vacancy to the representation to said Conven-
10 tion shall be filled by appointment by the Governor, with the
11 advice and consent of the Speaker of the House of Representatives
12 and the President of the Senate for the Twenty-second Legisla-
13 ture.

14 Sec. 8. Delegates; duty. It shall be the duty of the
15 delegates elected as aforesaid to assemble at the capital of
16 Alaska, on the second Tuesday in January 1956 at twelve (12)
17 o'clock noon. It shall be the duty of the Secretary of Alaska
18 to call said Convention to order and submit a list of delegates
19 so elected. Said delegates shall take an oath to support the
20 Constitution of the United States and to faithfully discharge
21 their duties as delegates. They shall then organize by electing
22 one of their members as President and selecting such other offi-
23 cers and employees as may be needed in the transaction of busi-
24 ness. A majority of the delegates authorized by this Act shall
25 constitute a quorum and a majority of those elected to and con-
26 stituting the Convention shall be necessary to an election or to
27 the adoption of any measure. The Convention shall be the judge
28 of the election and qualification of its members.

29 The Convention shall be in session and the delegates perform

1 their duties in a period not to exceed sixty (60) days from the
2 date of the convening of such convention; and shall adopt rules
3 for the governance of its proceedings.

4 Sec. 9. Compensation. The delegates to said Convention
5 shall receive the same mileage given members of the Legislature
6 and Twenty Five (\$25.00) Dollars, per day, for each day the Con-
7 vention is in session, and in addition the delegates shall re-
8 ceive Five (\$5.00) Dollars per day for expenses to be evidenced
9 by receipts for money expended therefor.

10 Sec. 10. Payment of claims; appropriation. The per diem,
11 mileage and expenses of the delegates and the expenses of the
12 Convention shall be paid by the Auditor of the Territory of
13 Alaska drawn upon an appropriation made for that purpose upon
14 vouchers signed by the President and Secretary of said Conven-
15 tion.

16 There is hereby appropriated out of the General Fund of
17 the Territory of Alaska, the sum of \$200,000.00 or so much
18 thereof as may be necessary to defray the costs of said Conven-
19 tion and the elections named herein.

20 Sec. 11. Constitution submitted to electors. The Consti-
21 tution as framed and proposed by the Convention herein provided
22 for shall be submitted to the electors of the Territory for
23 adoption or rejection at an election to be held on a day to be
24 designated by the Convention, said date to be not less than
25 sixty (60) days nor more than one hundred twenty (120) days
26 from the date of adjournment of said Convention. Said election
27 shall be held in the several voting precincts throughout the
28 Territory.

29 The Governor of this Territory shall within ten (10) days

1 after the designation of the date of said election, by said Con-
2 vention, issue his proclamation ordering such special election
3 throughout the Territory.

4 As far as they are applicable and not inconsistent herewith,
5 the general election laws of this Territory shall apply to said
6 special election. Returns shall be made in the same manner as
7 Territorial general elections and the same canvassed and the
8 results declared by the Territorial canvassing board and certi-
9 fied to the Governor, who shall thereupon issue his proclamation
10 declaring the result of said election.

11 Sec. 12. Form; ratification. The form of submission on
12 the ballot, of the Constitution to the people shall be substan-
13 tially as follows:

14 "Shall the Constitution of the State of Alaska be adopted?
15 () Yes
16 () No"

17 Sec. 13. The Constitution shall be declared ratified by
18 the Governor of Alaska if it receives a ~~2/3~~ majority of all
19 votes cast at said election therefor.
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Attachment # 2

FILE COPY

ALASKA LEGISLATIVE COUNCIL



HANDBOOK
ON
ALASKA TERRITORIAL GOVERNMENT
(Revised)
1957

STATE OF ALASKA
LEGISLATIVE COUNCIL
EDN 5199 JUNEAU, ALASKA

LOAN
COPY
NO. 3

LEGISLATURE
Sec. 4-1-1 ACLA 1949

Organization

The Territorial Legislature consists of a Senate and a House of Representatives whose members are elected by the qualified voters of Alaska in general election. Each member of the Legislature must have, at the time of election, the qualifications of an elector in Alaska and must have been a resident and inhabitant of the Division from which elected at least two years prior to election.

Senate

The Senate is composed of 16 members who serve overlapping terms of four years, one-half of the members being elected each two years. Each of the four Judicial Divisions in Alaska is entitled to four Senators and two members from each division are elected each two years. All Senators are elected at large within their respective divisions.

President of the Senate. The President of the Senate is elected by the membership at each session, regular or special. A President Pro-tem may be appointed by the President, or, in the President's absence, may be elected by the Senate. The President is the presiding officer of the Senate at all of its sessions. In addition to his duties as presiding officer, the President has control and direction of the rooms and passages set apart for the use of the Senate; has charge of the Journal, papers and bills of the Senate; has general supervision of all officers of the Senate in the performance of their duties; and may assign places to properly accredited newspaper representatives. The President has the right to name any Senator to perform the duties of the chair, but such appointment does not extend beyond an adjournment of the Senate. The President of the Senate is a member of the Legislative Council and of the Legislative Audit Committee, ex officio.

Standing Committees. The work of the Senate is largely performed through the activities of Standing Committees elected by the members of the Senate. The members of the various Standing Committees are nominated by a Committee on Committees composed of one member from each Judicial Division selected by divisional caucus. The Senate of the Twenty-third Legislature, in 1957, selected 8 such Standing Committees. In addition, the Senate may provide for Special Committees to serve as committees for consideration of particular legislative measures.

One of the Standing Committees, the Engrossment and Enrollment Committee, nominates the clerical and administrative officers and employees of the Senate who serve for the duration of the session, and such employees are elected by the membership of the Senate.

LEGISLATURE (continued)

House of Representatives

The House of Representatives is composed of 24 members who serve for terms of two years. Representation in the House is apportioned among the four Judicial Divisions according to population based upon the preceding Federal Decennial Census. Upon completion of the Census the U. S. Director of Census is directed to notify the next succeeding Legislature of any change in apportionment. Such changed representation applies to the next five legislative sessions. Present apportionment, in effect until the legislative session of 1963, is as follows: 1st Division, 6 Representatives; 2nd Division, 3 Representatives; 3rd Division, 10 Representatives; 4th Division, 5 Representatives. All Representatives are elected at large within their respective divisions.

Speaker of the House of Representatives. The Speaker of the House is elected by the membership of the House, and holds office during the session. The Speaker is presiding officer of the House and in addition has general control and direction of House facilities and rooms. The Speaker has the right to name any member to perform the duties of the chair, which designation does not extend beyond an adjournment of the House. In the absence of the Speaker, the House may be called to order by the Clerk and the members may then elect a Speaker pro-tempore to act during the absence of the Speaker. The Speaker of the House is a member of the Legislative Council and of the Legislative Audit Committee, ex officio.

Standing Committees. On the organization of the House the Speaker and one member from each of the divisions of the Territory elected by the members of that division constitute a Committee on Committees. Upon nomination by the Committee on Committees the House elects Standing Committees. The House of Representatives of the Twenty-first Legislature, in 1957, elected 12 such Standing Committees. In addition, the Speaker is authorized to appoint Special Committees unless otherwise ordered by the House.

One of the Standing Committees, the Committee on Engrossment and Enrollment, nominates all clerical and administrative employees of the House who serve during the session, and such employees are elected by the membership of the House.

A HANDBOOK ON ALASKA REGIONALISM

For the Use of Delegates
to the Alaska Constitutional Convention,
College, Alaska

Prepared by:
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Office of the Governor

November 21, 1955
Juneau, Alaska

ALASKA

JUDICIAL DIVISIONS
AND RESERVING DISTRICTS

LEGEND

- JUDICIAL DIVISIONS
- RESERVING DISTRICTS
- NAT. PARK OR MONUMENT
- HIGHWAYS & ROADS
- RAILROAD

