

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.