



## **Justice Not Politics Alaska Resolution Concerning the 2022 Vote on Calling a Constitutional Convention**

The Alaska Constitution requires that if ten years have passed without the convening of a constitutional convention, the voters shall be asked whether a Constitutional Convention should be called.<sup>1</sup> Because voters were last asked in 2012, the next statewide vote on whether we should have a Constitutional Convention will take place in 2022.

In every 10-year election since statehood was achieved in 1959, the voters have resoundingly said “No” to the question whether another Constitutional Convention should be called.<sup>2</sup> The reason for this unbroken string of “No” votes is clear: The Alaska Constitution is a model state constitution that has served the citizens of Alaska well for over 60 years of statehood. And in the event that there is a particular section that bears improvement, the amendment process is available, and has been used 28 times in our history, to make targeted improvements to the Alaska Constitution.

Alaska’s Constitution has been recognized and used as a model by constitutional scholars around the world. Learning from the mistakes made by the older states, our constitutional delegates crafted a concise and flexible document that allows Alaska to meet changing needs in a stable environment. It was created free of the “special solutions” that tie the hands of future leaders who will face new situations that demand new solutions. It allows the legislature its choice of legitimate means to develop public policy; it establishes a strong and unified executive and an independent and unified judiciary.

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<sup>1</sup> Art. XIII, sec. 3.

<sup>2</sup> The “No” totals for the five elections since 1972 have averaged almost exactly 66%. In other words, for every decade since statehood, Alaskans have consistently voted down a Constitutional Convention by about two to one.

The results of the 1970 election, which was flawed by wildly misleading ballot language, were thrown out by the Supreme Court and the state was required to place the issue before the voters again in 1972. (The improper language read, “As required by the State Constitution, shall there be a Constitutional Convention?” Voters could have read that language to require that a Constitutional Convention be called, when the Constitution required only that the question be put to the voters. The supreme court ruled that the language was improper and invalidated the narrow majority “Yes” vote.) When the voters were presented with the correct question --- “Shall there be a Constitutional Convention?” --- the voters in 1972 voted “No” by 65.3% to 34.7%.

In the four elections since, “No” votes have never been below 63% and has been as high as 72%.

There is certainly no case to be made for a dramatic overhaul of the Alaska Constitution. Where a majority of voters believes that, in a particular subject area, the Constitution could be improved, the amendment process set out in Article XII, section 1 is available and has been used to great effect. Through the amendment process Alaska's voters have recognized the right to privacy, banned discrimination on the basis of sex, specifically recognized victims' rights in criminal cases, and created the Permanent Fund, among other improvements to our foundational state legal document.

The calling of a constitutional convention creates the real possibility of throwing away some or all of the following: selection and retention of judges based on their qualifications and merit (Article IV); the protections the Alaska Constitution guarantees to all Alaskans (Article I); the careful balancing of power between the legislature, the governor, and the courts (Articles II-IV); Alaska's strong commitment to education (Article VII); common use of fish, wildlife, and waters (Article VIII, section 3) along with the principle of sustained yield for these resources (Art. VIII, section 4) and the people's rights to initiative, referendum, and recall (Article XI).

Justice Not Politics Alaska, committed to the defense of Alaska's merit system for the selection and retention of judges found in Article IV of the Alaska Constitution, urges voters to inform themselves on the outstanding performance of the Alaska Constitution throughout our state's history, and then to vote "No" on the question whether a Constitutional Convention should be called.