

ALASKA STATE LEGISLATURE

Interim – May-December:
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Session – January-April:
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REPRESENTATIVE GABRIELLE LEDOUX

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House Bill 200

Sectional Analysis – Version R

Nonpartisan Open Primary Elections

Section 1 amends AS 15.10.120(c) to require that election supervisor shall nominate election board members from the political parties or groups that had the largest and second largest number of registered voters at the last gubernatorial election. If one of the top two political parties or groups does not put forward a nominee, the election supervisor may appoint a third party member.

Section 2 amends 15.10.170 to allow all candidates, not just unaffiliated candidates, or political groups to have poll watchers.

Section 3 amends AS 15.13.020(b) to require APOC appointees to include two members from the two political parties or groups with the largest number of registered voters.

Section 4 amends AS 15.13.020(d) to allow political groups to be considered in APOC appointments.

Section 5 amends AS 15.13.074(c) to conform to Section 27.

Section 6 amends AS 15.13.110(f) to conform to Section 36 and Section 42.

Section 7 amends AS 15.13.400(4) to conform to Section 21.

Section 8 adds a new section to AS 15.15 to establish a top two primary where any voter may vote for any candidate without limitation based upon political group or party affiliation.

Section 9 amends AS 15.15.0303(5) to clarify that if a candidate is registered with a political party or group they may have that affiliation listed next to them on the ballot or may request to have a nonpartisan or undeclared designation next to their name.

Section 10 amends AS 15.15.030 to provide language on the ballot to clarify that candidates are not official nominees for the parties. Provides additional language that some candidates for President and Vice President are the official nominees of parties.

Section 11 adds a new subsection to AS 15.15.060 to provide clarifying language at all polling locations to clarify that candidates are not official nominees for the parties.

Section 12 restores language to AS 15.20.081(a) maintaining the prohibition regarding pre-marking party or group affiliation on absentee ballot applications.

Section 13 amends AS 15.20.081(h) to conform to Section 27.

Section 14 amends AS 15.20.190(a) to require election officials to have representatives from the two political parties or groups that have the greatest number of registered voters at the time of the preceding gubernatorial election.

Section 15 amends AS 15.20.203(i) to conform to Section 27.

Section 16 amends AS 15.20.203(j) to conform to Section 27.

Section 17 amends AS 15.20.207(i) to conform to Section 27.

Section 18 amends AS 15.20.207(k) to conform to Section 27.

Section 19 amends AS 15.20.211(d) to conform to Section 27.

Section 20 amends AS 15.20.211(f) to conform to Section 27.

Section 21 amends AS 15.25.010 to conform to Section 24 and to clarify that the primary election serves only as a narrowing of candidates. The primary election does not nominate candidates for any party.

Section 22 amends AS 15.25.030(a) to conform to Section 21 and Section 27.

Section 23 repeals and reenacts AS 15.25.060 to clarify that only one ballot will be assembled for the primary election and that the primary election will be conducted in the same manner that all other elections are conducted.

Section 24 repeals and reenacts AS 15.25.100 in these sections:

- (a) The only candidates who will appear on the general election are the top two vote receivers
- (b) In the event of a
 - (1) Tie for 1st place, only the voters tying for first will advance to the general
 - (2) Tie for 2nd place, the tie will be resolved with a coin toss per AS 15.20.530
- (c) The Lt. Governor will be placed on the general election ballot with the Governor in compliance with the Alaska State Constitution
 - (1) The gubernatorial candidate with the most votes can choose amongst the top two Lt. Governor candidates who runs on the general election ballot with them
 - (2) The gubernatorial candidate with the second most votes runs with the Lt. Governor candidate that was not already selected
- (d) If a candidate who advances to the general, dies, withdraws, resigns, becomes disqualified, or is certified as incapacitated 64 days or more before the general election, the director will place on the ballot the candidates that

- (1) Tied in having the 2nd greatest number of votes in the primary or
- (2) Received the 3rd greatest number of votes in the primary
- (e) If a candidate for Governor or Lt. Governor is replaced, the candidate for governor with the greatest number of votes in the primary election may choose which of the eligible candidates for Lt. Governor will run with him.
- (f) For a candidate to be certified as incapacitated a panel of three licensed physicians with varying political backgrounds will certify the candidate is incapacitated.
- (g) If there is a tie, all disputes not already provided for in this section will be determined in accordance with AS 15.20.530 by a coin toss.

Section 25 amends AS 15.25.105(a) to conform to Section 21.

Section 26 amends AS 15.25.105(b) to allow write-in candidates for Governor and Lt. Governor to have different political group or party affiliations.

Section 27 amends AS 15.40.140 to provide that in the event of vacancy of United States senator or United States representative, a special primary election shall be held within 60-90 days of the vacancy and a subsequent special election on the first Tuesday, 60 days after the special primary election.

(1) If the vacancy occurs within 60-90 days of the primary election, the special primary election will occur on the same date as the regular primary election, and the special election will occur on the same date as the general election.

(2) If the vacancy occurs within 60-90 days of the general election, the special primary election will occur on the same day as the general election and the special election will occur on the first non-holiday Tuesday 60 days after the special primary election.

Section 28 amends AS 15.40.160 to conform to Section 27.

Section 29 amends AS 15.40.165 to conform to Section 27.

Section 30 amends AS 15.40.170 to conform to Section 27.

Section 31 amends AS 15.40.190 to eliminate the requirement of a nominating petition for nonpartisan candidates for Congressional offices.

Section 32 amends AS 15.40.220 to conform to Section 27.

Section 33 amends AS 15.40.230 to conform to Section 27.

Section 34 amends AS 15.40.240 to conform to Section 27.

Section 35 amends AS 15.40.250 to conform to Section 27.

Section 36 amends AS 15.40.280 to eliminate the requirement of a nominating petition for nonpartisan candidates for the offices of Governor and Lt. Governor.

Section 37 amends AS 15.40.310 to conform to Section 27.

Section 38 amends AS 15.40.330 for qualifications and confirmation of appointees

(a) All appointees to elected office must meet the standards set out in the Alaska State Constitution.

(1) Provides that appointees be the same political party or group as their predecessor in office at the time of vacancy.

(2) Provides that appointees are subject to a confirmation by the majority of members of the same party in the same body. Additionally, it provides that should a member not have a political party or group as their affiliation or should no members of the same party or group be put forward, the Governor may appoint anyone to fill the position without confirmation.

(b) Clarifies that the absence of political designation on the ballot does not mean that a member does not belong to a political group. Additionally, clarifies that for the purposes of confirmation, members of a legislative caucus will serve as the confirming body.

Section 39 amends AS 15.40.380 to conform to Section 27.

Section 40 amends AS 15.40.390 to conform to Section 27.

Section 41 amends AS 15.40.400 to conform to Section 27.

Section 42 amends AS 15.40.440 to eliminate the requirement of a nominating petition for nonpartisan candidates for the Alaska legislature.

Section 43 amends AS 15.40.470 to conform to Section 27.

Section 44 amends AS 15.45.190 to conform to Section 27.

Section 45 amends AS 15.45.420 to conform to Section 27.

Section 46 amends AS 15.58.010 to conform to Section 27.

Section 47 adds a paragraph to AS 15.58.020(a) to conform to Section 21 and Section 24.

Section 48 amends AS 15.58.020(b) to conform to Section 27.

Section 49 adds a new subsection to AS 15.58.020 to provide clarifying language that candidates are not the nominees for their political parties and to conform with Section 24.

Section 50 amends AS 15.58.030(b) to conform to Section 31, Section 36 and Section 42 by eliminating a separate deadline for statement of candidacy for candidates by petition.

Section 51 amends AS 15.80.008(a) to eliminate the requirement for political parties to submit their bylaws to the Director of the Division of Elections or the US Department of Justice.

Section 52 amends AS 15.80.010(9) to conform to Section 27.

Section 53 amends AS 15.80.010(27) to eliminate the requirement for a political party to nominate a candidate for governor in order to maintain "party status".

Section 54 amends AS 39.50.020(b) to conform to Section 55.

Section 55 repeals:

- AS 15.13.110(j) – nomination by petition for APOC report compliance
- AS 15.25.014 – participation in primary election selection of a political party’s candidate
- AS 15.25.056 – nomination by party petition where incumbent dies or is disqualified or incapacitated
- AS 15.25.110 – filling vacancies by party petition
- AS 15.25.120 – requirements for party petition
- AS 15.25.130 – selection of nominees for party petitions
- AS 15.25.140 – provision for unaffiliated candidate nominations
- AS 15.25.150 – date of filing petition
- AS 15.25.160 – required number of signatures for statewide office
- AS 15.25.170 – required number of signatures for district-wide office
- AS 15.25.180 – requirements for petition
- AS 15.25.185 – eligibility for candidates by petition
- AS 15.25.190 – placement of names on general election ballot for candidates by petition
- AS 15.25.200 – withdrawal of candidate’s name for candidates by petition
- AS 15.40.141 – condition of calling a special runoff election
- AS 15.40.142 – time of calling the special election and the special runoff election
- AS 15.40.150 – condition for holding special election with primary
- AS 15.40.200 – requirements of party petition for US Senator and US Representative
- AS 15.40.210 – selection of party nominees
- AS 15.40.290 – requirements of party petition for Lt. Governor and Governor
- AS 15.40.300 – selection of party nominees
- AS 15.40.450 – requirements of petition by political party
- AS 15.40.460 – selection of political party nominees
- AS 15.56.030(a) (4) – criminalization of knowingly allowing an individual to vote on a primary they are unqualified for
- AS 15.56.030(a) (5) – criminalization of suggesting or forcing an individual to select a particular type of primary ballot
- AS 15.56.035(a) (5) – criminalization of knowingly encouraging individuals to select the wrong primary ballot
- AS 15.56.035(a) (6) – criminalization for knowingly encouraging individuals to select the wrong primary ballot

Section 56 amends the uncodified law of the State of Alaska, by adding transitional language.

Section 57 adds an effective date for January 1, 2020.