

CS FOR HOUSE BILL NO. 200(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/19/17

Referred: State Affairs

Sponsor(s): REPRESENTATIVES LEDOUX, Kawasaki

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing a top two nonpartisan open primary election system for elective**
2 **state executive and state and national legislative offices; repealing the special runoff**
3 **election for the office of United States senator or United States representative; changing**
4 **appointment procedures relating to precinct watchers and members of precinct election**
5 **boards, election district absentee and questioned ballot counting boards, and the Alaska**
6 **Public Offices Commission; requiring certain written notices to appear in election**
7 **pamphlets and polling places; relating to declarations of candidacy and letters of intent;**
8 **amending the definition of 'political party'; and providing for an effective date."**

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

10 *** Section 1.** AS 15.10.120(c) is amended to read:

11 (c) An election supervisor shall appoint one nominee of the political party **or**
12 **political group with the largest number of registered voters at the time of the**

1 **preceding gubernatorial election** [OF WHICH THE GOVERNOR IS A MEMBER]
 2 and one nominee of the political party **or political group with** [THAT RECEIVED]
 3 the second largest number of **registered voters at the time of** [VOTES STATEWIDE
 4 IN] the preceding gubernatorial election. **However, the election supervisor may**
 5 **appoint a qualified person registered as a member of a third political party or**
 6 **political group or as a nonpartisan or undeclared voter if** [IF] a party district
 7 committee or state party central committee of the party **or group with the largest**
 8 **number of registered voters** [OF WHICH THE GOVERNOR IS A MEMBER] or
 9 the party **or group with** [THAT RECEIVED] the second largest number of **registered**
 10 **voters at the time of** [VOTES STATEWIDE IN] the preceding gubernatorial election
 11 fails to present the names prescribed by (b) of this section by April 15 of a regular
 12 election year or at least 60 days before a special **primary** election [, THE ELECTION
 13 SUPERVISOR MAY APPOINT ANY QUALIFIED INDIVIDUAL REGISTERED
 14 TO VOTE].

15 * **Sec. 2.** AS 15.10.170 is amended to read:

16 **Sec. 15.10.170. Appointment and privileges of watchers.** (a) The precinct
 17 party committee, where an organized precinct committee exists, or the party district
 18 committee where no organized precinct committee exists, or the state party
 19 chairperson where neither a precinct nor a party district committee exists, may appoint
 20 one or more persons as watchers in each precinct and counting center for any election.
 21 Each candidate [NOT REPRESENTING A POLITICAL PARTY] may appoint one or
 22 more watchers for each precinct or counting center in the candidate's respective
 23 district or the state for any election. Any organization or organized group that sponsors
 24 or opposes an initiative, referendum, or recall may have one or more persons as
 25 watchers at the polls and counting centers after first obtaining authorization from the
 26 director. A state party chairperson, a precinct party committee, a party district
 27 committee, or a candidate [NOT REPRESENTING A POLITICAL PARTY OR
 28 ORGANIZATION OR ORGANIZED GROUP] may not have more than one watcher
 29 on duty at a time in any precinct or counting center. A watcher must be a United States
 30 citizen. The watcher may be present at a position inside the place of voting or counting
 31 that affords a full view of all action of the election officials taken from the time the

polls are opened until the ballots are finally counted and the results certified by the election board or the data processing review board. The election board or the data processing review board may require each watcher to present written proof showing appointment by the precinct party committee, the party district committee, the organization or organized group, or the candidate the watcher represents [THAT IS SIGNED BY THE CHAIRPERSON OF THE PRECINCT PARTY COMMITTEE, THE PARTY DISTRICT COMMITTEE, THE STATE PARTY CHAIRPERSON, THE ORGANIZATION OR ORGANIZED GROUP, OR THE CANDIDATE REPRESENTING NO PARTY].

(b) In addition to the watchers appointed under (a) of this section, in a primary election or [,] special primary election or special election under AS 15.40.140, [OR SPECIAL RUNOFF ELECTION UNDER AS 15.40.141,] each candidate may appoint one watcher in each precinct and counting center.

* **Sec. 3.** AS 15.13.020(b) is amended to read:

(b) The governor shall appoint two members of each of the two political parties or political groups with the largest number of registered voters at the time of [WHOSE CANDIDATE FOR GOVERNOR RECEIVED THE HIGHEST NUMBER OF VOTES IN] the most recent preceding general election at which a governor was elected. The two appointees from each of these two parties or groups shall be chosen from a list of four names to be submitted by the central committee of each party or group.

* **Sec. 4.** AS 15.13.020(d) is amended to read:

(d) Members of the commission serve staggered terms of five years, or until a successor is appointed and qualifies. The terms of no two members who are members of the same political party or political group may expire in consecutive years. A member may not serve more than one term. However, a person appointed to fill the unexpired term of a predecessor may be appointed to a successive full five-year term.

* **Sec. 5.** AS 15.13.074(c) is amended to read:

(c) A person or group may not make a contribution
 (1) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses

as authorized by AS 15.13.100 when the office is to be filled at a general election before the date that is 18 months before the general election;

(2) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 for an office that is to be filled at a special election or municipal election before the date that is 18 months before the date of the regular municipal election or that is before the date of the proclamation of the special election at which the candidate or individual seeks election to public office; or

(3) to any candidate later than the 45th day

(A) after the date of the primary or special primary election if the candidate was [ON THE BALLOT AND WAS] not chosen to appear on the general or special election ballot [NOMINATED] at the primary or special primary election; or

(B) after the date of the general or special election, or after the date of a municipal or municipal runoff election.

* **Sec. 6.** AS 15.13.110(f) is amended to read:

(f) During the year in which the election is scheduled, each of the following shall file the campaign disclosure reports in the manner and at the times required by this section:

(1) a person who, under the regulations adopted by the commission to implement AS 15.13.100, indicates an intention to become a candidate for elective state executive or legislative office;

(2) [A PERSON WHO HAS FILED A NOMINATING PETITION UNDER AS 15.25.140 - 15.25.200 TO BECOME A CANDIDATE AT THE GENERAL ELECTION FOR ELECTIVE STATE EXECUTIVE OR LEGISLATIVE OFFICE;

(3)] a person who campaigns as a write-in candidate for elective state executive or legislative office at the general election; and

(3) [(4)] a group or nongroup entity that receives contributions or makes expenditures on behalf of or in opposition to a person described in (1) or (2) [(1) - (3)] of this subsection, except as provided for certain independent expenditures

1 by nongroup entities in AS 15.13.135(a).

2 * **Sec. 7.** AS 15.13.400(4) is amended to read:

3 (4) "contribution"

4 (A) means a purchase, payment, promise or obligation to pay,
5 loan or loan guarantee, deposit or gift of money, goods, or services for which
6 charge is ordinarily made, and includes the payment by a person other than a
7 candidate or political party, or compensation for the personal services of
8 another person, that is rendered to the candidate or political party, and that is
9 made for the purpose of

10 (i) influencing the nomination or election of a
11 candidate;

12 (ii) influencing a ballot proposition or question; or

13 (iii) supporting or opposing an initiative proposal
14 application filed with the lieutenant governor under AS 15.45.020;

15 (B) does not include

16 (i) services provided without compensation by
17 individuals volunteering a portion or all of their time on behalf of a
18 political party, candidate, or ballot proposition or question;

19 (ii) ordinary hospitality in a home;

20 (iii) two or fewer mass mailings before each election by
21 each political party describing **members of the party running as**
22 **candidates for public office in that election** [THE PARTY'S SLATE
23 OF CANDIDATES FOR ELECTION], which may include
24 photographs, biographies, and information about the [PARTY'S]
25 candidates;

26 (iv) the results of a poll limited to issues and not
27 mentioning any candidate, unless the poll was requested by or designed
28 primarily to benefit the candidate;

29 (v) any communication in the form of a newsletter from
30 a legislator to the legislator's constituents, except a communication
31 expressly advocating the election or defeat of a candidate or a

newsletter or material in a newsletter that is clearly only for the private benefit of a legislator or a legislative employee;

(vi) a fundraising list provided without compensation by one candidate or political party to a candidate or political party; or

(vii) an opportunity to participate in a candidate forum provided to a candidate without compensation to the candidate by another person and for which a candidate is not ordinarily charged;

* **Sec. 8.** AS 15.15 is amended by adding a new section to read:

Sec. 15.15.005. Top two nonpartisan open primary. A voter qualified under AS 15.05 may cast a vote for any candidate for each elective state executive and state and national legislative office, without limitations based on the political party or political group affiliation of either the voter or the candidate.

* **Sec. 9.** AS 15.15.030(5) is amended to read:

(5) The names of the candidates [AND THEIR PARTY DESIGNATIONS] shall be placed in separate sections on the state general election ballot under the office designation to which they were nominated. **If a candidate is registered as affiliated with a political party or political group, the [THE] party affiliation, if any, may [SHALL] be designated after the name of the candidate, upon request of the candidate. If a candidate has requested designation as nonpartisan or undeclared, that designation shall be placed after the name of the candidate. If a candidate is not registered as affiliated with a party or group and has not requested to be designated as nonpartisan or undeclared, the candidate shall be designated as undeclared.** The lieutenant governor and the governor shall be included under the same section. Provision shall be made for voting for write-in [AND NO-PARTY] candidates within each section. Paper ballots for the state general election shall be printed on white paper.

* **Sec. 10.** AS 15.15.030 is amended by adding new paragraphs to read:

(14) The director shall include the following statement on the ballot:

A candidate's designated affiliation does not imply that the candidate is nominated or endorsed by the political party or group or that the party or group approves of or associates with that candidate,

1 but only that the candidate is registered as affiliated with the party or
2 group.

3 (15) Instead of the statement provided by (14) of this section, when
4 candidates for President and Vice-President of the United States appear on a general
5 election ballot, the director shall include the following statement on the ballot:

6 A candidate's designated affiliation does not imply that the
7 candidate is nominated or endorsed by the political party or group or
8 that the party or group approves of or associates with that candidate,
9 but only that the candidate is registered as affiliated with the party or
10 group. The election for President and Vice-President of the United
11 States is different. Some candidates for President and Vice-President
12 are the official nominees of their political party.

13 *** Sec. 11.** AS 15.15.060 is amended by adding a new subsection to read:

14 (e) In each polling place, the director shall require to be posted, in a location
15 conspicuous to a person who will be voting, the following notice, written in bold:

16 A candidate's designated affiliation does not imply that the
17 candidate is nominated or endorsed by the political party or group or
18 that the party or group approves of or associates with that candidate,
19 but only that the candidate is registered as affiliated with the party or
20 group.

21 *** Sec. 12.** AS 15.20.081(a) is amended to read:

22 (a) A qualified voter may apply in person, by mail, or by facsimile, scanning,
23 or other electronic transmission to the director for an absentee ballot under this
24 section. Another individual may apply for an absentee ballot on behalf of a qualified
25 voter if that individual is designated to act on behalf of the voter in a written general
26 power of attorney or a written special power of attorney that authorizes the other
27 individual to apply for an absentee ballot on behalf of the voter. The application must
28 include the address or, if the application requests delivery of an absentee ballot by
29 electronic transmission, the telephone electronic transmission number, to which the
30 absentee ballot is to be returned, the applicant's full Alaska residence address, and the
31 applicant's signature. However, a person residing outside the United States and

1 applying to vote absentee in federal elections in accordance with AS 15.05.011 need
 2 not include an Alaska residence address in the application. A person may supply to a
 3 voter an absentee ballot application form with a political party or group affiliation
 4 indicated only if the voter is already registered as affiliated with the political party or
 5 group indicated. Only the voter or the individual designated by the voter in a written
 6 power of attorney under this subsection may mark the voter's choice of primary ballot
 7 on an application. A person supplying an absentee ballot application form may not
 8 design or mark the application in a manner that suggests choice of one ballot over
 9 another, except that ballot choices may be listed on an application as authorized by the
 10 division. The application must be made on a form prescribed or approved by the
 11 director. The voter or registration official shall submit the application directly to the
 12 division of elections. For purposes of this subsection, "directly to the division of
 13 elections" means that an application may not be submitted to any intermediary that
 14 could control or delay the submission of the application to the division or gather data
 15 on the applicant from the application form. However, nothing in this subsection is
 16 intended to prohibit a voter from giving a completed absentee ballot application to a
 17 friend, relative, or associate for transfer to the United States Postal Service or a private
 18 commercial delivery service for delivery to the division.

19 * **Sec. 13.** AS 15.20.081(h) is amended to read:

20 (h) Except as provided in AS 15.20.480, an absentee ballot returned by mail
 21 from outside the United States or from an overseas voter qualifying under
 22 AS 15.05.011 that has been marked and mailed not later than election day may not be
 23 counted unless the ballot is received by the election supervisor not later than the close
 24 of business on the

25 (1) 10th day following a primary election or special primary election
 26 under AS 15.40.140; or

27 (2) 15th day following a general election [, SPECIAL RUNOFF
 28 ELECTION,] or special election, other than a special primary election described in
 29 (1) of this subsection.

30 * **Sec. 14.** AS 15.20.190(a) is amended to read:

31 (a) Thirty days before the date of an election, the election supervisors shall

appoint, in the same manner provided for the appointment of election officials prescribed in AS 15.10, district absentee ballot counting boards and district questioned ballot counting boards, each composed of at least four members. At least one member of each board must be a member of the same political party or political group with the largest number of registered voters at the time of the preceding gubernatorial election [OF WHICH THE GOVERNOR IS A MEMBER], and at least one member of each board must be a member of the political party or political group with the second largest number of registered voters at the time of [WHOSE CANDIDATE FOR GOVERNOR RECEIVED THE SECOND LARGEST NUMBER OF VOTES IN] the preceding gubernatorial election. The district boards shall assist the election supervisors in counting the absentee and questioned ballots and shall receive the same compensation paid election officials under AS 15.15.380.

* **Sec. 15.** AS 15.20.203(i) is amended to read:

(i) The director shall mail the materials described in (h) of this section to the voter not later than

(1) 10 days after completion of the review of ballots by the state review board for a primary election [,] or [FOR] a special primary election under AS 15.40.140 [THAT IS FOLLOWED BY A SPECIAL RUNOFF ELECTION];

(2) 60 days after certification of the results of a general election [, SPECIAL RUNOFF ELECTION,] or special election other than a special primary election described in (1) of this subsection.

* **Sec. 16.** AS 15.20.203(j) is amended to read:

(j) The director shall make available through a free access system to each absentee voter a system to check to see whether the voter's ballot was counted and, if not counted, the reason why the ballot was not counted. The director shall make this information available through the free access system not less than

(1) 10 days after certification of the results of a primary election [,] or a special primary election under AS 15.40.140 [THAT IS FOLLOWED BY A SPECIAL RUNOFF ELECTION]; and

(2) 30 days after certification of the results of a general or special election, other than a special primary election described in (1) of this subsection.

1 * **Sec. 17.** AS 15.20.207(i) is amended to read:

2 (i) The director shall mail the materials described in (h) of this section to the
3 voter not later than

4 (1) 10 days after completion of the review of ballots by the state
5 review board for a primary election [,] or [FOR] a special primary election under
6 AS 15.40.140 [THAT IS FOLLOWED BY A SPECIAL RUNOFF ELECTION];

7 (2) 60 days after certification of the results of a general or special
8 election, other than a special primary election described in (1) of this subsection.

9 * **Sec. 18.** AS 15.20.207(k) is amended to read:

10 (k) The director shall make available through a free access system to each
11 voter voting a questioned ballot a system to check to see whether the voter's ballot was
12 counted and, if not counted, the reason why the ballot was not counted. The director
13 shall make this information available through the free access system not less than

14 (1) 10 days after certification of the results of a primary election [,] or
15 a special primary election under AS 15.40.140 [THAT IS FOLLOWED BY A
16 SPECIAL RUNOFF ELECTION]; and

17 (2) 30 days after [THE] certification of the results of a general or
18 special election, other than a special primary election described in (1) of this
19 subsection.

20 * **Sec. 19.** AS 15.20.211(d) is amended to read:

21 (d) The director shall mail the materials described in (c) of this section to the
22 voter not later than

23 (1) 10 days after completion of the review of ballots by the state
24 review board for a primary election [,] or [FOR] a special primary election under
25 AS 15.40.140 [THAT IS FOLLOWED BY A SPECIAL RUNOFF ELECTION];

26 (2) 60 days after certification of the results of a general or special
27 election, other than a special primary election described in (1) of this subsection.

28 * **Sec. 20.** AS 15.20.211(f) is amended to read:

29 (f) The director shall make available through a free access system to each
30 voter whose ballot was subject to partial counting under this section a system to check
31 to see whether the voter's ballot was partially counted and, if not counted, the reason

1 why the ballot was not counted. The director shall make this information available
2 through the free access system not less than

3 (1) 10 days after certification of the results of a primary election [,] or
4 a special **primary** election under AS 15.40.140 [THAT IS FOLLOWED BY A
5 SPECIAL RUNOFF ELECTION]; and

6 (2) 30 days after [THE] certification of the results of a general or
7 special election, other than a special **primary** election described in (1) of this
8 subsection.

9 * **Sec. 21.** AS 15.25.010 is amended to read:

10 **Sec. 15.25.010. Provision for primary election.** Candidates for the elective
11 state executive and state and national legislative offices shall be nominated in a
12 primary election by direct vote of the people in the manner prescribed by this chapter.
13 **The primary election does not serve to determine the nominee of a political party**
14 **or political group but serves only to narrow the number of candidates whose**
15 **names will appear on the ballot at the general election. Except as provided in**
16 **AS 15.25.100(d), only the two candidates who receive the greatest number of**
17 **votes and the second greatest number of votes for any office shall advance to the**
18 **general election** [THE DIRECTOR SHALL PREPARE AND PROVIDE A
19 PRIMARY ELECTION BALLOT FOR EACH POLITICAL PARTY. A VOTER
20 REGISTERED AS AFFILIATED WITH A POLITICAL PARTY MAY VOTE
21 THAT PARTY'S BALLOT. A VOTER REGISTERED AS NONPARTISAN OR
22 UNDECLARED RATHER THAN AS AFFILIATED WITH A PARTICULAR
23 POLITICAL PARTY MAY VOTE THE POLITICAL PARTY BALLOT OF THE
24 VOTER'S CHOICE UNLESS PROHIBITED FROM DOING SO UNDER
25 AS 15.25.014. A VOTER REGISTERED AS AFFILIATED WITH A POLITICAL
26 PARTY MAY NOT VOTE THE BALLOT OF A DIFFERENT POLITICAL PARTY
27 UNLESS PERMITTED TO DO SO UNDER AS 15.25.014].

28 * **Sec. 22.** AS 15.25.030(a) is amended to read:

29 (a) A **person** [MEMBER OF A POLITICAL PARTY] who seeks to become a
30 candidate [OF THE PARTY] in the primary election **or a special primary election**
31 shall execute and file a declaration of candidacy. The declaration shall be executed

1 under oath before an officer authorized to take acknowledgments and must state in
2 substance

3 (1) the full name of the candidate;

4 (2) the full mailing address of the candidate;

5 (3) if the candidacy is for the office of state senator or state
6 representative, the house or senate district of which the candidate is a resident;

7 (4) the office for which the candidate seeks nomination;

8 (5) the [NAME OF THE] political party **or political group with**
9 **whom the candidate is registered as affiliated, or whether the candidate would**
10 **prefer a nonpartisan or undeclared designation placed after the candidate's name**
11 **on the ballot** [OF WHICH THE PERSON IS A CANDIDATE FOR
12 NOMINATION];

13 (6) the full residence address of the candidate, and the date on which
14 residency at that address began;

15 (7) the date of the primary election **or special primary election** at
16 which the candidate seeks nomination;

17 (8) the length of residency in the state and in the district of the
18 candidate;

19 (9) that the candidate will meet the specific citizenship requirements of
20 the office for which the person is a candidate;

21 (10) that the candidate is a qualified voter as required by law;

22 (11) that the candidate will meet the specific age requirements of the
23 office for which the person is a candidate; if the candidacy is for the office of state
24 representative, that the candidate will be at least 21 years of age on the first scheduled
25 day of the first regular session of the legislature convened after the election; if the
26 candidacy is for the office of state senator, that the candidate will be at least 25 years
27 of age on the first scheduled day of the first regular session of the legislature convened
28 after the election; if the candidacy is for the office of governor or lieutenant governor,
29 that the candidate will be at least 30 years of age on the first Monday in December
30 following election or, if the office is to be filled by special election under
31 AS 15.40.230 - 15.40.310, that the candidate will be at least 30 years of age on the

1 date of certification of the results of the special election; or, for any other office, by
 2 the time that the candidate, if elected, is sworn into office;

3 (12) that the candidate requests that the candidate's name be placed on
 4 the primary or special primary election ballot;

5 (13) that the required fee accompanies the declaration;

6 (14) that the person is not a candidate for any other office to be voted
 7 on at the primary or general election and that the person is not a candidate for this
 8 office under any other declaration of candidacy or nominating petition;

9 (15) the manner in which the candidate wishes the candidate's name to
 10 appear on the ballot; and

11 (16) that the candidate is registered to vote as a member of the political
 12 party whose nomination is being sought.

13 * **Sec. 23.** AS 15.25.060 is repealed and reenacted to read:

14 **Sec. 15.25.060. Preparation and distribution of ballots.** The primary
 15 election ballots shall be prepared and distributed by the director in the manner
 16 prescribed for general election ballots except as specifically provided otherwise for the
 17 primary election. The director shall prepare and provide a primary election ballot that
 18 contains all of the candidates for elective state executive and state and national
 19 legislative offices and all of the ballot titles and propositions required to appear on the
 20 ballot at the primary election. The director shall print the ballots on white paper and
 21 place the names of all candidates who have properly filed in groups according to
 22 offices. The order of the placement of the names for each office shall be as provided
 23 for the general election ballot. Blank spaces may not be provided on the ballot for the
 24 writing or pasting in of names.

25 * **Sec. 24.** AS 15.25.100 is repealed and reenacted to read:

26 **Sec. 15.25.100. Placement of candidates on general election ballot.** (a) Of
 27 the names of candidates that appear on the primary election ballot under
 28 AS 15.25.010, the director shall place on the general election ballot only the names of
 29 the candidates receiving the greatest number of votes and the second greatest number
 30 of votes for an office, except as provided in (b) - (g) of this section.

31 (b) If two candidates tie

1 (1) in having the greatest number of votes for an office in the primary
 2 election, the director shall place only the names of those two candidates for that office
 3 on the general election ballot;

4 (2) in having the second greatest number of votes for an office in the
 5 primary election, the director shall determine under (g) of this section which
 6 candidate's name shall appear on the general election ballot.

7 (c) Subject to (d) and (e) of this section, for the office of lieutenant governor,
 8 the director shall place on the general election ballot, together with the name of the
 9 candidate for governor who received

10 (1) the greatest number of votes in the primary election, the name of
 11 either the candidate for lieutenant governor receiving the greatest number of votes or
 12 the candidate for lieutenant governor receiving the second greatest number of votes,
 13 whichever the candidate for governor chooses to run with jointly; and

14 (2) the second greatest number of votes in the primary election, the
 15 name of either the candidate for lieutenant governor receiving the greatest number of
 16 votes or the candidate for lieutenant governor receiving the second greatest number of
 17 votes, whichever was not chosen to run jointly with the candidate for governor who
 18 received the greatest number of votes.

19 (d) If a candidate whose name is placed on the general election ballot under
 20 this section dies, withdraws, resigns, becomes disqualified from holding the office for
 21 which the candidate is nominated, or is certified as being incapacitated under (f) of
 22 this section after the primary election and 64 days or more before the general election,
 23 the director may not place the candidate's name on the general election ballot and shall
 24 instead place the name of the candidate, in order of priority, who

25 (1) tied in having the second greatest number of votes at the primary
 26 election; or

27 (2) received the third greatest number of votes for the office at the
 28 primary election.

29 (e) If a candidate for governor or lieutenant governor is replaced under (d) of
 30 this section, the candidate for governor who received the greatest number of votes in
 31 the primary election may choose which of the eligible candidates for lieutenant

governor to run with jointly. The director shall place on the general election ballot the name of the candidate for governor who received the greatest number of votes with the name of the candidate for lieutenant governor selected by that candidate for governor, and shall place the name of the other eligible candidate for lieutenant governor with the name of the other eligible candidate for governor.

(f) For a candidate to be certified as incapacitated under (d) of this section, a panel of three licensed physicians, not more than two of whom may be of the same party, shall provide the director with a sworn statement that the candidate is physically or mentally incapacitated to an extent that would, in the panel's judgment, prevent the candidate from active service during the term of office if elected.

(g) If the director is unable to make a determination under this section because the candidates received an equal number of votes, the determination may be made by lot under AS 15.20.530.

* **Sec. 25.** AS 15.25.105(a) is amended to read:

(a) If a candidate does not appear on the primary election ballot or is not successful in advancing to the general election and wishes to be a candidate in the general election, the candidate may file as a write-in candidate. Votes for a write-in candidate may not be counted unless that candidate has filed a letter of intent with the director stating

(1) the full name of the candidate;

(2) the full residence address of the candidate and the date on which residency at that address began;

(3) the full mailing address of the candidate;

(4) the [NAME OF THE] political party or political group **with whom the candidate is registered as affiliated, or whether the candidate would prefer a nonpartisan or undeclared designation** [OF WHICH THE CANDIDATE IS A MEMBER, IF ANY];

(5) if the candidate is for the office of state senator or state representative, the house or senate district of which the candidate is a resident;

(6) the office that the candidate seeks;

(7) the date of the election at which the candidate seeks election;

1 (8) the length of residency in the state and in the house district of the
2 candidate;

3 (9) the name of the candidate as the candidate wishes it to be written
4 on the ballot by the voter;

5 (10) that the candidate meets the specific citizenship requirements of
6 the office for which the person is a candidate;

7 (11) that the candidate will meet the specific age requirements of the
8 office for which the person is a candidate; if the candidacy is for the office of state
9 representative, that the candidate will be at least 21 years of age on the first scheduled
10 day of the first regular session of the legislature convened after the election; if the
11 candidacy is for the office of state senator, that the candidate will be at least 25 years
12 of age on the first scheduled day of the first regular session of the legislature convened
13 after the election; if the candidacy is for the office of governor or lieutenant governor,
14 that the candidate will be at least 30 years of age on the first Monday in December
15 following election or, if the office is to be filled by special election under
16 AS 15.40.230 - 15.40.310, that the candidate will be at least 30 years of age on the
17 date of certification of the results of the special election; or, for any other office, by
18 the time that the candidate, if elected, is sworn into office;

19 (12) that the candidate is a qualified voter as required by law; and

20 (13) that the candidate is not a candidate for any other office to be
21 voted on at the general election and that the candidate is not a candidate for this office
22 under any other nominating petition or declaration of candidacy.

23 * **Sec. 26.** AS 15.25.105(b) is amended to read:

24 (b) If a write-in candidate is running for the office of governor, the candidate
25 must file a joint letter of intent together with a candidate for lieutenant governor.
26 [BOTH CANDIDATES MUST BE OF THE SAME POLITICAL PARTY OR
27 GROUP.]

28 * **Sec. 27.** AS 15.40.140 is amended to read:

29 **Sec. 15.40.140. Condition of calling special primary election and special**
30 **election.** When a vacancy occurs in the office of United States senator or United
31 States representative, the governor shall, by proclamation, call a special **primary**

election to be held on a date not less than 60, nor more than 90, days after the date the vacancy occurs, to be followed by a special election on the first Tuesday that is not a state holiday occurring not less than 60 days after the special primary election [UNDER AS 15.40.142(a)]. However, in an election year in which a candidate for that office is not regularly elected, if the vacancy occurs on a date that is not less than 60, nor more than 90, days before [OR IS ON OR AFTER] the date of

(1) the primary election, the [IN THE GENERAL ELECTION YEAR DURING WHICH A CANDIDATE TO FILL THE OFFICE IS REGULARLY ELECTED, THE GOVERNOR MAY NOT CALL A] special primary election shall be held on the date of the primary election with the subsequent special election to be held on the date of the general election; or

(2) the general election, the special primary election shall be held on the date of the general election with the subsequent special election to be held on the first Tuesday that is not a state holiday occurring not less than 60 days after the special primary and general election.

* Sec. 28. AS 15.40.160 is amended to read:

Sec. 15.40.160. Proclamation. The governor shall issue the proclamation calling the special primary election and special election at least 50 days before the

[(1)] special primary election [; AND

(2) IF A SPECIAL RUNOFF ELECTION IS REQUIRED UNDER AS 15.40.141(a), SPECIAL RUNOFF ELECTION].

* Sec. 29. AS 15.40.165 is amended to read:

Sec. 15.40.165. Term of elected senator. At the special election, [OR, AS PROVIDED BY AS 15.40.141, AT THE SPECIAL RUNOFF ELECTION,] a United States senator shall be elected to fill the remainder of the unexpired term. The person elected shall take office on the date the United States Senate meets, convenes, or reconvenes following the certification of the results of the special election [OR SPECIAL RUNOFF ELECTION] by the director.

* Sec. 30. AS 15.40.170 is amended to read:

Sec. 15.40.170. Term of elected representative. At the special election, [OR,

AS PROVIDED BY AS 15.40.141, AT THE SPECIAL RUNOFF ELECTION,] a United States representative shall be elected to fill the remainder of the unexpired term. The person elected shall take office on the date the United States house of representatives meets, convenes, or reconvenes following the certification of the results of the special election [OR SPECIAL RUNOFF ELECTION] by the director.

* **Sec. 31.** AS 15.40.190 is amended to read:

Sec. 15.40.190. Requirements of petition for [NO-PARTY] candidates.

Petitions for the nomination of candidates must be executed under oath and [NOT REPRESENTING A POLITICAL PARTY SHALL BE SIGNED BY QUALIFIED VOTERS OF THE STATE EQUAL IN NUMBER TO AT LEAST ONE PERCENT OF THE NUMBER OF VOTERS WHO CAST BALLOTS IN THE PRECEDING GENERAL ELECTION AND SHALL] state in substance that which is required for a declaration of candidacy under AS 15.25.030 [NOMINATION PETITIONS BY AS 15.25.180].

* **Sec. 32.** AS 15.40.220 is amended to read:

Sec. 15.40.220. General provisions for conduct of the special primary election and special [RUNOFF] election. Unless specifically provided otherwise, all provisions regarding the conduct of the primary election and general election shall govern the conduct of the special primary election and [THE] special [RUNOFF] election of the United States senator or United States representative, including provisions concerning voter qualifications; provisions regarding the duties, powers, rights, and obligations of the director, of other election officials, and of municipalities; provision for notification of the election; provision for payment of election expenses; provisions regarding employees being allowed time from work to vote; provisions for the counting, reviewing, and certification of returns; [PROVISION FOR RUNNING AS, VOTING FOR, AND COUNTING BALLOTS FOR A WRITE-IN CANDIDATE;] provisions for the determination of the votes and of recounts, contests, and appeal; and provision for absentee voting.

* **Sec. 33.** AS 15.40.230 is amended to read:

Sec. 15.40.230. Condition and time of calling special primary election and special election. When a person appointed to succeed to the office of lieutenant

governor succeeds to the office of acting governor, the acting governor shall, by proclamation, call a special **primary** election to be held on a date not less than 60, nor more than 90, days after the date the vacancy in the office of the governor occurred **and a subsequent special election to be held on the first Tuesday that is not a state holiday occurring not less than 60 days after the special primary election.** However, if the vacancy occurs on a date that is less than 60 days before or is on or after the date of the primary election in years in which a governor is regularly elected, the acting governor shall serve the remainder of the unexpired term and may not call a special election.

* **Sec. 34.** AS 15.40.240 is amended to read:

Sec. 15.40.240. Conditions for holding special primary election and special election with primary or general election. If the vacancy occurs on a date not less than 60, nor more than 90, days before the date of the primary election **in an election year in which a governor is not regularly elected, the acting governor shall, by proclamation, call the special primary election to be held on the date of the primary election and the special election to be held on the date of the general election,** [IN YEARS IN WHICH A GOVERNOR IS REGULARLY ELECTED] or, if the vacancy occurs on a date not less than 60, nor more than 90, days before the date of the [PRIMARY ELECTION OR] general election in election years in which a governor is not regularly elected, the acting governor shall, by proclamation, call the special **primary** election to be held on the date of the [PRIMARY ELECTION OR] general election **with the subsequent special election to be held on the first Tuesday that is not a state holiday occurring not less than 60 days after the special primary and general election.**

* **Sec. 35.** AS 15.40.250 is amended to read:

Sec. 15.40.250. Proclamation of special primary election and special election. The acting governor shall issue the proclamation **calling the special primary election and special election** at least 50 days before the **special primary** election.

* **Sec. 36.** AS 15.40.280 is amended to read:

Sec. 15.40.280. Requirements of petition for [NO-PARTY] candidates.

Petitions for the nomination of candidates must [NOT REPRESENTING A POLITICAL PARTY SHALL BE SIGNED BY QUALIFIED VOTERS OF THE STATE EQUAL IN NUMBER TO AT LEAST ONE PERCENT OF THE NUMBER OF VOTERS WHO CAST BALLOTS IN THE PRECEDING GENERAL ELECTION, SHALL INCLUDE NOMINEES FOR THE OFFICE OF GOVERNOR AND LIEUTENANT GOVERNOR, AND SHALL] state in substance that which is required for a declaration of candidacy under AS 15.25.030 and pay the fee required under AS 15.25.050(a) [NOMINATION PETITIONS BY AS 15.25.180].

* **Sec. 37.** AS 15.40.310 is amended to read:

Sec. 15.40.310. General provisions for conduct of the special primary election and special election. Unless specifically provided otherwise, all provisions regarding the conduct of the primary and general election shall govern the conduct of the special primary election and special election of the governor and lieutenant governor, including provisions concerning voter qualifications; provisions regarding the duties, powers, rights, and obligations of the director, of other election officials, and of municipalities; provision for notification of the election; provision for payment of election expenses; provisions regarding employees being allowed time from work to vote; provisions for the counting, reviewing, and certification of returns; provisions for the determination of the votes and of recounts, contests, and appeal; and provision for absentee voting.

* **Sec. 38.** AS 15.40.330 is amended to read:

Sec. 15.40.330. Qualification and confirmation of appointee. (a) The appointee shall meet the qualifications of a member of the legislature as prescribed in Sec. 2, art. II, of the state constitution, and, if the predecessor in office was a member of a political party or political group at the time of the vacancy, (1) shall be a member of the same political party or political group as [THAT WHICH NOMINATED] the predecessor in office; [,] and (2) shall be subject to confirmation by a majority of the members of the legislature who are members of the same political party or political group as [WHICH NOMINATED] the predecessor in office and of the same house as was the predecessor in office. If the predecessor in office was not a member of [NOMINATED BY] a political party or political group at the time of

1 the vacancy or, if no other member of the predecessor's political party or political
 2 group is a member of the predecessor's house of the legislature, the governor may
 3 appoint any qualified person. If the appointee is not a member of a political party or
 4 political group, as provided in (b) of this section, the appointment is not subject to
 5 confirmation. If the appointee is a member of a political party or political group, the
 6 appointment is subject to confirmation as provided by (b) of this section for the
 7 confirmation of political party or political group appointees.

8 (b) A member of a political party or political group is a person who supports
 9 the political program of a political party or political group. The absence of a
 10 political party or political group designation after a candidate's name on an
 11 election ballot [FILING FOR OFFICE OF A CANDIDATE AS AN INDEPENDENT
 12 OR NO-PARTY CANDIDATE] does not preclude a candidate from being a member
 13 of a political party or political group. Recognition of a [AN INDEPENDENT OR
 14 NO-PARTY] candidate as a member of a political party or political group caucus of
 15 members of the legislature at the legislative session following the election of the
 16 [INDEPENDENT OR NO-PARTY] candidate is recognition of that person's political
 17 party or political group membership for the purposes of confirmation under this
 18 section [AT THE TIME FILINGS WERE MADE BY PARTY CANDIDATES FOR
 19 THE PRECEDING GENERAL ELECTION].

20 * **Sec. 39.** AS 15.40.380 is amended to read:

21 **Sec. 15.40.380. Conditions for part-term senate appointment and special**
 22 **election.** If the vacancy is for an unexpired senate term of more than two years and
 23 five full calendar months, the governor shall call a special primary election and a
 24 special election by proclamation, and the appointment shall expire on the date the
 25 state senate first convenes or reconvenes following the certification of the results of
 26 the special election by the director.

27 * **Sec. 40.** AS 15.40.390 is amended to read:

28 **Sec. 15.40.390. Date of special primary election and special election.** The
 29 special primary election to fill a vacancy in the state senate shall be held on the date
 30 of the first primary [GENERAL] election held more than 60 days [THREE FULL
 31 CALENDAR MONTHS] after the senate vacancy occurs, and the special election

1 shall be held on the date of the first general election thereafter.

2 * **Sec. 41.** AS 15.40.400 is amended to read:

3 **Sec. 15.40.400. Proclamation of special primary election and special**
 4 **election.** The governor shall issue the proclamation calling the special primary
 5 election and special election at least 50 days before the special primary election.

6 * **Sec. 42.** AS 15.40.440 is amended to read:

7 **Sec. 15.40.440. Requirements of petition for [NO-PARTY] candidates.**
 8 Petitions for the nomination of candidates [NOT REPRESENTING A POLITICAL
 9 PARTY SHALL BE SIGNED BY QUALIFIED VOTERS EQUAL IN NUMBER TO
 10 AT LEAST ONE PERCENT OF THE NUMBER OF VOTERS WHO CAST
 11 BALLOTS IN THE PROPOSED NOMINEE'S RESPECTIVE HOUSE OR SENATE
 12 DISTRICT IN THE PRECEDING GENERAL ELECTION. A NOMINATING
 13 PETITION MAY NOT CONTAIN LESS THAN 50 SIGNATURES FOR ANY
 14 DISTRICT, AND] must state in substance that which is required in a declaration of
 15 candidacy under AS 15.25.030 [PETITIONS FOR NOMINATION BY
 16 AS 15.25.180].

17 * **Sec. 43.** AS 15.40.470 is amended to read:

18 **Sec. 15.40.470. General provision for conduct of the special primary**
 19 **election and special election.** Unless specifically provided otherwise, all provisions
 20 regarding the conduct of the primary election and general election shall govern the
 21 conduct of the special primary election and special election of state senators,
 22 including provisions concerning voter qualifications; provisions regarding the duties,
 23 powers, rights, and obligations of the director, of other election officials, and of
 24 municipalities; provision for notification of the election; provision for payment of
 25 election expenses; provisions regarding employees being allowed time from work to
 26 vote; provisions for the counting, reviewing, and certification of returns; provisions for
 27 the determination of the votes and of recounts, contests, and appeal; and provision for
 28 absentee voting.

29 * **Sec. 44.** AS 15.45.190 is amended to read:

30 **Sec. 15.45.190. Placing proposition on ballot.** The lieutenant governor shall
 31 direct the director to place the ballot title and proposition on the election ballot of the

1 first statewide general, special, special **primary** [RUNOFF], or primary election that
 2 is held after

3 (1) the petition has been filed;

4 (2) a legislative session has convened and adjourned; and

5 (3) a period of 120 days has expired since the adjournment of the
 6 legislative session.

7 * **Sec. 45.** AS 15.45.420 is amended to read:

8 **Sec. 15.45.420. Placing proposition on ballot.** The lieutenant governor shall
 9 direct the director to place the ballot title and proposition on the election ballot for the
 10 first statewide general, special, special **primary** [RUNOFF], or primary election held
 11 more than 180 days after adjournment of the legislative session at which the act was
 12 passed.

13 * **Sec. 46.** AS 15.58.010 is amended to read:

14 **Sec. 15.58.010. Election pamphlet.** Before each state general election, and
 15 before each state primary, special, or special **primary** [RUNOFF] election at which a
 16 ballot proposition is scheduled to appear on the ballot, the lieutenant governor shall
 17 prepare, publish, and mail at least one election pamphlet to each household identified
 18 from the official registration list. The pamphlet shall be prepared on a regional basis as
 19 determined by the lieutenant governor.

20 * **Sec. 47.** AS 15.58.020(a) is amended by adding a new paragraph to read:

21 (13) the following statement written in bold in a conspicuous location:

22 In each race, you may vote for any candidate listed. If a primary
 23 election was held for a state office, United States senator, or United
 24 States representative, the two candidates who received the most votes
 25 for the office in the primary advanced to the general election. However,
 26 if one of the two candidates who received the most votes for an office
 27 at the primary election died, withdrew, resigned, was disqualified, or
 28 was certified as incapacitated 64 days or more before the general
 29 election, the candidate who received the third most votes for the office
 30 advanced to the general election.

31 Each candidate may designate the political party or political

group that the candidate is registered as affiliated with. A candidate's political party or political group designation on a ballot does not imply that the candidate is nominated or endorsed by the party or political group or that the party or group approves of or associates with that candidate.

* **Sec. 48.** AS 15.58.020(b) is amended to read:

(b) Each primary, special, or special **primary** [RUNOFF] election pamphlet shall contain only the information specified in (a)(6) and (a)(9) of this section for each ballot measure scheduled to appear on the primary, special, or special **primary** [RUNOFF] election ballot.

* **Sec. 49.** AS 15.58.020 is amended by adding a new subsection to read:

(c) Notwithstanding (a) of this section, if a pamphlet is prepared and published under AS 15.58.010 for a

(1) primary election, the pamphlet must contain the following statement written in bold in a conspicuous location, instead of the statement provided by (a)(13) of this section:

In each race, you may vote for any candidate listed. The two candidates who receive the most votes for a state office, United States senator, or United States representative will advance to the general election. However, if, after the primary election and 64 days or more before the general election, one of the two candidates who received the most votes for an office at the primary election dies, withdraws, resigns, is disqualified, or is certified as incapacitated, the candidate who received the third most votes for the office will advance to the general election.

Each candidate may designate the political party or political group that the candidate is registered as affiliated with. A candidate's political party or political group designation on a ballot does not imply that the candidate is nominated or endorsed by the party or group or that the party or group approves of or associates with that candidate;

(2) a special primary election, the pamphlet must contain the following

statement written in bold in a conspicuous location, instead of the statement provided by (a)(13) of this section:

In each race, you may vote for any candidate listed. The two candidates who receive the most votes for a state office or United States senator will advance to the special election. However, if, after the special primary election and 64 days or more before the special election, one of the two candidates who received the most votes for a state office or United States senator at the primary election dies, withdraws, resigns, is disqualified, or is certified as incapacitated, the candidate who received the third most votes for the office will advance to the general election.

Each candidate may designate the political party or political group that the candidate is registered as affiliated with. A candidate's political party or political group designation on a ballot does not imply that the candidate is nominated or endorsed by the party or group or that the party or group approves of or associates with that candidate.

* **Sec. 50.** AS 15.58.030(b) is amended to read:

(b) **Not** [NO] later than July 22 of a year in which a state general election will be held, an individual who becomes a candidate for the office of United States senator, United States representative, governor, lieutenant governor, state senator, or state representative under AS 15.25.030 [OR 15.25.180] may file with the lieutenant governor a photograph and a statement advocating the candidacy. [AN INDIVIDUAL WHO BECOMES A CANDIDATE FOR THE OFFICE OF UNITED STATES SENATOR, UNITED STATES REPRESENTATIVE, GOVERNOR, LIEUTENANT GOVERNOR, STATE SENATOR, OR STATE REPRESENTATIVE BY PARTY PETITION FILED UNDER AS 15.25.110 MAY FILE WITH THE LIEUTENANT GOVERNOR A PHOTOGRAPH AND A STATEMENT ADVOCATING THE CANDIDACY WITHIN 10 DAYS OF BECOMING A CANDIDATE.]

* **Sec. 51.** AS 15.80.008(a) is amended to read:

(a) A political group that the director has not recognized as a political party may obtain recognized political party status if, on or before May 31 of the election

1 year for which the political group seeks recognition, the political group

2 (1) files an application with the director; **and**

3 (2) [SUBMITS BYLAWS TO THE DIRECTOR AND THE UNITED
4 STATES DEPARTMENT OF JUSTICE AS REQUIRED OF POLITICAL PARTIES
5 IN AS 15.25.014; AND

6 (3)] meets the definition of a political party in AS 15.80.010.

7 * **Sec. 52.** AS 15.80.010(9) is amended to read:

8 (9) "federal election" means a general, special, special **primary**
9 [RUNOFF], or primary election held solely or in part for the purpose of selecting,
10 nominating, or electing a candidate for the office of President, Vice-President,
11 presidential elector, United States senator, or United States representative;

12 * **Sec. 53.** AS 15.80.010(27) is amended to read:

13 (27) "political party" means an organized group of voters that
14 represents a political program and

15 (A) that [NOMINATED A CANDIDATE FOR GOVERNOR
16 WHO RECEIVED AT LEAST THREE PERCENT OF THE TOTAL VOTES
17 CAST FOR GOVERNOR AT THE PRECEDING GENERAL ELECTION
18 OR] has registered voters in the state equal in number to at least three percent
19 of the total votes cast for governor at the preceding general election;

20 (B) if the office of governor was not on the ballot at the
21 preceding general election but the office of United States senator was on that
22 ballot, that [NOMINATED A CANDIDATE FOR UNITED STATES
23 SENATOR WHO RECEIVED AT LEAST THREE PERCENT OF THE
24 TOTAL VOTES CAST FOR UNITED STATES SENATOR AT THAT
25 GENERAL ELECTION OR] has registered voters in the state equal in number
26 to at least three percent of the total votes cast for United States senator at that
27 general election; or

28 (C) if neither the office of governor nor the office of United
29 States senator was on the ballot at the preceding general election, that
30 [NOMINATED A CANDIDATE FOR UNITED STATES
31 REPRESENTATIVE WHO RECEIVED AT LEAST THREE PERCENT OF

1 THE TOTAL VOTES CAST FOR UNITED STATES REPRESENTATIVE
 2 AT THAT GENERAL ELECTION OR] has registered voters in the state equal
 3 in number to at least three percent of the total votes cast for United States
 4 representative at that general election;

5 * **Sec. 54.** AS 39.50.020(b) is amended to read:

6 (b) A public official or former public official other than an elected or
 7 appointed municipal officer shall file the statement with the Alaska Public Offices
 8 Commission. Candidates for the office of governor and lieutenant governor and, if the
 9 candidate is not subject to AS 24.60, the legislature shall file the statement under
 10 AS 15.25.030 [OR 15.25.180]. Municipal officers, former municipal officers, and
 11 candidates for elective municipal office, shall file with the municipal clerk or other
 12 municipal official designated to receive their filing for office. All statements required
 13 to be filed under this chapter are public records.

14 * **Sec. 55.** AS 15.13.110(j); AS 15.25.014, 15.25.056, 15.25.110, 15.25.120, 15.25.130,
 15 15.25.140, 15.25.150, 15.25.160, 15.25.170, 15.25.180, 15.25.185, 15.25.190, 15.25.200;
 16 AS 15.40.141, 15.40.142, 15.40.150, 15.40.200, 15.40.210, 15.40.290, 15.40.300, 15.40.450,
 17 and 15.40.460 are repealed.

18 * **Sec. 56.** The uncodified law of the State of Alaska is amended by adding a new section to
 19 read:

20 TRANSITION; VOTER EDUCATION AS TO CHANGES MADE TO STATE
 21 ELECTION SYSTEMS THROUGH ADOPTION OF A TOP TWO NONPARTISAN
 22 PRIMARY. (a) For a period of not less than one full election cycle immediately following the
 23 effective date of this Act, the director of elections shall, in a manner reasonably calculated to
 24 educate the public, inform voters of the changes made to the state's election systems in this
 25 Act.

26 (b) In this section, "election cycle" means the 24-month period commencing on
 27 January 1 of odd-numbered years and ending on December 31 of even-numbered years.

28 * **Sec. 57.** This Act takes effect January 1, 2020.