

ALASKA STATE LEGISLATURE

Session

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- Finance Committee
- Chair, Judiciary Subcommittee
 - Chair, Military and Veterans Affairs Subcommittee
 - Public Safety Subcommittee

Sen.Bill.Wielechowski@akleg.gov

SENATOR BILL WIELECHOWSKI

February 25, 2022

The Honorable Mike Shower
Chair, Senate State Affairs Committee
Alaska State Capitol, Room 429
Juneau, AK 99801

Chair Shower and committee members:

Thank you for holding an initial hearing on Senate Bill 161, relating to the definition of political parties, on February 17, 2022. Please see the following responses to committee members' questions.

1: Senator Costello asked about the history of the 3% threshold for official party status.

In 1986 the Legislature passed HB 284, an omnibus elections bill, which established a 3% threshold for attaining status as an official party. Prior to that threshold was 10% which, in Vogler vs. Miller, 660 P2d 1191 (Alaska 1983), the Alaska Supreme Court ruled was unconstitutional. In the Vogler case, the court referenced an analysis published in the Harvard Law Review that noted that at the time most states had thresholds in the 2-5% range. There was little discussion of this provision in the committee minutes and the sectional analysis provided by the Division of Elections just noted that this provision was in response to the Vogler decision.

Since then the implementation of the 3% threshold has been changed multiple times, most notably in 2020 when Ballot Measure 2 eliminated the ability for a party to qualify by achieving 3% in certain statewide races. Currently the only way for a party to achieve official status is to have registered voters equal to at least 3% of the total votes in the "top of the ticket" race in the previous general election.

2: Senator Reinbold asked how SB 161 would affect the Green Party of Alaska and the Alaska Constitution Party and whether these parties supported changing the 3% threshold.

SB 161 would make it easier for these parties to become officially recognized political parties by lowering the number of registered voters required to 5,000. Currently to be officially recognized a party must have 10,638 registered voters and this number fluctuates based on turnout in the previous general election. As of February 3, 2022, the Green Party has 1,506 registered voters and the

Constitution Party has 703, so neither of these parties would automatically qualify as a result of this bill but would be significantly closer to qualifying.

Our office contacted Robert Shields, chair of the Green Party of Alaska, and J.R. Myers, chair of the Alaska Constitution Party. Mr. Shields indicated that the GPA supports lowering the threshold to 5,000 registered voters. We have not heard back from Mr. Myers, although at the national level the Constitution Party is a member of the Coalition for Free and Open Elections which advocates for lowering ballot access thresholds.

Thank you for your time and consideration, please do not hesitate to contact me or David Dunsmore of my staff at (907)465-2435 with any further questions.

Sincerely,

A handwritten signature in blue ink that reads "Bill Wielechowski". The signature is written in a cursive style with a small dot above the letter 'i' in "Wielechowski".

Senator Bill Wielechowski