

**CS FOR HOUSE BILL NO. 132(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 2/27/95

Referred: Rules

Sponsor(s): REPRESENTATIVES MACKIE, Phillips, Green

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act repealing the ability of persons seeking an elective state executive office  
2 or a state or national legislative office to petition for inclusion of their names on  
3 the state general election ballot; requiring candidates of all political groups for  
4 a state or national legislative office to compete at the state primary election for  
5 the placement on the general election ballot of the name of the one candidate  
6 from each political group that receives the greatest number of votes cast;  
7 requiring candidates of all political groups for state executive office to compete  
8 at the state primary election for the placement on the general election ballot of  
9 the name of the one candidate for governor from each political group that  
10 receives the greatest number of votes cast and the name of the one candidate for  
11 lieutenant governor from the same political group that receives the greatest  
12 number of votes cast; and making related amendments applicable to nomination

1 vacancies, nominations for special elections, and submitting material for publication  
2 in the election pamphlet."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 \* **Section 1.** AS 15.25.110 is amended to read:

5           Sec. 15.25.110. FILLING VACANCIES BY PARTY PETITION. If a  
6 candidate of a political party nominated at the primary election dies, withdraws,  
7 resigns, becomes disqualified from holding the office for which the candidate is  
8 nominated, or is certified as being incapacitated in the manner prescribed by this  
9 section after the primary election and 48 days or more before the general election, the  
10 vacancy may be filled by party petition. The central committee of any political party  
11 or any party district committee may certify as being incapacitated any candidate  
12 nominated by their respective party by presenting to the director a sworn statement  
13 made by a panel of three licensed physicians, not more than two of whom may be of  
14 the same political party, that the candidate is physically or mentally incapacitated to  
15 an extent that would in the panel's judgment prevent the candidate from active service  
16 during the term of office if elected. The director shall place the name of the person  
17 nominated by party petition on the general election ballot. The name of a candidate  
18 disqualified under this section may not appear on the general election ballot.

19 \* **Sec. 2.** AS 15.25.150 is amended to read:

20           Sec. 15.25.150. DATE OF FILING PETITION. The petition is filed with the  
21 director by actual physical delivery in person at or before 5:00 p.m., prevailing time,  
22 June 1 [AUGUST 1] in the year in which a general election is held for the office, or  
23 by actual physical delivery to the director by registered or certified mail return receipt  
24 requested which is postmarked at or before 5:00 p.m., prevailing time, June 1  
25 [AUGUST 1] in the year in which a general election is held for the office, and  
26 received not more than 15 days after that time. If the postmark is illegible, a dated  
27 receipt from the post office where dispatched shall be acceptable as evidence of  
28 mailing. If June 1 [AUGUST 1] is a Sunday or holiday, the deadlines for  
29 postmarking and receipt of the petition shall be extended 24 hours in each instance.

30 \* **Sec. 3.** AS 15.25.160 is amended to read:

1           Sec. 15.25.160. REQUIRED NUMBER OF SIGNATURES FOR STATEWIDE  
2 OFFICE. Petitions for the nomination of candidates for the office of governor,  
3 lieutenant governor, United States senator, and United States representative shall be  
4 signed by qualified voters of the state equal in number to at least one percent of the  
5 number of voters who cast ballots in the preceding general election. [CANDIDATES  
6 FOR THE OFFICE OF GOVERNOR AND LIEUTENANT GOVERNOR SHALL  
7 FILE JOINTLY.]

8 \* **Sec. 4.** AS 15.25.180(a) is amended to read:

9           (a) The petition **must** [SHALL] state in substance

- 10                   (1) the full name of the candidate;
- 11                   (2) the full residence address of the candidate, and the date on which  
12 residency at that address began;
- 13                   (3) the full mailing address of the candidate;
- 14                   (4) the name of the political group, **if any**, supporting the candidate;
- 15                   (5) if the candidacy is for the office of state senator or state  
16 representative, the election or senate district of which the candidate is a resident;
- 17                   (6) the office for which the candidate is nominated;
- 18                   (7) the date of the election at which the candidate seeks election;
- 19                   (8) the length of residency in the state and in the district of the  
20 candidate;
- 21                   (9) that the subscribers are qualified voters of the state or election or  
22 senate district in which the candidate resides;
- 23                   (10) that the subscribers request that the candidate's name be placed  
24 on the **primary election** ballot;
- 25                   (11) that the proposed candidate accepts the nomination and will serve  
26 if elected, with the statement signed by the proposed candidate;
- 27                   (12) [IF THE CANDIDACY IS FOR THE OFFICE OF THE  
28 GOVERNOR, THE NAME OF THE CANDIDATE FOR LIEUTENANT GOVERNOR  
29 RUNNING JOINTLY WITH THE CANDIDATE FOR GOVERNOR;
- 30                   (13)] the name of the candidate as the candidate wishes it to appear on  
31 the ballot; and

1                    **(13)** [(14)] that the candidate is not a candidate for any other office to  
2                    be voted on at the primary or general election and that the candidate is not a candidate  
3                    for this office under any other nominating petition or declaration of candidacy.

4                    \* **Sec. 5.** AS 15.25.180(b) is amended to read:

5                    (b) A person filing a nominating petition under this section, other than a  
6                    person subject to AS 24.60 who is filing a petition for a state legislative office, shall  
7                    **simultaneously** [ALSO] file with the director a statement of income sources and  
8                    business interests that complies with the requirements of AS 39.50 [WITHIN 30  
9                    DAYS OF FILING THE PETITION]. A person who is subject to AS 24.60 and is  
10                   filing a nominating petition for state legislative office shall **simultaneously** file with  
11                   the director a disclosure statement that complies with the requirements of  
12                   AS 24.60.200 [WITHIN 30 DAYS OF FILING THE PETITION].

13                   \* **Sec. 6.** AS 15.25 is amended by adding a new section to read:

14                   Sec. 15.25.185. ELIGIBILITY OF CANDIDATE. The provisions of  
15                   AS 15.25.042 and 15.25.043 apply to determinations of a candidate's eligibility when  
16                   a candidate seeks nomination by petition under AS 15.25.140 - 15.25.205.

17                   \* **Sec. 7.** AS 15.25.190 is amended to read:

18                   Sec. 15.25.190. PLACEMENT OF NAMES ON **PRIMARY** [GENERAL]  
19                   ELECTION BALLOT. The director shall place the names and the political group  
20                   affiliation of persons who have been properly nominated by petition on the **primary**  
21                   [GENERAL] election ballot.

22                   \* **Sec. 8.** AS 15.25.200 is amended to read:

23                   Sec. 15.25.200. WITHDRAWAL OF CANDIDATE'S NAME. If a candidate  
24                   nominated by petition dies or withdraws

25                   (1) after the petition has been filed and at least 48 days before the date  
26                   of the **primary** [GENERAL] election, the director may not place the name of the  
27                   candidate on the **primary** [GENERAL] election ballot; **or**

28                   (2) **on or after the date of the primary election and 48 days or**  
29                   **more before the general election, the director may not place the name of the**  
30                   **candidate on the general election ballot.**

31                   \* **Sec. 9.** AS 15.25 is amended by adding a new section to read:

1           Sec. 15.25.205. PLACEMENT OF NOMINEE ON GENERAL ELECTION  
2 BALLOT. (a) Except as provided in (b) of this section, of the names of persons that  
3 appear on the primary election ballot under AS 15.25.190, the director shall place on  
4 the general election ballot the name of the candidate of each political group that  
5 receives the greatest number of votes for an office.

6           (b) For the offices of governor and lieutenant governor, the director shall place  
7 on the general election ballot the name of the candidate of each political group  
8 receiving the greatest number of votes for the office of governor together with the  
9 name of the candidate for lieutenant governor who received the greatest number of  
10 votes and who is from the same political group as that candidate. However, the  
11 director may not place on the general election ballot the name of the candidate of a  
12 political group receiving the greatest number of votes for the office of

13                   (1) governor unless there is also a candidate for lieutenant governor of  
14 that political group;

15                   (2) lieutenant governor unless there is also a candidate for governor of  
16 that political group.

17           (c) For purposes of placement of the names of nominees on the general  
18 election ballot under this section, all candidates who file nominating petitions without  
19 designating a political group name under AS 15.25.180(a) shall be treated as  
20 candidates of the same political group.

21 \* **Sec. 10.** AS 15.40.100 is amended to read:

22           Sec. 15.40.100. REQUIREMENTS OF PETITION FOR NO-PARTY  
23 CANDIDATES. Petitions for the nomination of candidates not representing a political  
24 party shall be signed by qualified voters of the state equal in number to at least one  
25 percent of the number of voters who cast ballots in the preceding general election, and  
26 shall state in substance that which is required in petitions for nomination by [FOR  
27 GENERAL ELECTIONS PROVIDED IN ] AS 15.25.180.

28 \* **Sec. 11.** AS 15.40.440 is amended to read:

29           Sec. 15.40.440. REQUIREMENTS OF PETITION FOR NO-PARTY  
30 CANDIDATES. Petitions for the nomination of candidates not representing a political  
31 party shall be signed by qualified voters equal in number to at least one percent of the

1 number of voters who cast ballots in the proposed nominee's respective election or  
2 senate district in the preceding general election. A nominating petition may not  
3 contain less than 50 signatures for any district, and shall state in substance that which  
4 is required in petitions for nomination **by** [FOR GENERAL ELECTIONS PROVIDED  
5 IN] AS 15.25.180.

6 \* **Sec. 12.** AS 15.58.030(b) is amended to read:

7 (b) No later than July 15 of a year in which a state general election will be  
8 held, an individual who becomes a candidate for the office of United States senator,  
9 United States representative, governor, lieutenant governor, state senator, or state  
10 representative under AS 15.25.030 **or under AS 15.25.180** may file with the lieutenant  
11 governor a photograph and a statement advocating the candidacy. An individual who  
12 becomes a candidate for the office of United States senator, United States  
13 representative, governor, lieutenant governor, state senator, or state representative  
14 [UNDER AS 15.25.180 BY FILING A NOMINATING PETITION OR] by **party**  
15 **petition filed under AS 15.25.110** [ANOTHER MEANS] may file with the lieutenant  
16 governor a photograph and a statement advocating the candidacy [BY JULY 15 OR]  
17 within 10 days of becoming a candidate [, WHICHEVER IS LATER].