



LAWS OF ALASKA

2001

Source

SCS CSHB 193(FIN)

Chapter No.

103

AN ACT

Relating to the primary election and to the nomination of candidates for the general election; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Permitted to become law without signature

Actual Effective Date: July 14, 2001

AN ACT

1 Relating to the primary election and to the nomination of candidates for the general election;
2 and providing for an effective date.

3

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 **PURPOSE.** The purpose of this Act is to

7 (1) comply with the decision of the United States Supreme Court in California
8 Democratic Party v. Jones, 530 U.S. 567 (2000); and

9 (2) have a new system in place in time to conduct the next primary election in
10 an orderly and efficient manner consistent with this court decision.

11 * **Sec. 2.** AS 15.13.110(f) is amended to read:

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

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

4 (2) a person who has filed a nominating petition under AS 15.25.140 -
5 15.25.200 to become a candidate at the general [PRIMARY] election for elective state
6 executive or legislative office;

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

9 (4) a group that receives contributions or makes expenditures on behalf
10 of or in opposition to a person described in (1) - (3) of this subsection.

11 * **Sec. 3.** AS 15.25.010 is amended to read:

12 **Sec. 15.25.010. Provision for primary election.** Candidates for the elective
13 state executive and state and national legislative offices shall be nominated in a
14 primary election by direct vote of the people in the manner prescribed by this chapter.
15 The director shall prepare and provide a primary election ballot for each
16 political party. A voter registered as affiliated with a political party may vote
17 that party's ballot. A voter registered as nonpartisan or undeclared rather than
18 as affiliated with a particular political party may vote the political party ballot of
19 the voter's choice unless prohibited from doing so under AS 15.25.014. A voter
20 registered as affiliated with a political party may not vote the ballot of a different
21 political party unless permitted to do so under AS 15.25.014.

22 * **Sec. 4.** AS 15.25 is amended by adding a new section to read:

23 **Sec. 15.25.014. Participation in primary election selection of a political**
24 **party's candidates.** (a) Not later than 5:00 p.m., Alaska time, on September 1 of the
25 calendar year before the calendar year in which a primary election is to be held, a
26 political party shall submit a notice in writing to the director stating whether the party
27 bylaws expand or limit who may participate in the primary election for selection of the
28 party's candidates for elective state executive and state and national legislative offices.
29 A copy of the party's bylaws expanding or limiting who may participate in the primary
30 election for selection of the party's candidates, documentation required under (b) of
31 this section, and other information required by the director, must be submitted along

1 with the notice. The notice, bylaws, documentation, and other information required by
2 the director shall be provided by the party's chairperson or another party official
3 designated by the party's bylaws.

4 (b) Once a political party timely submits a notice and bylaws under (a) of this
5 section and the director finds that the party has met the requirements of this chapter
6 and other applicable laws, the director shall permit a voter registered as affiliated with
7 another party to vote the party's ballot if the voter is permitted by the party's bylaws to
8 participate in the selection of the party's candidates and may not permit a voter
9 registered as nonpartisan or undeclared to vote a party's ballot if the party's bylaws
10 restrict participation by nonpartisan or undeclared voters in the party's primary.
11 However, for a subsequent primary election, the party shall timely submit another
12 notice, bylaws, documentation, and other information under (a) of this section if the
13 party's bylaws regarding who may participate in the primary election for selection of
14 the party's candidates change.

15 (c) Party bylaws required to be submitted under (a) of this section must be
16 precleared by the United States Department of Justice under 42 U.S.C. 1973c (sec. 5,
17 Voting Rights Act of 1965) before submission. Documentation of the preclearance
18 must accompany the bylaws submitted under (a) of this section.

19 * **Sec. 5.** AS 15.25.060 is repealed and reenacted to read:

20 **Sec. 15.25.060. Preparation and distribution of ballots.** (a) The primary
21 election ballots shall be prepared and distributed by the director in the manner
22 prescribed in this section. The director shall prepare and provide a primary election
23 ballot for each political party that contains all of the candidates of that party for
24 elective state executive and state and national legislative offices. The director shall
25 print the ballots on white paper and place the names of all candidates who have
26 properly filed in groups according to offices. The order of the placement of the names
27 for each office shall be as provided for the general election ballot. Blank spaces may
28 not be provided on the ballot for the writing or pasting in of names.

29 (b) A voter may vote only one primary election ballot. A voter may vote a
30 political party ballot only if the voter is registered as affiliated with that party, is
31 allowed to participate in the party primary under the party's bylaws, or is registered as

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1 nonpartisan or undeclared rather than as affiliated with a particular political party and
2 the party's bylaws do not restrict participation by nonpartisan or undeclared voters in
3 the party's primary. For the purpose of determining which primary election ballot a
4 voter may use, a voter's party affiliation is considered to be the affiliation registered
5 with the director as of the 30th day before the primary election. If a voter changes
6 party affiliation within the 30 days before the primary election, the voter's previous
7 party affiliation shall be used for the determination under this subsection.

8 * Sec. 6. AS 15.25.150 is amended to read:

9 **Sec. 15.25.150. Date of filing petition. A candidate seeking nomination by**
10 **petition shall submit the information required under AS 15.25.180(a)(1) - (8) and**
11 **(11) - (17) to the director in the time and manner specified in AS 15.25.040. The**
12 **full petition with voter signatures shall be** [THE PETITION IS] filed with the
13 director by actual physical delivery in person at or before 5:00 p.m., prevailing time,
14 **on the day of the primary election** [JUNE 1] in the year in which a general election
15 is held for the office, or by actual physical delivery to the director by registered or
16 certified mail return receipt requested which is postmarked at or before 5:00 p.m.,
17 prevailing time, **on the day of the primary election** [JUNE 1] in the year in which a
18 general election is held for the office, and received not more than 15 days after that
19 time. If the postmark is illegible, a dated receipt from the post office where dispatched
20 shall be acceptable as evidence of mailing. [IF JUNE 1 IS A SUNDAY OR
21 HOLIDAY, THE DEADLINES FOR POSTMARKING AND RECEIPT OF THE
22 PETITION SHALL BE EXTENDED 24 HOURS IN EACH INSTANCE.]

23 * Sec. 7. AS 15.25.180(a) is amended to read:

- 24 (a) The petition must state in substance
- 25 (1) the full name of the candidate;
 - 26 (2) the full residence address of the candidate and the date on which
27 residency at that address began;
 - 28 (3) the full mailing address of the candidate;
 - 29 (4) the name of the political group, if any, supporting the candidate;
 - 30 (5) if the candidacy is for the office of state senator or state
31 representative, the house or senate district of which the candidate is a resident;

- 1 (6) the office for which the candidate is nominated;
- 2 (7) the date of the election at which the candidate seeks election;
- 3 (8) the length of residency in the state and in the district of the
- 4 candidate;
- 5 (9) that the subscribers are qualified voters of the state or house or
- 6 senate district in which the candidate resides;
- 7 (10) that the subscribers request that the candidate's name be placed on
- 8 the primary election ballot;
- 9 (11) that the proposed candidate accepts the nomination and will serve
- 10 if elected, with the statement signed by the proposed candidate;
- 11 (12) the name of the candidate as the candidate wishes it to appear on
- 12 the ballot;
- 13 (13) that the candidate is not a candidate for any other office to be
- 14 voted on at the primary or general election and that the candidate is not a candidate for
- 15 this office under any other nominating petition or declaration of candidacy;
- 16 (14) that the candidate meets the specific citizenship requirements of
- 17 the office for which the person is a candidate;
- 18 (15) that the candidate will meet the specific age requirements of the
- 19 office for which the person is a candidate by the time that the candidate, if elected, is
- 20 sworn into office; [AND]
- 21 (16) that the candidate is a qualified voter; and
- 22 (17) if the candidacy is for the office of the governor, the name of
- 23 the candidate for lieutenant governor running jointly with the candidate for
- 24 governor.

25 * Sec. 8. AS 15.25.185 is amended to read:

26 **Sec. 15.25.185. Eligibility of candidate.** The provisions of AS 15.25.042 and

27 15.25.043 apply to determinations of a candidate's eligibility when a candidate seeks

28 nomination by petition under AS 15.25.140 - 15.25.200 [AS 15.25.140 - 15.25.205].

29 * Sec. 9. AS 15.25.190 is amended to read:

30 **Sec. 15.25.190. Placement of names on general [PRIMARY] election**

31 **ballot.** The director shall place the names and the political group affiliation of persons

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1 who have been properly nominated by petition on the general [PRIMARY] election
2 ballot.

3 * **Sec. 10.** AS 15.25.200 is amended to read:

4 **Sec. 15.25.200. Withdrawal of candidate's name.** If a candidate nominated
5 by petition dies or withdraws

6 [(1)] after the petition has been filed [AND AT LEAST 48 DAYS
7 BEFORE THE DATE OF THE PRIMARY ELECTION, THE DIRECTOR MAY
8 NOT PLACE THE NAME OF THE CANDIDATE ON THE PRIMARY ELECTION
9 BALLOT; OR

10 (2) ON OR AFTER THE DATE OF THE PRIMARY ELECTION]
11 and 48 days or more before the general election, the director may not place the name
12 of the candidate on the general election ballot.

13 * **Sec. 11.** AS 15.25.205 is repealed.

14 * **Sec. 12.** This Act takes effect immediately under AS 01.10.070(c).