

**CS FOR HOUSE BILL NO. 193(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered: 4/4/01**

**Referred: Judiciary, Finance**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the primary election; and providing for an effective date."**

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

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

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

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

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

10 \* **Sec. 2.** AS 15.25.010 is amended to read:

11 **Sec. 15.25.010. Provision for primary election.** Candidates for the elective  
12 state executive and state and national legislative offices shall be nominated in a  
13 primary election by direct vote of the people in the manner prescribed by this chapter.

14 **The director shall prepare and provide a primary election ballot for each**  
15 **political party. A voter registered as affiliated with a political party may vote**

1 **that party's ballot. A voter not registered with a political party may not vote that**  
 2 **party's ballot unless permitted to do so under AS 15.25.014.**

3 \* **Sec. 3.** AS 15.25 is amended by adding a new section to read:

4 **Sec. 15.25.014. Participation in primary election selection of a political**  
 5 **party's candidates.** (a) Not later than 5:00 p.m., Alaska time, on September 1 of the  
 6 calendar year before the calendar year in which a primary election is to be held, a  
 7 political party shall submit a notice in writing to the director stating whether the party  
 8 bylaws expand who may participate in the primary election for selection of the party's  
 9 candidates for elective state executive and state and national legislative offices. A  
 10 copy of the party's bylaws expanding who may participate in the primary election for  
 11 selection of the party's candidates, documentation required under (b) of this section,  
 12 and other information required by the director, must be submitted along with the  
 13 notice. The notice, bylaws, documentation, and other information required by the  
 14 director shall be provided by the party's chairperson or another party official  
 15 designated by the party's bylaws.

16 (b) Once a political party timely submits a notice and bylaws under (a) of this  
 17 section and the director finds that the party has met the requirements of this chapter  
 18 and other applicable laws, the director shall permit a voter not registered as affiliated  
 19 with the party to vote the party's ballot if the voter is permitted by the party's bylaws to  
 20 participate in the selection of the party's candidates. However, for a subsequent  
 21 primary election, the party shall timely submit another notice, bylaws, documentation,  
 22 and other information under (a) of this section if the party's bylaws regarding who may  
 23 participate in the primary election for selection of the party's candidates change.

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

28 \* **Sec. 4.** AS 15.25.060 is repealed and reenacted to read:

29 **Sec. 15.25.060. Preparation and distribution of ballots.** (a) The primary  
 30 election ballots shall be prepared and distributed by the director in the manner  
 31 prescribed in this section. The director shall prepare and provide a primary election

1 ballot for each political party that contains all of the candidates of that party for  
2 elective state executive and state and national legislative offices. The director shall  
3 print the ballots on white paper and place the names of all candidates who have  
4 properly filed in groups according to offices. The order of the placement of the names  
5 for each office shall be as provided for the general election ballot. Blank spaces may  
6 not be provided on the ballot for the writing or pasting in of names.

7 (b) A voter may vote only one primary election ballot. A voter may vote a  
8 political party ballot only if the voter is registered as affiliated with that party, or if the  
9 party's bylaws expand who may participate in the party primary. For the purpose of  
10 determining which primary election ballot a voter may use, a voter's party affiliation is  
11 considered to be the affiliation registered with the director as of the 30th day before  
12 the primary election. If a voter changes party affiliation within the 30 days before the  
13 primary election, the voter's previous party affiliation shall be used for the  
14 determination under this subsection.

15 \* **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).