

CS FOR HOUSE BILL NO. 193(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/6/01

Referred: 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 to the nomination of candidates for the**
2 **general election; and providing for an effective date."**

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

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 15.25.010 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.

1 **The director shall prepare and provide a primary election ballot for each**
 2 **political party. A voter registered as affiliated with a political party may vote**
 3 **that party's ballot. A voter registered as nonpartisan or undeclared rather than**
 4 **as affiliated with a particular political party may vote the political party ballot of**
 5 **the voter's choice unless prohibited from doing so under AS 15.25.014. A voter**
 6 **registered as affiliated with a political party may not vote the ballot of a different**
 7 **political party unless permitted to do so under AS 15.25.014.**

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

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

21 (b) Once a political party timely submits a notice and bylaws under (a) of this
 22 section and the director finds that the party has met the requirements of this chapter
 23 and other applicable laws, the director shall permit a voter registered as affiliated with
 24 another party to vote the party's ballot if the voter is permitted by the party's bylaws to
 25 participate in the selection of the party's candidates and may not permit a voter
 26 registered as nonpartisan or undeclared to vote a party's ballot if the party's bylaws
 27 restrict participation by nonpartisan or undeclared voters in the party's primary.
 28 However, for a subsequent primary election, the party shall timely submit another
 29 notice, bylaws, documentation, and other information under (a) of this section if the
 30 party's bylaws regarding who may participate in the primary election for selection of
 31 the party's candidates change.

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

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

6 **Sec. 15.25.060. Preparation and distribution of ballots.** (a) The primary
 7 election ballots shall be prepared and distributed by the director in the manner
 8 prescribed in this section. The director shall prepare and provide a primary election
 9 ballot for each political party that contains all of the candidates of that party for
 10 elective state executive and state and national legislative offices. The director shall
 11 print the ballots on white paper and place the names of all candidates who have
 12 properly filed in groups according to offices. The order of the placement of the names
 13 for each office shall be as provided for the general election ballot. Blank spaces may
 14 not be provided on the ballot for the writing or pasting in of names.

15 (b) A voter may vote only one primary election ballot. A voter may vote a
 16 political party ballot only if the voter is registered as affiliated with that party, is
 17 allowed to participate in the party primary under the party's bylaws, or is registered as
 18 nonpartisan or undeclared rather than as affiliated with a particular political party and
 19 the party's bylaws do not restrict participation by nonpartisan or undeclared voters in
 20 the party's primary. For the purpose of determining which primary election ballot a
 21 voter may use, a voter's party affiliation is considered to be the affiliation registered
 22 with the director as of the 30th day before the primary election. If a voter changes
 23 party affiliation within the 30 days before the primary election, the voter's previous
 24 party affiliation shall be used for the determination under this subsection.

25 * **Sec. 5.** AS 15.25.180(a) is amended to read:

26 (a) The petition must state in substance
 27 (1) the full name of the candidate;
 28 (2) the full residence address of the candidate and the date on which
 29 residency at that address began;
 30 (3) the full mailing address of the candidate;
 31 (4) the name of the political group, if any, supporting the candidate;

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

3 (6) the office for which the candidate is nominated;

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

5 (8) the length of residency in the state and in the district of the
6 candidate;

7 (9) that the subscribers are qualified voters of the state or house or
8 senate district in which the candidate resides;

9 (10) that the subscribers request that the candidate's name be placed on
10 the primary election ballot;

11 (11) that the proposed candidate accepts the nomination and will serve
12 if elected, with the statement signed by the proposed candidate;

13 (12) the name of the candidate as the candidate wishes it to appear on
14 the ballot;

15 (13) that the candidate is not a candidate for any other office to be
16 voted on at the primary or general election and that the candidate is not a candidate for
17 this office under any other nominating petition or declaration of candidacy;

18 (14) that the candidate meets the specific citizenship requirements of
19 the office for which the person is a candidate;

20 (15) that the candidate will meet the specific age requirements of the
21 office for which the person is a candidate by the time that the candidate, if elected, is
22 sworn into office; [AND]

23 (16) that the candidate is a qualified voter; **and**

24 **(17) if the candidacy is for the office of the governor, the name of**
25 **the candidate for lieutenant governor running jointly with the candidate for**
26 **governor.**

27 * **Sec. 6.** AS 15.25.185 is amended to read:

28 **Sec. 15.25.185. Eligibility of candidate.** The provisions of AS 15.25.042 and
29 15.25.043 apply to determinations of a candidate's eligibility when a candidate seeks
30 nomination by petition under **AS 15.25.140 - 15.25.200** [AS 15.25.140 - 15.25.205].

31 * **Sec. 7.** AS 15.25.190 is amended to read:

1 **Sec. 15.25.190. Placement of names on general [PRIMARY] election**
 2 **ballot.** The director shall place the names and the political group affiliation of persons
 3 who have been properly nominated by petition on the **general** [PRIMARY] election
 4 ballot.

5 * **Sec. 8.** AS 15.25.200 is amended to read:

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

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

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

15 * **Sec. 9.** AS 15.25.205 is repealed.

16 * **Sec. 10.** This Act takes effect immediately under AS 01.10.070(c).