

**SENATE CS FOR CS FOR HOUSE BILL NO. 193(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 5/1/01  
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 not registered with a political party may not vote that**  
 4        **party's ballot unless permitted to do so under AS 15.25.014.**

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

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

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

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

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

31                **Sec. 15.25.060. Preparation and distribution of ballots.** (a) The primary

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

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

17 \* **Sec. 5.** AS 15.25.150 is amended to read:

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

1 \* **Sec. 6.** AS 15.25.180(a) is amended to read:

2 (a) The petition must state in substance

3 (1) the full name of the candidate;

4 (2) the full residence address of the candidate and the date on which  
5 residency at that address began;

6 (3) the full mailing address of the candidate;

7 (4) the name of the political group, if any, supporting the candidate;

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

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

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

12 (8) the length of residency in the state and in the district of the  
13 candidate;

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

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

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

20 (12) the name of the candidate as the candidate wishes it to appear on  
21 the ballot;

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

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

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

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

31 **(17) if the candidacy is for the office of the governor, the name of**

1        **the candidate for lieutenant governor running jointly with the candidate for**  
 2        **governor.**

3        \* **Sec. 7.** AS 15.25.185 is amended to read:

4                **Sec. 15.25.185. Eligibility of candidate.** The provisions of AS 15.25.042 and  
 5                15.25.043 apply to determinations of a candidate's eligibility when a candidate seeks  
 6                nomination by petition under **AS 15.25.140 - 15.25.200** [AS 15.25.140 - 15.25.205].

7        \* **Sec. 8.** AS 15.25.190 is amended to read:

8                **Sec. 15.25.190. Placement of names on general [PRIMARY] election**  
 9                **ballot.** The director shall place the names and the political group affiliation of persons  
 10                who have been properly nominated by petition on the **general** [PRIMARY] election  
 11                ballot.

12        \* **Sec. 9.** AS 15.25.200 is amended to read:

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

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

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

22        \* **Sec. 10.** AS 15.25.205 is repealed.

23        \* **Sec. 11.** This Act takes effect immediately under AS 01.10.070(c).