

SENATE BILL NO. 127

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY SENATOR ELTON

Introduced: 3/1/01

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act providing for a blanket primary system, and permitting political parties to**
2 **select their nominees by alternative means; and providing for an effective date."**

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

4 * **Section 1.** AS 15.07.010 is amended to read:

5 **Sec. 15.07.010. Who may vote.** Except as provided in AS 15.25.340, the
6 [THE] precinct election officials at any election shall allow a person to vote whose
7 name is on the official registration list for that precinct and who is qualified under
8 AS 15.05. A person whose name is not on the official registration list shall be allowed
9 to vote a questioned ballot.

10 * **Sec. 2.** AS 15.13.074(c) is amended to read:

11 (c) A person or group may not make a contribution
12 (1) to a candidate or an individual who files with the commission the
13 document necessary to permit that individual to incur certain election-related expenses
14 as authorized by AS 15.13.100 when the office is to be filled at a general election

1 before the date that is 18 months before the general election;

2 (2) to a candidate or an individual who files with the commission the
3 document necessary to permit that individual to incur certain election-related expenses
4 as authorized by AS 15.13.100 for an office that is to be filled at a special election or
5 municipal election before the date that is 18 months before the date of the regular
6 municipal election or that is before the date of the proclamation of the special election
7 at which the candidate or individual seeks election to public office; or

8 (3) to any candidate later than the 45th day **after the date of**

9 (A) [AFTER THE DATE OF] a primary election if [THE
10 CANDIDATE]

11 (i) **the candidate's name is to appear on the general**
12 **election ballot** [HAS BEEN NOMINATED AT THE PRIMARY
13 ELECTION] or **the candidate** is running as a write-in candidate; and

14 (ii) **the candidate** is not opposed at the general
15 election;

16 (B) **a** [AFTER THE DATE OF THE] primary election if the
17 **candidate's name will not appear on the general election ballot**
18 [CANDIDATE WAS NOT NOMINATED AT THE PRIMARY ELECTION];
19 or

20 (C) [AFTER THE DATE OF] the general election, [OR
21 AFTER THE DATE OF] a municipal **election**, or **a** municipal runoff election,
22 if the candidate was opposed at the general, municipal, or municipal runoff
23 election.

24 * **Sec. 3.** AS 15.20.082(c) is amended to read:

25 (c) A special state absentee ballot prepared for the state general election or for
26 a state special election shall, if the names of candidates are not yet certified, permit a
27 voter to cast a ballot for all the candidates of a particular political party that expects to
28 have candidates appear on the ballot; for this purpose, the director shall prepare the
29 ballot with party boxes and a blank line for each office to be voted on in that election.
30 The voter may vote for a candidate for that office by writing in the name of a person
31 and filling in the oval to the right of that name, or the voter may mark one of the party

1 boxes. If the voter puts a mark in a party box for that office, the director shall count
 2 the mark as a vote cast for the candidate for that office nominated by that party. If the
 3 voter writes in a name for an office, the vote shall be counted as a write-in vote for
 4 that office. The director shall count the ballots under AS 15.15.360. The director
 5 shall provide the voter with the names of each candidate appearing on the primary
 6 election ballot, **the names of each candidate nominated by a political party under**
 7 **AS 15.25.310**, and the names of any candidates who have qualified by petition to
 8 appear on the general election ballot.

9 * **Sec. 4.** AS 15.25.010 is amended to read:

10 **Sec. 15.25.010. Provision for primary election.** Candidates for the elective
 11 state executive and state and national legislative offices **may** [SHALL] be nominated
 12 in a primary election by direct vote of the people in the manner prescribed by this
 13 chapter; **however, a political party may select its nominees in a different manner.**

14 * **Sec. 5.** AS 15.25.010 is amended by adding a new subsection to read:

15 (b) A political party that chooses to select its nominees in a manner other than
 16 by the primary election must notify the division at least 12 months prior to the primary
 17 election and must specify the alternate selection method the party will use.

18 * **Sec. 6.** AS 15.25.030(a) is amended to read:

19 (a) A member of a political party, **except a political party that has notified**
 20 **the division that it will select its nominees by an alternate selection method under**
 21 **AS 15.25.010**, who seeks to become a candidate of the party in the primary election
 22 shall execute and file a declaration of candidacy. The declaration shall be executed
 23 under oath before an officer authorized to take acknowledgments and must state in
 24 substance

25 (1) the full name of the candidate;

26 (2) the full mailing address of the candidate;

27 (3) if the candidacy is for the office of state senator or state
 28 representative, the house or senate district of which the candidate is a resident;

29 (4) the office for which the candidate seeks nomination;

30 (5) the name of the political party of which the person is a candidate
 31 for nomination;

1 (6) the full residence address of the candidate, and the date on which
2 residency at that address began;

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

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

7 (9) that the candidate will meet the specific citizenship requirements of
8 the office for which the person is a candidate;

9 (10) that the candidate is a qualified voter as required by law;

10 (11) that the candidate will meet the specific age requirements of the
11 office for which the person is a candidate;

12 (12) that the candidate requests that the candidate's name be placed on
13 the primary election ballot;

14 (13) that the required fee accompanies the declaration;

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

18 (15) the manner in which the candidate wishes the candidate's name to
19 appear on the ballot; and

20 (16) that the candidate is registered to vote as a member of the political
21 party whose nomination is being sought.

22 * **Sec. 7.** AS 15.25.110 is amended to read:

23 **Sec. 15.25.110. Filling vacancies by party petition.** If a candidate of a
24 political party nominated at the primary election **or under AS 15.25.310** dies,
25 withdraws, resigns, becomes disqualified from holding the office for which the
26 candidate is nominated, or is certified as being incapacitated in the manner prescribed
27 by this section after the primary election and 48 days or more before the general
28 election, the vacancy may be filled by party petition. The central committee of any
29 political party or any party district committee may certify as being incapacitated any
30 candidate nominated by their respective party by presenting to the director a sworn
31 statement made by a panel of three licensed physicians, not more than two of whom

1 may be of the same political party, that the candidate is physically or mentally
 2 incapacitated to an extent that would in the panel's judgment prevent the candidate
 3 from active service during the term of office if elected. The director shall place the
 4 name of the person nominated by party petition on the general election ballot. The
 5 name of a candidate disqualified under this section may not appear on the general
 6 election ballot.

7 * **Sec. 8.** AS 15.25 is amended by adding new sections to read:

8 **Article 3. Nomination by Political Party.**

9 **Sec. 15.25.310. Nomination by political party.** (a) A political party that
 10 chooses to select its nominees in a manner other than by the primary election and has
 11 notified the division of that choice as required under AS 15.25.010 may select one or
 12 more nominees for each office to be filled at the general election. The political party
 13 may select its nominees by state convention or in any other manner prescribed by the
 14 bylaws of the party. However, all nominees for the state legislature must be chosen by
 15 the same method. For each other office, the nominee or nominees for that office must
 16 be chosen by the same method.

17 (b) The chairperson and secretary of the state convention or any other party
 18 official designated by the party bylaws of a political party that selects its nominees in a
 19 manner other than by the primary election shall certify a list of the names of its
 20 nominees to the director no earlier than June 1 and no later than 5:00 p.m. on the
 21 fourth Tuesday in August of the election year.

22 (c) The director shall place the names and political party affiliation of persons
 23 who have been properly nominated by a political party under this section on the
 24 general election ballot.

25 (d) In primary election materials published by the division, the director may
 26 identify a political party that has chosen to select its nominees in a manner other than
 27 by the primary election, but may not include the name of an individual seeking
 28 nomination by a party that has chosen to select its nominees in a manner other than by
 29 the primary election.

30 **Sec. 15.25.320. Declaration of nomination.** (a) A member of a political
 31 party nominated by that political party under AS 15.25.310 shall execute and file a

1 declaration of nomination. The declaration shall be executed under oath before an
 2 officer authorized to take acknowledgments and must state in substance

- 3 (1) the full name of the candidate;
 4 (2) the full mailing address of the candidate;
 5 (3) if the candidacy is for the office of state senator or state
 6 representative, the house or senate district of which the candidate is a resident;
 7 (4) the office for which the candidate has been nominated;
 8 (5) the name of the political party of which the candidate is a nominee;
 9 (6) the full residence address of the candidate, and the date on which
 10 residency at that address began;
 11 (7) the length of residency in the state and in the district of the
 12 candidate;
 13 (8) that the candidate will meet the specific citizenship requirements of
 14 the office for which the person is a candidate;
 15 (9) that the candidate is a qualified voter as required by law;
 16 (10) that the candidate will meet the specific age requirements of the
 17 office for which the person is a candidate;
 18 (11) that the candidate accepts the nomination and will serve if elected;
 19 (12) that the person is not a candidate for any other office to be voted
 20 on at the general election and that the person is not a candidate for this office under a
 21 declaration of candidacy or nominating petition;
 22 (13) the manner in which the candidate wishes the candidate's name to
 23 appear on the ballot; and
 24 (14) that the candidate is registered to vote as a member of the political
 25 party by which the candidate has been nominated.

26 (b) A person filing a declaration of nomination under this section, other than a
 27 person subject to AS 24.60 who is filing a declaration for a state legislative office,
 28 shall simultaneously file with the director a statement of income sources and business
 29 interests that complies with the requirements of AS 39.50. A person who is subject to
 30 AS 24.60 and is filing a declaration of nomination for state legislative office shall
 31 simultaneously file with the director a disclosure statement that complies with the

1 requirements of AS 24.60.200.

2 (c) An incumbent public official, other than a legislator, who has a current
3 statement of income sources and business interests under AS 39.50 on file with the
4 Alaska Public Offices Commission, or an incumbent legislator who has a current
5 disclosure statement under AS 24.60.200 on file with the Alaska Public Offices
6 Commission, is not required to file a statement of income sources and business
7 interests or a disclosure statement with the declaration of nomination under (b) of this
8 section.

9 (d) Each person filing a declaration of nomination shall pay a nonrefundable
10 filing fee to the director at the time the declaration of nomination is filed. The filing
11 fee for candidates for the offices of governor, lieutenant governor, United States
12 senator, and United States representative is \$100. The filing fee for candidates for the
13 offices of state senator and state representative is \$30. An indigent person as defined
14 by regulations adopted under AS 44.62 (Administrative Procedure Act) may file a
15 statement of indigency in the form prescribed by regulation in place of the filing fee
16 required by this subsection.

17 **Sec. 15.25.330. Manner and date of filing declaration of nomination.** A
18 member of a political party nominated by that political party under AS 15.25.310 shall
19 file a declaration of nomination with the director by actual physical delivery in person
20 no earlier than June 1 and no later than 5:00 p.m. on the fourth Tuesday in August in
21 the year in which a general election is held for the office, or by actual physical
22 delivery to the director by registered or certified mail return receipt requested which is
23 postmarked no later than 5:00 p.m. on the fourth Tuesday in August in the year in
24 which a general election is held for the office, and received not more than 15 days
25 after that time. If the postmark is illegible, a dated receipt from the post office where
26 dispatched shall be acceptable as evidence of mailing.

27 **Sec. 15.25.340. Participation by party members in the primary election.**
28 A voter who is registered as affiliated with a political party may not vote for
29 candidates in the primary election if that political party has chosen to select its
30 nominees in a manner other than by the primary election. However, the voter may
31 vote on a proposition or other question that does not involve the selection of nominees

1 that appears on the primary election ballot.

2 * **Sec. 9.** AS 15.40.075(a) is amended to read:

3 (a) Subject to (b) - ~~(c)~~ [(d)] of this section, candidates for the special election
4 shall be nominated as provided in AS 15.25.

5 * **Sec. 10.** AS 15.40.075(d) is amended to read:

6 (d) The director shall place on the special election ballot the name of the
7 individual receiving the greatest number of votes by a political party in the special
8 primary election under AS 15.40.010, **and the name of each nominee nominated by**
9 **a political party under AS 15.25.310.** For purposes of placement of the names of
10 nominees on the special election ballot under this section, all candidates who properly
11 file nominating petitions without designating a political group name shall be treated as
12 candidates of the same political group.

13 * **Sec. 11.** AS 15.40.075 is amended by adding a new subsection to read:

14 (e) Notwithstanding AS 15.25.330, a member of a political party nominated
15 by that political party under AS 15.25.310 shall file a declaration of nomination by
16 actual physical delivery to the director before the 21st day after the vacancy occurs or
17 by mail postmarked no later than midnight of that date.

18 * **Sec. 12.** This Act takes effect July 1, 2001.