

SENATE BILL NO. 146

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

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/15/01

Referred: State Affairs, Judiciary, Finance

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), which required state law to recognize a
8 political party's right to determine with whom they will associate under the First Amendment
9 to the Constitution of the United States to nominate candidates of the party to be placed on the
10 general election ballot;

11 (2) implement the findings of the primary election task force convened by the
12 lieutenant governor to respond to this court decision; and

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

15 * **Sec. 2.** AS 15.25.010 is repealed and reenacted to read:

1 **Sec. 15.25.010. Provisions for primary election; ballots; voter**
 2 **participation.** (a) Candidates for the elective state executive, and state and national
 3 legislative, offices shall be nominated in a primary election in the manner prescribed
 4 by this chapter.

5 (b) The director shall prepare and provide blanket primary election ballots in
 6 accordance with AS 15.25.012 and the other provisions of this chapter.

7 (c) If modified blanket primary election ballots are provided under
 8 AS 15.25.012(b) to effectuate limitations on who may participate in the selection of a
 9 political party's candidates under the party's bylaws, a voter may use only one of the
 10 ballots. For the purpose of determining which modified blanket ballot a voter may
 11 use, a voter's party affiliation is considered to be the affiliation registered with the
 12 director as of the 30th day before the primary election. If a voter changes party
 13 affiliation within the 30 days before the primary election, the voter's previous party
 14 affiliation shall be used for the determination under this subsection.

15 * **Sec. 3.** AS 15.25 is amended by adding new sections to read:

16 **Sec. 15.25.012. Blanket primary election ballots.** (a) Except as provided in
 17 (b) of this section, the director shall prepare and provide a blanket primary election
 18 ballot that contains all candidates for elective state executive, and state and national
 19 legislative, offices. All voters may use the blanket primary election ballot prepared
 20 under this subsection.

21 (b) In place of the blanket primary election ballot under (a) of this section, if a
 22 political party notifies the director under AS 15.25.014(a) that the party's bylaws limit
 23 who may participate in the primary election for selection of the party's candidates, and
 24 otherwise meets the requirements of this chapter and other applicable law, the director
 25 shall prepare and provide modified blanket primary election ballots in a manner that
 26 effectuates those limitations. The ballots prepared and provided under this subsection
 27 shall preserve to all voters the right to vote for any candidate except a candidate who
 28 seeks the nomination of a party that has limited voter participation.

29 **Sec. 15.25.014. Participation in primary election selection of a political**
 30 **party's candidates.** (a) No later than 5:00 p.m., Alaska time, on September 1 of the
 31 calendar year before the calendar year in which a primary election is to be held, a

1 political party must submit a notice in writing to the director stating whether the party
 2 bylaws limit who may participate in the primary election for selection of the party's
 3 candidates for elective state executive, and state and national legislative, offices. A
 4 copy of the party's bylaws limiting who may participate in the primary election for
 5 selection of the party's candidates, documentation required under (d) of this section,
 6 and other information required by the director, must be submitted along with the
 7 notice. The notice, bylaws, documentation, and other information required by the
 8 director must be provided by the party's chairperson or another party official
 9 designated by the party's bylaws.

10 (b) If a political party fails to timely provide the notice and information
 11 required by (a) of this section or to otherwise meet the requirements of this section and
 12 other applicable provisions of law, the director shall place candidates of that party
 13 affiliation on a primary election ballot under AS 15.25.012 in a manner consistent with
 14 no limitation on who may participate in the primary election for selection of the party's
 15 candidates.

16 (c) 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 primary election ballot for selection of the party's
 19 candidates will continue to be consistent with that notice. However, for a subsequent
 20 primary election the party shall timely submit another notice, bylaws, documentation,
 21 and other information under (a) of this section if the party's bylaws regarding a
 22 limitation on who may participate in the primary election for selection of the party's
 23 candidates change.

24 (d) 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. 1973(c) (sec. 5
 26 of the Voting Rights Act of 1965) before submission. Documentation of the
 27 preclearance must accompany the bylaws submitted under (a) of this section.

28 * **Sec. 4.** AS 15.25.060 is amended to read:

29 **Sec. 15.25.060. Preparation and distribution of ballots.** Each [THE]
 30 primary election ballot shall be prepared and distributed by the director in the manner
 31 prescribed for general election ballots except as specifically provided otherwise for the

1 primary election. **For the blanket primary election ballot under AS 15.25.012(a),**
2 **the** [THE] director shall print the ballot on white paper and place the names of all
3 candidates who have properly filed in groups according to offices filed for, without
4 regard to party affiliation. **For a modified blanket primary election ballot under**
5 **AS 15.25.012(b), the director shall print the ballot on white paper and place the**
6 **names of candidates who have properly filed, and who may appear on that ballot**
7 **under AS 15.25.012 and 15.25.014, in groups according to the offices filed for.**

8 The order of the placement of the names for each office shall be as provided for the
9 general election ballot. Blank spaces may not be provided on **a** [THE] ballot for the
10 writing or pasting in of names.

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