

CS FOR SENATE BILL NO. 146(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 3/30/01

Referred: Judiciary, Finance

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

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

13 * **Sec. 2.** AS 15.25.010 is repealed and reenacted to read:

14 **Sec. 15.25.010. Provisions for primary election; ballots; voter**
15 **participation.** (a) Candidates for the elective state executive and state and national

1 legislative offices shall be nominated in a primary election in the manner prescribed
2 by this chapter.

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

5 (c) If modified primary election ballots are provided under AS 15.25.012(b), a
6 voter may use only one of the ballots. For the purpose of determining which modified
7 ballot a voter may use, a voter's party affiliation is considered to be the affiliation
8 registered with the director as of the 30th day before the primary election. If a voter
9 changes party affiliation within the 30 days before the primary election, the voter's
10 previous party affiliation shall be used for the determination under this subsection.

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

12 **Sec. 15.25.012. Primary election ballots.** (a) Except as provided in (b) of
13 this section, the director shall prepare and provide a primary election ballot that
14 contains all candidates for elective state executive and state and national legislative
15 offices. All voters may use the primary election ballot prepared under this subsection.

16 (b) In place of the primary election ballot under (a) of this section, if a
17 political party notifies the director under AS 15.25.014(a) that the party's bylaws limit
18 who may participate in the primary election for selection of the party's candidates, and
19 otherwise meets the requirements of this chapter and other applicable law, the director
20 shall prepare and provide modified primary election ballots in a manner that carries
21 out those limitations.

22 **Sec. 15.25.014. Participation in primary election selection of a political**
23 **party's candidates.** (a) Not later than 5:00 p.m., Alaska time, on September 1 of the
24 calendar year before the calendar year in which a primary election is to be held, a
25 political party must submit a notice in writing to the director stating whether the party
26 bylaws limit who may participate in the primary election for selection of the party's
27 candidates for elective state executive and state and national legislative offices. A
28 copy of the party's bylaws limiting who may participate in the primary election for
29 selection of the party's candidates, documentation required under (d) of this section,
30 and other information required by the director, must be submitted along with the
31 notice. The notice, bylaws, documentation, and other information required by the

1 director must be provided by the party's chairperson or another party official
2 designated by the party's bylaws.

3 (b) If a political party fails to timely provide the notice and information
4 required by (a) of this section or to otherwise meet the requirements of this section and
5 other applicable provisions of law, the director shall place candidates of that party
6 affiliation on a primary election ballot under AS 15.25.012.

7 (c) Once a political party timely submits a notice and bylaws under (a) of this
8 section and the director finds that the party has met the requirements of this chapter
9 and other applicable laws, the primary election ballot for selection of the party's
10 candidates must continue to be consistent with that notice. However, for a subsequent
11 primary election, the party shall timely submit another notice, bylaws, documentation,
12 and other information under (a) of this section if the party's bylaws regarding a
13 limitation on who may participate in the primary election for selection of the party's
14 candidates change.

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

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

20 **Sec. 15.25.060. Preparation and distribution of ballots.** Each [THE]
21 primary election ballot shall be prepared and distributed by the director in the manner
22 prescribed for general election ballots except as specifically provided otherwise for the
23 primary election. Each primary election ballot must include any ballot
24 proposition or question required to appear on the primary election ballot and the
25 names of all candidates nominated by petition under AS 15.25.140 - 15.25.205.
26 For the primary election ballot under AS 15.25.012(a), the [THE] director shall
27 print the ballot on white paper and place the names of all candidates who have
28 properly filed in groups according to offices filed for, without regard to party
29 affiliation. For a modified primary election ballot under AS 15.25.012(b), the
30 director shall print the ballot on white paper and place the names of candidates
31 who have properly filed and who may appear on that ballot under AS 15.25.012

1 **and 15.25.014 in groups according to the offices filed for.** The order of the
2 placement of the names for each office shall be as provided for the general election
3 ballot. Blank spaces may not be provided on **a** [THE] ballot for the writing or pasting
4 in of names.

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