

SENATE BILL NO. 315

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

BY SENATORS ELLIS, Davis, Elton, Hoffman, Lincoln, Olson

Introduced: 2/19/02

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 15.13.110(f) is amended to read:

1 (f) During the year in which the election is scheduled, each of the following
 2 shall file the campaign disclosure reports in the manner and at the times required by
 3 this section:

4 (1) a person who, under the regulations adopted by the commission to
 5 implement AS 15.13.100, indicates an intention to become a candidate for elective
 6 state executive or legislative office;

7 (2) a person who has filed a nominating petition under AS 15.25.140 -
 8 15.25.200 to become a candidate at the **primary** [GENERAL] election for elective
 9 state executive or legislative office;

10 (3) a person who campaigns as a write-in candidate for elective state
 11 executive or legislative office at the general election; and

12 (4) a group or nongroup entity that receives contributions or makes
 13 expenditures on behalf of or in opposition to a person described in (1) - (3) of this
 14 subsection, except as provided for certain independent expenditures by nongroup
 15 entities in AS 15.13.135(g).

16 * **Sec. 3.** AS 15.25.010 is repealed and reenacted to read:

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

21 (b) The director shall prepare and provide blanket primary election ballots in
 22 accordance with AS 15.25.013 and the other provisions of this chapter.

23 (c) If modified blanket primary election ballots are provided under
 24 AS 15.25.013(b) to effectuate limitations on who may participate in the selection of a
 25 political party's candidates under the party's bylaws, a voter may use only one of the
 26 ballots. For the purpose of determining which modified blanket ballot a voter may
 27 use, a voter's party affiliation is considered to be the affiliation registered with the
 28 director as of the 30th day before the primary election. If a voter changes party
 29 affiliation within the 30 days before the primary election, the voter's previous party
 30 affiliation shall be used for the determination under this subsection.

31 * **Sec. 4.** AS 15.25 is amended by adding new sections to read:

1 **Sec. 15.25.013. Blanket primary election ballots.** (a) Except as provided in
 2 (b) of this section, the director shall prepare and provide a blanket primary election
 3 ballot that contains all candidates for elective state executive, and state and national
 4 legislative, offices. All voters may use the blanket primary election ballot prepared
 5 under this subsection.

6 (b) In place of the blanket primary election ballot under (a) of this section, if a
 7 political party notifies the director under AS 15.25.015(a) that the party's bylaws limit
 8 who may participate in the primary election for selection of the party's candidates, and
 9 otherwise meets the requirements of this chapter and other applicable law, the director
 10 shall prepare and provide modified blanket primary election ballots in a manner that
 11 effectuates those limitations. The ballots prepared and provided under this subsection
 12 shall preserve to all voters the right to vote for any candidate except a candidate who
 13 seeks the nomination of a party that has limited voter participation.

14 **Sec. 15.25.015. Participation in primary election selection of a political**
 15 **party's candidates.** (a) No later than 5:00 p.m., Alaska time, on September 1 of the
 16 calendar year before the calendar year in which a primary election is to be held, a
 17 political party must submit a notice in writing to the director stating whether the party
 18 bylaws limit who may participate in the primary election for selection of the party's
 19 candidates for elective state executive, and state and national legislative, offices. A
 20 copy of the party's bylaws limiting who may participate in the primary election for
 21 selection of the party's candidates, documentation required under (d) of this section,
 22 and other information required by the director, must be submitted along with the
 23 notice. The notice, bylaws, documentation, and other information required by the
 24 director must be provided by the party's chairperson or another party official
 25 designated by the party's bylaws.

26 (b) If a political party fails to timely provide the notice and information
 27 required by (a) of this section or to otherwise meet the requirements of this section and
 28 other applicable provisions of law, the director shall place candidates of that party
 29 affiliation on a primary election ballot under AS 15.25.013 in a manner consistent with
 30 no limitation on who may participate in the primary election for selection of the party's
 31 candidates.

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

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

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

14 **Sec. 15.25.060. Preparation and distribution of ballots.** Each primary
 15 election ballot shall be prepared and distributed by the director in the manner
 16 prescribed for general election ballots except as specifically provided otherwise for the
 17 primary election. For the blanket primary election ballot under AS 15.25.013(a), the
 18 director shall print the ballot on white paper and place the names of all candidates who
 19 have properly filed in groups according to offices filed for, without regard to party
 20 affiliation. For a modified blanket primary election ballot under AS 15.25.013(b), the
 21 director shall print the ballot on white paper and place the names of candidates who
 22 have properly filed, and who may appear on that ballot under AS 15.25.013 and
 23 15.25.015, in groups according to the offices filed for. The order of the placement of
 24 the names for each office shall be as provided for the general election ballot. Blank
 25 spaces may not be provided on a ballot for the writing or pasting in of names.

26 * **Sec. 6.** AS 15.25.150 is amended to read:

27 **Sec. 15.25.150. Date of filing petition. The petition is** [A CANDIDATE
 28 SEEKING NOMINATION BY PETITION SHALL SUBMIT THE INFORMATION
 29 REQUIRED UNDER AS 15.25.180(a)(1) - (8) AND (11) - (17) TO THE DIRECTOR
 30 IN THE TIME AND MANNER SPECIFIED IN AS 15.25.040. THE FULL
 31 PETITION WITH VOTER SIGNATURES SHALL BE] filed with the director by

1 actual physical delivery in person at or before 5:00 p.m., prevailing time, **June 1** [ON
 2 THE DAY OF THE PRIMARY ELECTION] in the year in which a general election is
 3 held for the office, or by actual physical delivery to the director by registered or
 4 certified mail return receipt requested which is postmarked at or before 5:00 p.m.,
 5 prevailing time, **June 1** [ON THE DAY OF THE PRIMARY ELECTION] in the year
 6 in which a general election is held for the office, and received not more than 15 days
 7 after that time. If the postmark is illegible, a dated receipt from the post office where
 8 dispatched shall be acceptable as evidence of mailing. **If June 1 is a Sunday or**
 9 **holiday, the deadlines for postmarking and receipt of the petition shall be**
 10 **extended 24 hours in each instance.**

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

12 **Sec. 15.25.190. Placement of names on primary [GENERAL] election**
 13 **ballot.** The director shall place the names and the political group affiliation of persons
 14 who have been properly nominated by petition on the **primary** [GENERAL] election
 15 ballot.

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

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

19 **(1) after the petition has been filed and at least 48 days before the**
 20 **date of the primary election, the director may not place the name of the candidate**
 21 **on the primary election ballot; or**

22 **(2) on or after the date of the primary election** and 48 days or more
 23 before the general election, the director may not place the name of the candidate on
 24 the general election ballot.

25 * **Sec. 9.** AS 15.25 is amended by adding a new section to read:

26 **Sec. 15.25.210. Placement of nominee on general election ballot.** (a)
 27 Except as provided in (b) of this section, of the names of persons that appear on the
 28 primary election ballot under AS 15.25.190, the director shall place on the general
 29 election ballot the name of the candidate of each political group that receives the
 30 greatest number of votes for an office.

31 (b) For the offices of governor and lieutenant governor, the director shall place

1 on the general election ballot the name of the candidate of each political group
2 receiving the greatest number of votes for the office of governor together with the
3 name of the candidate for lieutenant governor who received the greatest number of
4 votes and who is from the same political group as that candidate. However, the
5 director may not place on the general election ballot the name of the candidate of a
6 political group receiving the greatest number of votes for the office of

7 (1) governor unless there is also a candidate for lieutenant governor of
8 that political group;

9 (2) lieutenant governor unless there is also a candidate for governor of
10 that political group.

11 (c) For purposes of placement of the names of nominees on the general
12 election ballot under this section, all candidates who file nominating petitions without
13 designating a political group name under AS 15.25.180(a) shall be treated as
14 candidates of the same political group.

15 * **Sec. 10.** AS 15.25.014 and 15.25.180(a)(17) are repealed.

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