

**SENATE BILL NO. 5**

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

**BY SENATOR ELTON**

**Introduced: 1/11/05**

**Referred: State Affairs, Judiciary**

**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 15.25.330, 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

9 (A) after the date of the primary election if the **candidate's**  
10 **name will not appear on the general election ballot** [CANDIDATE WAS  
11 NOT NOMINATED AT THE PRIMARY ELECTION]; or

12 (B) after the date of the general election, or after the date of a  
13 municipal or municipal runoff election.

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

15 (c) A special state absentee ballot prepared for the state general election or for  
16 a state special election shall, if the names of candidates are not yet certified, permit a  
17 voter to cast a ballot for all the candidates of a particular political party that expects to  
18 have candidates appear on the ballot; for this purpose, the director shall prepare the  
19 ballot with party boxes and a blank line for each office to be voted on in that election.  
20 The voter may vote for a candidate for that office by writing in the name of a person  
21 and filling in the oval to the right of that name, or the voter may mark one of the party  
22 boxes. If the voter puts a mark in a party box for that office, the director shall count  
23 the mark as a vote cast for the candidate for that office nominated by that party. If the  
24 voter writes in a name for an office, the vote shall be counted as a write-in vote for  
25 that office. The director shall count the ballots under AS 15.15.360. The director  
26 shall provide the voter with the **name** [NAMES] of each candidate appearing on the  
27 primary election ballot, **the name of each candidate nominated by a political party**  
28 **under AS 15.25.310**, and the **name** [NAMES] of any **candidate** [CANDIDATES]  
29 who **has** [HAVE] qualified by petition to appear on the general election ballot.

30 \* **Sec. 4.** AS 15.25.010 is repealed and reenacted to read:

31 **Sec. 15.25.010. Provision for primary election.** (a) Candidates for the

1 elective state executive and state and national legislative offices may be nominated in  
 2 a primary election by direct vote of the people in the manner prescribed by this  
 3 chapter. However, a political party may select its nominees in a different manner.

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

7 \* **Sec. 5.** AS 15.25.030(a) is amended to read:

8 (a) A member of a political party who seeks to become a candidate of the  
 9 party in the primary election **or who seeks nomination by the party under**  
 10 **AS 15.25.310** shall execute and file a declaration of candidacy. The declaration shall  
 11 be executed under oath before an officer authorized to take acknowledgments and  
 12 must state in substance

13 (1) the full name of the candidate;

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

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

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

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

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

22 (7) the date of the primary election at which the candidate seeks  
 23 nomination **or, if the candidate seeks nomination under AS 15.25.310, the last date**  
 24 **on which a list of nominees may be certified to the director under**  
 25 **AS 15.25.310(b)**;

26 (8) the length of residency in the state and in the district of the  
 27 candidate;

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

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

31 (11) that the candidate will meet the specific age requirements of the

1 office for which the person is a candidate;

2 (12) **for a candidate seeking nomination in the primary election,**  
 3 that the candidate requests that the candidate's name be placed on the primary election  
 4 ballot;

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

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

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

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

13 \* **Sec. 6.** AS 15.25.060 is repealed and reenacted to read:

14 **Sec. 15.25.060. Preparation and distribution of ballots.** (a) The director  
 15 shall prepare and distribute the primary election ballot in the manner prescribed for  
 16 general election ballots except as specifically provided otherwise for the primary  
 17 election. The director shall print the ballot on white paper and place the names of all  
 18 candidates who have properly filed in groups according to offices for which filed,  
 19 without regard to party affiliation. The order of the placement of the names for each  
 20 office shall be as provided for the general election ballot. Blank spaces may not be  
 21 provided on the ballot for the writing or pasting in of names.

22 (b) The director shall also prepare and print a separate primary election ballot  
 23 including only the ballot titles and propositions required to appear on the ballot.

24 \* **Sec. 7.** AS 15.25.110 is amended to read:

25 **Sec. 15.25.110. Filling vacancies by party petition.** If a candidate of a  
 26 political party nominated at the primary election **or under AS 15.25.310** dies,  
 27 withdraws, resigns, becomes disqualified from holding the office for which the  
 28 candidate is nominated, or is certified as being incapacitated in the manner prescribed  
 29 by this section after the primary election and 48 days or more before the general  
 30 election, the vacancy may be filled by party petition. The central committee of any  
 31 political party or any party district committee may certify as being incapacitated any

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

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

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

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

18 (b) The chairperson and secretary of the state convention or any other party  
 19 official designated by the party bylaws of a political party that selects its nominees in a  
 20 manner other than by the primary election shall certify a list of the names of its  
 21 nominees to the director not earlier than June 1 and not later than 5:00 p.m. on the  
 22 fourth Tuesday in August of the election year.

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

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

31 **Sec. 15.25.320. Declaration of candidacy.** A member of a political party

1 seeking nomination by the party under AS 15.25.310 shall execute and file a  
2 declaration of candidacy under AS 15.25.030, and comply with all requirements of  
3 that section as well as AS 15.25.040, 15.25.045, and 15.25.050.

4 **Sec. 15.25.330. Participation by party members in the primary election.**

5 A voter who is registered as affiliated with a political party may not vote for  
6 candidates in the primary election if that political party has chosen to select its  
7 nominees in a manner other than by the primary election. However, the voter may  
8 vote on a proposition or other question that does not involve the selection of nominees  
9 that appears on the primary election ballot.

10 \* **Sec. 9.** This Act takes effect July 1, 2005.