

**HOUSE BILL NO. 248**

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

**BY REPRESENTATIVE CRAWFORD**

**Introduced: 1/19/10**

**Referred: State Affairs, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act establishing a separate primary ballot for voters registered as nonpartisan or**  
2 **undeclared."**

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

4 **\* Section 1.** AS 15.25.010 is amended to read:

5 **Sec. 15.25.010. Provision for primary election.** Candidates for the elective  
6 state executive and state and national legislative offices shall be nominated in a  
7 primary election by direct vote of the people in the manner prescribed by this chapter.  
8 The director shall prepare and provide a primary election ballot for each political  
9 party. A voter registered as affiliated with a political party may vote that party's ballot.  
10 [A VOTER REGISTERED AS NONPARTISAN OR UNDECLARED RATHER  
11 THAN AS AFFILIATED WITH A PARTICULAR POLITICAL PARTY MAY  
12 VOTE THE POLITICAL PARTY BALLOT OF THE VOTER'S CHOICE UNLESS  
13 PROHIBITED FROM DOING SO UNDER AS 15.25.014. A VOTER REGISTERED  
14 AS AFFILIATED WITH A POLITICAL PARTY MAY NOT VOTE THE BALLOT

1 OF A DIFFERENT POLITICAL PARTY UNLESS PERMITTED TO DO SO  
2 UNDER AS 15.25.014.]

3 \* **Sec. 2.** AS 15.25.014(a) is amended to read:

4 (a) Not later than 5:00 p.m., Alaska time, on September 1 of the calendar year  
5 before the calendar year in which a primary election is to be held, a political party  
6 shall submit a notice in writing to the director stating whether the party bylaws **permit**  
7 **a voter registered as affiliated with another party to** [EXPAND OR LIMIT WHO  
8 MAY] participate in the primary election for selection of the party's candidates for  
9 elective state executive and state and national legislative offices. A copy of the party's  
10 bylaws **controlling whether a voter registered as affiliated with another political**  
11 **party may** [EXPANDING OR LIMITING WHO MAY] participate in the primary  
12 election for selection of the party's candidates, documentation required under (b) of  
13 this section, and other information required by the director, must be submitted along  
14 with the notice. The notice, bylaws, documentation, and other information required by  
15 the director shall be provided by the party's chairperson or another party official  
16 designated by the party's bylaws.

17 \* **Sec. 3.** AS 15.25.014(b) is amended to read:

18 (b) Once a political party timely submits a notice and bylaws under (a) of this  
19 section and the director finds that the party has met the requirements of this chapter  
20 and other applicable laws, the director shall permit a voter registered as affiliated with  
21 another party to vote the party's ballot if the voter is permitted by the party's bylaws to  
22 participate in the selection of the party's candidates [AND MAY NOT PERMIT A  
23 VOTER REGISTERED AS NONPARTISAN OR UNDECLARED TO VOTE A  
24 PARTY'S BALLOT IF THE PARTY'S BYLAWS RESTRICT PARTICIPATION BY  
25 NONPARTISAN OR UNDECLARED VOTERS IN THE PARTY'S PRIMARY].  
26 However, for a subsequent primary election, the party shall timely submit another  
27 notice, bylaws, documentation, and other information under (a) of this section if the  
28 party's bylaws regarding **whether voters registered as affiliated with another**  
29 **political party** [WHO] may participate in the primary election for selection of the  
30 party's candidates change.

31 \* **Sec. 4.** AS 15.25 is amended by adding a new section to read:

1           **Sec. 15.25.016. Primary election ballot for voters registered as nonpartisan**  
 2           **or undeclared.** The director shall prepare and provide a primary election ballot for  
 3 voters registered as nonpartisan or undeclared, rather than affiliated with a particular  
 4 political party, that contains all candidates standing for nomination to elective state  
 5 executive and state and national legislative offices and all of the ballot titles and  
 6 propositions required to appear on the ballot at the primary election.

7 \* **Sec. 5.** AS 15.25.060(a) is amended to read:

8           (a) The primary election ballots shall be prepared and distributed by the  
 9 director in the manner prescribed in this section. The director shall prepare and  
 10 provide a primary election ballot for each political party that contains all of the  
 11 candidates of that party for elective state executive and state and national legislative  
 12 offices **and a primary election ballot for voters registered as nonpartisan or**  
 13 **undeclared that contains all of the candidates standing for nomination to elective**  
 14 **state executive and state and national legislative offices. Each primary election**  
 15 **ballot must contain** [AND] all of the ballot titles and propositions required to appear  
 16 on the ballot at the primary election. The director shall print the ballots on white paper  
 17 and place the names of all candidates who have properly filed in groups according to  
 18 offices. The order of the placement of the names for each office shall be as provided  
 19 for the general election ballot. Blank spaces may not be provided on the ballot for the  
 20 writing or pasting in of names. [THE DIRECTOR SHALL ALSO PREPARE AND  
 21 PRINT A SEPARATE PRIMARY ELECTION BALLOT INCLUDING ONLY THE  
 22 BALLOT TITLES AND PROPOSITIONS REQUIRED TO APPEAR ON THE  
 23 BALLOT.]

24 \* **Sec. 6.** AS 15.25.060(b) is amended to read:

25           (b) A voter may vote only one primary election ballot. A voter may vote a  
 26 political party ballot only if the voter is registered as affiliated with that party **or** [,] is  
 27 allowed to participate in the party primary under the party's bylaws [, OR IS  
 28 REGISTERED AS NONPARTISAN OR UNDECLARED RATHER THAN AS  
 29 AFFILIATED WITH A PARTICULAR POLITICAL PARTY AND THE PARTY'S  
 30 BYLAWS DO NOT RESTRICT PARTICIPATION BY NONPARTISAN OR  
 31 UNDECLARED VOTERS IN THE PARTY'S PRIMARY]. For the purpose of

1 determining which primary election ballot a voter may use, a voter's party affiliation is  
2 considered to be the affiliation registered with the director as of the 30th day before  
3 the primary election. If a voter changes party affiliation within the 30 days before the  
4 primary election, the voter's previous party affiliation shall be used for the  
5 determination under this subsection.

6 \* **Sec. 7.** AS 15.25.100 is amended to read:

7 **Sec. 15.25.100. Placement of nominees on general election ballot.** The  
8 director shall place the name of the candidate **for nomination by each political party**  
9 receiving the highest number of votes for an office [BY A POLITICAL PARTY] on  
10 the general election ballot.