

HOUSE BILL NO. 77

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES GRUENBERG, CISSNA, AND KAWASAKI

Introduced: 1/18/11

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing a top two nonpartisan blanket primary election system for elective**
2 **state executive and state and national legislative offices; changing appointment**
3 **procedures relating to precinct watchers and members of precinct election boards,**
4 **election district absentee and questioned ballot counting boards, and the Alaska Public**
5 **Offices Commission; requiring certain written notices to appear in election pamphlets**
6 **and polling places; relating to declarations of candidacy and letters of intent; and**
7 **amending the definition of 'political party.'"**

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

9 * **Section 1.** AS 15.10.120(c) is amended to read:

10 (c) An election supervisor shall appoint one person selected by [NOMINEE
11 OF] the political party or political group with the largest number of registered
12 voters at the time of the preceding gubernatorial election [OF WHICH THE
13 GOVERNOR IS A MEMBER] and one person selected by [NOMINEE OF] the

political party or political group with [THAT RECEIVED] the second largest number of registered voters at the time of [VOTES STATEWIDE IN] the preceding gubernatorial election. However, the election supervisor may appoint a qualified person registered as a member of a third political party or political group or as a nonpartisan or undeclared voter if [IF] a party district committee or state party central committee of the party or group with the largest number of registered voters [OF WHICH THE GOVERNOR IS A MEMBER] or the party or group with [THAT RECEIVED] the second largest number of registered voters at the time of [VOTES STATEWIDE IN] the preceding gubernatorial election fails to present the names prescribed by (b) of this section by April 15 of a regular election year or at least 60 days before a special primary election [, THE ELECTION SUPERVISOR MAY APPOINT ANY QUALIFIED INDIVIDUAL REGISTERED TO VOTE].

* **Sec. 2.** AS 15.10.170 is amended to read:

Sec. 15.10.170. Appointment and privileges of watchers. The precinct party committee, where an organized precinct committee exists, or the party district committee where no organized precinct committee exists, or the state party chairperson where neither a precinct nor a party district committee exists, may appoint one or more persons as watchers in each precinct and counting center for any election. Each candidate [NOT REPRESENTING A POLITICAL PARTY] may appoint one or more watchers for each precinct or counting center in the candidate's respective district or the state for any election. Any organization or organized group that sponsors or opposes an initiative, referendum or recall may have one or more persons as watchers at the polls and counting centers after first obtaining authorization from the director. A state party chairperson, a precinct party committee, a party district committee, or a candidate [NOT REPRESENTING A POLITICAL PARTY OR ORGANIZATION OR ORGANIZED GROUP] may not have more than one watcher on duty at a time in any precinct or counting center. The watcher may be present at a position inside the place of voting or counting that affords a full view of all action of the election officials taken from the time the polls are opened until the ballots are finally counted and the results certified by the election board or the data processing review board. The election board or the data processing review board may require

each watcher to present written proof showing appointment by the precinct party committee, the party district committee, the organization or organized group, or the candidate the watcher represents [THAT IS SIGNED BY THE CHAIRPERSON OF THE PRECINCT PARTY COMMITTEE, THE PARTY DISTRICT COMMITTEE, THE STATE PARTY CHAIRPERSON, THE ORGANIZATION OR ORGANIZED GROUP, OR THE CANDIDATE REPRESENTING NO PARTY].

* **Sec. 3.** AS 15.13.020(b) is amended to read:

(b) The governor shall appoint two members of each of the two political parties or political groups with the largest number of registered voters at the time of [WHOSE CANDIDATE FOR GOVERNOR RECEIVED THE HIGHEST NUMBER OF VOTES IN] the most recent preceding general election at which a governor was elected. The two appointees from each of these two parties or groups shall be chosen from a list of four names to be submitted by the central committee of each party or group.

* **Sec. 4.** AS 15.13.020(d) is amended to read:

(d) Members of the commission serve staggered terms of five years, or until a successor is appointed and qualifies. The terms of no two members who are members of the same political party or political group may expire in consecutive years. A member may not serve more than one term. However, a person appointed to fill the unexpired term of a predecessor may be appointed to a successive full five-year term.

* **Sec. 5.** AS 15.13.074(c) is amended to read:

(c) A person or group may not make a contribution

(1) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 when the office is to be filled at a general election before the date that is 18 months before the general election;

(2) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 for an office that is to be filled at a special election or municipal election before the date that is 18 months before the date of the regular municipal election or that is before the date of the proclamation of the special election

1 at which the candidate or individual seeks election to public office; or

2 (3) to any candidate later than the 45th day

3 (A) after the date of the primary or special primary election if
4 the candidate was not chosen to appear on the general or special election
5 ballot [NOMINATED] at the primary or special primary election; or

6 (B) after the date of the general or special election, or after the
7 date of a municipal or municipal runoff election.

8 * **Sec. 6.** AS 15.13.110(f) is amended to read:

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

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

15 (2) [A PERSON WHO HAS FILED A NOMINATING PETITION
16 UNDER AS 15.25.140 - 15.25.200 TO BECOME A CANDIDATE AT THE
17 GENERAL ELECTION FOR ELECTIVE STATE EXECUTIVE OR LEGISLATIVE
18 OFFICE;

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

21 (3) [(4)] a group or nongroup entity that receives contributions or
22 makes expenditures on behalf of or in opposition to a person described in (1) or (2)
23 [(1) - (3)] of this subsection, except as provided for certain independent expenditures
24 by nongroup entities in AS 15.13.135(a).

25 * **Sec. 7.** AS 15.13.400(4) is amended to read:

26 (4) "contribution"

27 (A) means a purchase, payment, promise or obligation to pay,
28 loan or loan guarantee, deposit or gift of money, goods, or services for which
29 charge is ordinarily made, and includes the payment by a person other than a
30 candidate or political party, or compensation for the personal services of
31 another person, that is rendered to the candidate or political party, and that is

made for the purpose of

(i) influencing the nomination or election of a candidate;

(ii) influencing a ballot proposition or question; or

(iii) supporting or opposing an initiative proposal application filed with the lieutenant governor under AS 15.45.020;

(B) does not include

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political party, candidate, or ballot proposition or question;

(ii) ordinary hospitality in a home;

(iii) two or fewer mass mailings before each election by each political party describing members of the party running as candidates for public office in that election [THE PARTY'S SLATE OF CANDIDATES FOR ELECTION], which may include photographs, biographies, and information about the [PARTY'S] candidates;

(iv) the results of a poll limited to issues and not mentioning any candidate, unless the poll was requested by or designed primarily to benefit the candidate;

(v) any communication in the form of a newsletter from a legislator to the legislator's constituents, except a communication expressly advocating the election or defeat of a candidate or a newsletter or material in a newsletter that is clearly only for the private benefit of a legislator or a legislative employee; or

(vi) a fundraising list provided without compensation by one candidate or political party to a candidate or political party;

* **Sec. 8.** AS 15.15 is amended by adding a new section to read:

Sec. 15.15.005. Top two nonpartisan blanket primary. A voter qualified under AS 15.05 may cast a vote for any candidate for each elective state executive and state and national legislative office, without limitations based on the political party or

political group preference or affiliation of either the voter or the candidate.

* **Sec. 9.** AS 15.15.030(5) is amended to read:

(5) The names of the candidates [AND THEIR PARTY DESIGNATIONS] shall be placed in separate sections on the state general election ballot under the office designation to which they were nominated. **If a candidate has indicated a political party or group preference, or requested to be designated as nonpartisan or undeclared, the preference or designation** [THE PARTY AFFILIATION, IF ANY,] shall be **placed** [DESIGNATED] after the name of the candidate. The lieutenant governor and the governor shall be included under the same section. Provision shall be made for voting for write-in [AND NO-PARTY] candidates within each section. Paper ballots for the state general election shall be printed on white paper.

* **Sec. 10.** AS 15.15.030 is amended by adding a new paragraph to read:

(15) The director shall include the following statement written in bold on each page of the ballot on which the names of candidates are set out:

A political party or group preference indicated by a candidate reflects only the designation requested by the candidate and is not an official endorsement by any political party or group.

* **Sec. 11.** AS 15.15.060 is amended by adding a new subsection to read:

(e) In each polling place, the director shall require to be posted, in a location conspicuous to a person who will be voting, the following notice, written in bold:

A political party or group preference indicated by a candidate on a ballot reflects only the designation requested by the candidate and is not an official endorsement by any political party or group.

* **Sec. 12.** AS 15.20.081(a) is amended to read:

(a) A qualified voter may apply in person, by mail, or by facsimile, scanning, or other electronic transmission to the director for an absentee ballot under this section. Another individual may apply for an absentee ballot on behalf of a qualified voter if that individual is designated to act on behalf of the voter in a written general power of attorney or a written special power of attorney that authorizes the other individual to apply for an absentee ballot on behalf of the voter. The application must

1 include the address or, if the application requests delivery of an absentee ballot by
 2 electronic transmission, the telephone electronic transmission number, to which the
 3 absentee ballot is to be returned, the applicant's full Alaska residence address, and the
 4 applicant's signature. However, a person residing outside the United States and
 5 applying to vote absentee in federal elections in accordance with AS 15.05.011 need
 6 not include an Alaska residence address in the application. [A PERSON MAY
 7 SUPPLY TO A VOTER AN ABSENTEE BALLOT APPLICATION FORM WITH
 8 A POLITICAL PARTY OR GROUP AFFILIATION INDICATED ONLY IF THE
 9 VOTER IS ALREADY REGISTERED AS AFFILIATED WITH THE POLITICAL
 10 PARTY OR GROUP INDICATED. ONLY THE VOTER OR THE INDIVIDUAL
 11 DESIGNATED BY THE VOTER IN A WRITTEN POWER OF ATTORNEY
 12 UNDER THIS SUBSECTION MAY MARK THE VOTER'S CHOICE OF
 13 PRIMARY BALLOT ON AN APPLICATION. A PERSON SUPPLYING AN
 14 ABSENTEE BALLOT APPLICATION FORM MAY NOT DESIGN OR MARK
 15 THE APPLICATION IN A MANNER THAT SUGGESTS CHOICE OF ONE
 16 BALLOT OVER ANOTHER, EXCEPT THAT BALLOT CHOICES MAY BE
 17 LISTED ON AN APPLICATION AS AUTHORIZED BY THE DIVISION.] The
 18 application must be made on a form prescribed or approved by the director. The voter
 19 or registration official shall submit the application directly to the division of elections.
 20 For purposes of this subsection, "directly to the division of elections" means that an
 21 application may not be submitted to any intermediary that could control or delay the
 22 submission of the application to the division or gather data on the applicant from the
 23 application form. However, nothing in this subsection is intended to prohibit a voter
 24 from giving a completed absentee ballot application to a friend, relative, or associate
 25 for transfer to the United States Postal Service or a private commercial delivery
 26 service for delivery to the division.

27 * **Sec. 13.** AS 15.20.082(c) is repealed and reenacted to read:

28 (c) If the names of candidates to appear on the general election ballot have not
 29 yet been certified, a special state absentee ballot prepared for the state general election
 30 must include the name of each candidate appearing on the primary election ballot. The
 31 ballot shall permit the voter to vote in the general election by indicating the voter's

order of preference for each candidate for each office. To indicate the order of preference for each candidate for each office to be voted on in the election, the voter shall put the number one next to the name of the candidate who is the voter's first choice, the number two for the voter's second choice, and so forth, so that, in consecutive numerical order, a number indicating the voter's preference is written by the voter next to each candidate's name on the ballot. For each office, the director shall count the vote as being for the highest ranked candidate whose name appears on the general election ballot. If the voter writes in a name for an office, the vote shall be counted as a write-in vote for that office.

* **Sec. 14.** AS 15.20.190(a) is amended to read:

(a) Thirty days before the date of an election, the election supervisors shall appoint, in the same manner provided for the appointment of election officials prescribed in AS 15.10, district absentee ballot counting boards and district questioned ballot counting boards, each composed of at least four members. At least one member of each board must be a member of the same political party **or group with the largest number of registered voters at the time of the preceding gubernatorial election** [OF WHICH THE GOVERNOR IS A MEMBER], and at least one member of each board must be a member of the political party **or group with the second largest number of registered voters at the time of** [WHOSE CANDIDATE FOR GOVERNOR RECEIVED THE SECOND LARGEST NUMBER OF VOTES IN] the preceding gubernatorial election. The district boards shall assist the election supervisors in counting the absentee and questioned ballots and shall receive the same compensation paid election officials under AS 15.15.380.

* **Sec. 15.** AS 15.25.010 is amended to read:

Sec. 15.25.010. Provision for primary election. Candidates for the elective state executive and state and national legislative offices shall be **chosen to appear on the general election ballot** [NOMINATED] in a primary election by direct vote of the people in the manner prescribed by this chapter. **The primary election does not serve to determine the nominee of a political party or group but serves only to narrow to those candidates receiving the greatest number of votes and the second greatest number of votes for any office the number of candidates whose names**

will appear on the ballot at the general election. [THE DIRECTOR SHALL PREPARE AND PROVIDE A PRIMARY ELECTION BALLOT FOR EACH POLITICAL PARTY. A VOTER REGISTERED AS AFFILIATED WITH A POLITICAL PARTY MAY VOTE THAT PARTY'S BALLOT. A VOTER REGISTERED AS NONPARTISAN OR UNDECLARED RATHER THAN AS AFFILIATED WITH A PARTICULAR POLITICAL PARTY MAY VOTE THE POLITICAL PARTY BALLOT OF THE VOTER'S CHOICE UNLESS PROHIBITED FROM DOING SO UNDER AS 15.25.014. A VOTER REGISTERED AS AFFILIATED WITH A POLITICAL PARTY MAY NOT VOTE THE BALLOT OF A DIFFERENT POLITICAL PARTY UNLESS PERMITTED TO DO SO UNDER AS 15.25.014.]

* **Sec. 16.** AS 15.25.030(a) is amended to read:

(a) A person [MEMBER OF A POLITICAL PARTY] who seeks to become a candidate [OF THE PARTY] in the primary election or a special primary election shall execute and file a declaration of candidacy. The declaration shall be executed under oath before an officer authorized to take acknowledgments and must state in substance

(1) the full name of the candidate;

(2) the full mailing address of the candidate;

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

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

(5) the [NAME OF THE] political party or political group preference, or nonpartisan or undeclared designation, the candidate would like placed after the candidate's name on the ballot, if any [OF WHICH THE PERSON IS A CANDIDATE FOR NOMINATION];

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

(7) the date of the primary election or special primary election at which the candidate seeks nomination;

(8) the length of residency in the state and in the house district of the

1 candidate;

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

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

5 (11) that the candidate will meet the specific age requirements of the
6 office for which the person is a candidate; if the candidacy is for the office of state
7 representative, that the candidate will be at least 21 years of age on the first scheduled
8 day of the first regular session of the legislature convened after the election; if the
9 candidacy is for the office of state senator, that the candidate will be at least 25 years
10 of age on the first scheduled day of the first regular session of the legislature convened
11 after the election; if the candidacy is for the office of governor or lieutenant governor,
12 that the candidate will be at least 30 years of age on the first Monday in December
13 following election or, if the office is to be filled by special election under
14 AS 15.40.230 - 15.40.310, that the candidate will be at least 30 years of age on the
15 date of certification of the results of the special election; or, for any other office, by
16 the time that the candidate, if elected, is sworn into office;

17 (12) that the candidate requests that the candidate's name be placed on
18 the primary or special primary election ballot;

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

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

23 (15) the manner in which the candidate wishes the candidate's name to
24 appear on the ballot [; AND

25 (16) THAT THE CANDIDATE IS REGISTERED TO VOTE AS A
26 MEMBER OF THE POLITICAL PARTY WHOSE NOMINATION IS BEING
27 SOUGHT].

28 * **Sec. 17.** AS 15.25.040(a) is amended to read:

29 (a) The declaration is filed by either

30 (1) the actual physical delivery of the declaration in person or by mail
31 at or before 5:00 p.m., prevailing time, June 1 of the year in which a general election is

1 held for the office; or

2 (2) reliable electronic transmission of a copy in substance of the
3 statements made in paragraphs (1) - (5) of the declaration as required by
4 AS 15.25.030(a) at or before 5:00 p.m., prevailing time, June 1 of the year in which a
5 general election is held for the office and also the actual physical delivery of the
6 declaration containing paragraphs (1) - **(15)** [(16)] as required by AS 15.25.030(a) by
7 mail that is received not more than 15 days after that time.

8 * **Sec. 18.** AS 15.25.060 is repealed and reenacted to read:

9 **Sec. 15.25.060. Preparation and distribution of ballots.** The primary
10 election ballots shall be prepared and distributed by the director in the manner
11 prescribed for general election ballots except as specifically provided otherwise for the
12 primary election. The director shall prepare and provide a primary election ballot that
13 contains all of the candidates for elective state executive and state and national
14 legislative offices and all of the ballot titles and propositions required to appear on the
15 ballot at the primary election. The director shall print the ballots on white paper and
16 place the names of all candidates who have properly filed in groups according to
17 offices. The order of the placement of the names for each office shall be as provided
18 for the general election ballot. Blank spaces may not be provided on the ballot for the
19 writing or pasting in of names.

20 * **Sec. 19.** AS 15.25.100 is repealed and reenacted to read:

21 **Sec. 15.25.100. Placement of candidates on general election ballot.** (a) Of
22 the names of candidates that appear on the primary election ballot under
23 AS 15.25.010, the director shall place on the general election ballot only the names of
24 the candidates receiving the greatest number of votes and the second greatest number
25 of votes for an office, except as provided in (b) and (c) of this section.

26 (b) If two candidates tie

27 (1) in having the greatest number of votes for an office in the primary
28 election, the director shall place only the names of those two candidates for that office
29 on the general election ballot;

30 (2) in having the second greatest number of votes for an office in the
31 primary election, the director shall place on the general election ballot the name of

only one of the candidates who tied for that office, to be determined by lot under AS 15.20.530.

(c) For the office of lieutenant governor, the director shall place on the general election ballot, together with the name of the candidate for governor who received

(1) the greatest number of votes in the primary election, the name of either the candidate for lieutenant governor receiving the greatest number of votes or the candidate for lieutenant governor receiving the second greatest number of votes, whichever the candidate for governor chooses to run with jointly; and

(2) the second greatest number of votes in the primary election, the name of either the candidate for lieutenant governor receiving the greatest number of votes or the candidate for lieutenant governor receiving the second greatest number of votes, whoever was not chosen to run jointly with the candidate for governor who received the greatest number of votes.

* **Sec. 20.** AS 15.25.105(a) is amended to read:

(a) If a candidate does not appear on the primary election ballot or is not successful in advancing to the general election and wishes to be a candidate in the general election, the candidate may file as a write-in candidate. Votes for a write-in candidate may not be counted unless that candidate has filed a letter of intent with the director stating

(1) the full name of the candidate;

(2) the full residence address of the candidate and the date on which residency at that address began;

(3) the full mailing address of the candidate;

(4) the [NAME OF THE] political party or political group **preference, or nonpartisan or undeclared designation, of the candidate's choice** [OF WHICH THE CANDIDATE IS A MEMBER], if any;

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

(6) the office that the candidate seeks;

(7) the date of the election at which the candidate seeks election;

(8) the length of residency in the state and in the house district of the

1 candidate;

2 (9) the name of the candidate as the candidate wishes it to be written
3 on the ballot by the voter;

4 (10) that the candidate meets the specific citizenship requirements of
5 the office for which the person is a candidate;

6 (11) that the candidate will meet the specific age requirements of the
7 office for which the person is a candidate; if the candidacy is for the office of state
8 representative, that the candidate will be at least 21 years of age on the first scheduled
9 day of the first regular session of the legislature convened after the election; if the
10 candidacy is for the office of state senator, that the candidate will be at least 25 years
11 of age on the first scheduled day of the first regular session of the legislature convened
12 after the election; if the candidacy is for the office of governor or lieutenant governor,
13 that the candidate will be at least 30 years of age on the first Monday in December
14 following election or, if the office is to be filled by special election under
15 AS 15.40.230 - 15.40.310, that the candidate will be at least 30 years of age on the
16 date of certification of the results of the special election; or, for any other office, by
17 the time that the candidate, if elected, is sworn into office;

18 (12) that the candidate is a qualified voter as required by law; and

19 (13) that the candidate is not a candidate for any other office to be
20 voted on at the general election and that the candidate is not a candidate for this office
21 under any other nominating petition or declaration of candidacy.

22 * **Sec. 21.** AS 15.25.105(b) is amended to read:

23 (b) If a write-in candidate is running for the office of governor, the candidate
24 must file a joint letter of intent together with a candidate for lieutenant governor.
25 [BOTH CANDIDATES MUST BE OF THE SAME POLITICAL PARTY OR
26 GROUP.]

27 * **Sec. 22.** AS 15.40.140 is amended to read:

28 **Sec. 15.40.140. Condition and time of calling special election.** When a
29 vacancy occurs in the office of United States senator or United States representative,
30 the governor shall, by proclamation, call a special primary election to be held on a
31 date not less than 60, nor more than 90, days after the date the vacancy occurs, to be

followed by a special election on the first Tuesday that is not a state holiday occurring not less than 60 days after the special primary election. However, if the vacancy occurs on a date that is not less than 60, nor more than 90 days before [OR IS ON OR AFTER] the date, in an election year in which a candidate for that office is not regularly elected, of

(1) the primary election [IN THE GENERAL ELECTION YEAR DURING WHICH A CANDIDATE TO FILL THE OFFICE IS REGULARLY ELECTED], the [GOVERNOR MAY NOT CALL A] special primary election shall be held on the date of the primary election with the subsequent special election to be held on the date of the general election; or

(2) the general election, the special primary election shall be held on the date of the general election with the subsequent special election to be held on the first Tuesday that is not a state holiday occurring not less than 60 days after the special primary and general election.

* Sec. 23. AS 15.40.160 is amended to read:

Sec. 15.40.160. Proclamation. The governor shall issue the proclamation calling the special primary election and special election at least 50 days before the special primary election.

* Sec. 24. AS 15.40.190 is amended to read:

Sec. 15.40.190. Requirements of petition for [NO-PARTY] candidates. Petitions for the nomination of candidates must be executed under oath and [NOT REPRESENTING A POLITICAL PARTY SHALL BE SIGNED BY QUALIFIED VOTERS OF THE STATE EQUAL IN NUMBER TO AT LEAST ONE PERCENT OF THE NUMBER OF VOTERS WHO CAST BALLOTS IN THE PRECEDING GENERAL ELECTION AND SHALL] state in substance that which is required for a declaration of candidacy under AS 15.25.030 [NOMINATION PETITIONS BY AS 15.25.180].

* Sec. 25. AS 15.40.220 is amended to read:

Sec. 15.40.220. General provisions for conduct of the special primary election and special election. Unless specifically provided otherwise, all provisions regarding the conduct of the primary election and general election shall govern the

conduct of the special **primary election and special** election of the United States senator or United States representative, including provisions concerning voter qualifications; provisions regarding the duties, powers, rights, and obligations of the director, of other election officials, and of municipalities; provision for notification of the election; provision for payment of election expenses; provisions regarding employees being allowed time from work to vote; provisions for the counting, reviewing, and certification of returns; provisions for the determination of the votes and of recounts, contests, and appeal; and provision for absentee voting.

* **Sec. 26.** AS 15.40.230 is amended to read:

Sec. 15.40.230. Condition and time of calling special election. When a person appointed to succeed to the office of lieutenant governor succeeds to the office of acting governor, the acting governor shall, by proclamation, call a special **primary** election to be held on a date not less than 60, nor more than 90, days after the date the vacancy in the office of the governor occurred **and a subsequent special election to be held on the first Tuesday that is not a state holiday occurring not less than 60 days after the special primary election.** However, if the vacancy occurs on a date that is less than 60 days before or is on or after the date of the primary election in years in which a governor is regularly elected, the acting governor shall serve the remainder of the unexpired term and may not call a special election.

* **Sec. 27.** AS 15.40.240 is amended to read:

Sec. 15.40.240. Conditions for holding special primary election and special election with primary or general election. If the vacancy occurs on a date not less than 60, nor more than 90, days before the date of the primary election **in an election year in which a governor is not regularly elected, the acting governor shall, by proclamation, call the special primary election to be held on the date of the primary election and the special election to be held on the date of the general election,** [IN YEARS IN WHICH A GOVERNOR IS REGULARLY ELECTED] or, if the vacancy occurs on a date not less than 60, nor more than 90, days before the date of the [PRIMARY ELECTION OR] general election in election years in which a governor is not regularly elected, the acting governor shall, by proclamation, call the special **primary** election to be held on the date of the [PRIMARY ELECTION OR]

1 general election with the subsequent special election to be held on the first
 2 Tuesday that is not a state holiday occurring not less than 60 days after the
 3 special primary and general election.

4 * **Sec. 28.** AS 15.40.250 is amended to read:

5 **Sec. 15.40.250. Proclamation of special election.** The acting governor shall
 6 issue the proclamation calling the special primary election and special election at
 7 least 50 days before the special primary election.

8 * **Sec. 29.** AS 15.40.280 is amended to read:

9 **Sec. 15.40.280. Requirements of petition for [NO-PARTY] candidates.**
 10 Petitions for the nomination of candidates must [NOT REPRESENTING A
 11 POLITICAL PARTY SHALL BE SIGNED BY QUALIFIED VOTERS OF THE
 12 STATE EQUAL IN NUMBER TO AT LEAST ONE PERCENT OF THE NUMBER
 13 OF VOTERS WHO CAST BALLOTS IN THE PRECEDING GENERAL
 14 ELECTION, SHALL INCLUDE NOMINEES FOR THE OFFICE OF GOVERNOR
 15 AND LIEUTENANT GOVERNOR, AND SHALL] state in substance that which is
 16 required for a declaration of candidacy under AS 15.25.030 [NOMINATION
 17 PETITIONS BY AS 15.25.180].

18 * **Sec. 30.** AS 15.40.310 is amended to read:

19 **Sec. 15.40.310. General provisions for conduct of the special primary**
 20 **election and special election.** Unless specifically provided otherwise, all provisions
 21 regarding the conduct of the primary and general election shall govern the conduct of
 22 the special primary election and special election of the governor and lieutenant
 23 governor, including provisions concerning voter qualifications; provisions regarding
 24 the duties, powers, rights, and obligations of the director, of other election officials,
 25 and of municipalities; provision for notification of the election; provision for payment
 26 of election expenses; provisions regarding employees being allowed time from work
 27 to vote; provisions for the counting, reviewing, and certification of returns; provisions
 28 for the determination of the votes and of recounts, contests, and appeal; and provision
 29 for absentee voting.

30 * **Sec. 31.** AS 15.40.330 is amended to read:

31 **Sec. 15.40.330. Qualification and confirmation of appointee.** (a) The

1 appointee shall meet the qualifications of a member of the legislature as prescribed in
 2 Sec. 2, art. II, of the state constitution, and, if the predecessor in office was a
 3 member of a political party or group at the time of the vacancy, (1) shall be a
 4 member of the same political party or group as [THAT WHICH NOMINATED] the
 5 predecessor in office; [,] and (2) shall be subject to confirmation by a majority of the
 6 members of the legislature who are members of the same political party or group as
 7 [WHICH NOMINATED] the predecessor in office and of the same house as was the
 8 predecessor in office. If the predecessor in office was not a member of
 9 [NOMINATED BY] a political party or group at the time of the vacancy or, if no
 10 other member of the predecessor's political party or group is a member of the
 11 predecessor's house of the legislature, the governor may appoint any qualified person.
 12 If the appointee is not a member of a political party or group, as defined in (b) of this
 13 section, the appointment is not subject to confirmation. If the appointee is a member
 14 of a political party or group, the appointment is subject to confirmation as provided
 15 by (b) of this section for the confirmation of political party or group appointees.

16 (b) A member of a political party or group is a person who supports the
 17 political program of a political party or group. The placement of a nonpartisan or
 18 undeclared designation after the name [FILING FOR OFFICE] of a candidate on
 19 the primary election ballot [AS AN INDEPENDENT OR NO-PARTY
 20 CANDIDATE] does not preclude a candidate from being a member of a political party
 21 or group. Recognition of a [AN INDEPENDENT OR NO-PARTY] candidate as a
 22 member of a political party or group caucus of members of the legislature at the
 23 legislative session following the election of the [INDEPENDENT OR NO-PARTY]
 24 candidate is recognition of that person's political party or group membership for the
 25 purposes of confirmation under this section [AT THE TIME FILINGS WERE
 26 MADE BY PARTY CANDIDATES FOR THE PRECEDING GENERAL
 27 ELECTION].

28 * **Sec. 32.** AS 15.40.380 is amended to read:

29 **Sec. 15.40.380. Conditions for part-term senate appointment and special**
 30 **election.** If the vacancy is for an unexpired senate term of more than two years and
 31 five full calendar months, the governor shall call a special primary election and a

1 special election by proclamation, and the appointment shall expire on the date the
 2 state senate first convenes or reconvenes following the certification of the results of
 3 the special election by the director.

4 * **Sec. 33.** AS 15.40.390 is amended to read:

5 **Sec. 15.40.390. Date of special primary election and special election.** The
 6 special primary election to fill a vacancy in the state senate shall be held on the date
 7 of the first primary [GENERAL] election held more than 60 days [THREE FULL
 8 CALENDAR MONTHS] after the senate vacancy occurs, and the special election
 9 shall be held on the date of the first general election thereafter.

10 * **Sec. 34.** AS 15.40.400 is amended to read:

11 **Sec. 15.40.400. Proclamation of special election.** The governor shall issue the
 12 proclamation calling the special primary election and special election at least 50
 13 days before the special primary election.

14 * **Sec. 35.** AS 15.40.440 is amended to read:

15 **Sec. 15.40.440. Requirements of petition for [NO-PARTY] candidates.**
 16 Petitions for the nomination of candidates [NOT REPRESENTING A POLITICAL
 17 PARTY SHALL BE SIGNED BY QUALIFIED VOTERS EQUAL IN NUMBER TO
 18 AT LEAST ONE PERCENT OF THE NUMBER OF VOTERS WHO CAST
 19 BALLOTS IN THE PROPOSED NOMINEE'S RESPECTIVE HOUSE OR SENATE
 20 DISTRICT IN THE PRECEDING GENERAL ELECTION. A NOMINATING
 21 PETITION MAY NOT CONTAIN LESS THAN 50 SIGNATURES FOR ANY
 22 DISTRICT,] and must state in substance that which is required in a declaration of
 23 candidacy under AS 15.25.030 [PETITIONS FOR NOMINATION BY
 24 AS 15.25.180].

25 * **Sec. 36.** AS 15.40.470 is amended to read:

26 **Sec. 15.40.470. General provision for conduct of the special primary**
 27 **election and special election.** Unless specifically provided otherwise, all provisions
 28 regarding the conduct of the primary election and general election shall govern the
 29 conduct of the special primary election and special election of state senators,
 30 including provisions concerning voter qualifications; provisions regarding the duties,
 31 powers, rights, and obligations of the director, of other election officials, and of

1 municipalities; provision for notification of the election; provision for payment of
 2 election expenses; provisions regarding employees being allowed time from work to
 3 vote; provisions for the counting, reviewing, and certification of returns; provisions for
 4 the determination of the votes and of recounts, contests, and appeal; and provision for
 5 absentee voting.

6 * **Sec. 37.** AS 15.58.020(a) is amended by adding a new paragraph to read:

7 (13) the following statement written in bold in a conspicuous location:

8 A political party or group preference indicated by a candidate on the
 9 ballot reflects only the designation requested by the candidate and is
 10 not an official endorsement by any political party or group.

11 * **Sec. 38.** AS 15.58.030(b) is amended to read:

12 (b) **Not** [NO] later than July 22 of a year in which a state general election will
 13 be held, an individual who becomes a candidate for the office of United States senator,
 14 United States representative, governor, lieutenant governor, state senator, or state
 15 representative under AS 15.25.030 [OR 15.25.180] may file with the lieutenant
 16 governor a photograph and a statement advocating the candidacy. [AN INDIVIDUAL
 17 WHO BECOMES A CANDIDATE FOR THE OFFICE OF UNITED STATES
 18 SENATOR, UNITED STATES REPRESENTATIVE, GOVERNOR, LIEUTENANT
 19 GOVERNOR, STATE SENATOR, OR STATE REPRESENTATIVE BY PARTY
 20 PETITION FILED UNDER AS 15.25.110 MAY FILE WITH THE LIEUTENANT
 21 GOVERNOR A PHOTOGRAPH AND A STATEMENT ADVOCATING THE
 22 CANDIDACY WITHIN 10 DAYS OF BECOMING A CANDIDATE.]

23 * **Sec. 39.** AS 15.80.008(a) is amended to read:

24 (a) A political group that the director has not recognized as a political party
 25 may obtain recognized political party status if, on or before May 31 of the election
 26 year for which the political group seeks recognition, the political group

27 (1) files an application with the director; **and**

28 (2) [SUBMITS BYLAWS TO THE DIRECTOR AND THE UNITED
 29 STATES DEPARTMENT OF JUSTICE AS REQUIRED OF POLITICAL PARTIES
 30 IN AS 15.25.014; AND

31 (3)] meets the definition of a political party in AS 15.80.010.

1 *** Sec. 40.** AS 15.80.010(25) is amended to read:

2 (25) "political party" means an organized group of voters that
3 represents a political program and

4 (A) that [NOMINATED A CANDIDATE FOR GOVERNOR
5 WHO RECEIVED AT LEAST THREE PERCENT OF THE TOTAL VOTES
6 CAST FOR GOVERNOR AT THE PRECEDING GENERAL ELECTION
7 OR] has registered voters in the state equal in number to at least three percent
8 of the total votes cast for governor at the preceding general election;

9 (B) if the office of governor was not on the ballot at the
10 preceding general election but the office of United States senator was on that
11 ballot, that [NOMINATED A CANDIDATE FOR UNITED STATES
12 SENATOR WHO RECEIVED AT LEAST THREE PERCENT OF THE
13 TOTAL VOTES CAST FOR UNITED STATES SENATOR AT THAT
14 GENERAL ELECTION OR] has registered voters in the state equal in number
15 to at least three percent of the total votes cast for United States senator at that
16 general election; or

17 (C) if neither the office of governor nor the office of United
18 States senator was on the ballot at the preceding general election, that
19 [NOMINATED A CANDIDATE FOR UNITED STATES
20 REPRESENTATIVE WHO RECEIVED AT LEAST THREE PERCENT OF
21 THE TOTAL VOTES CAST FOR UNITED STATES REPRESENTATIVE
22 AT THAT GENERAL ELECTION OR] has registered voters in the state equal
23 in number to at least three percent of the total votes cast for United States
24 representative at that general election;

25 *** Sec. 41.** AS 39.50.020(b) is amended to read:

26 (b) A public official or former public official other than an elected or
27 appointed municipal officer shall file the statement with the Alaska Public Offices
28 Commission. Candidates for the office of governor and lieutenant governor and, if the
29 candidate is not subject to AS 24.60, the legislature shall file the statement under
30 AS 15.25.030 [OR 15.25.180]. Municipal officers, former municipal officers, and
31 candidates for elective municipal office, shall file with the municipal clerk or other

1 municipal official designated to receive their filing for office. All statements required
2 to be filed under this chapter are public records.

3 * **Sec. 42.** AS 15.25.014, 15.25.056, 15.25.110, 15.25.120, 15.25.130, 15.25.140, 15.25.150,
4 15.25.160, 15.25.170, 15.25.180, 15.25.185, 15.25.190, 15.25.200; AS 15.40.145, 15.40.150,
5 15.40.200, 15.40.210, 15.40.290, 15.40.300, 15.40.450, 15.40.460; AS 15.56.030(a)(4),
6 15.56.030(a)(5), and 15.56.035(a)(5) are repealed.

7 * **Sec. 43.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 TRANSITION; VOTER EDUCATION AS TO CHANGES MADE TO STATE
10 ELECTION SYSTEMS THROUGH ADOPTION OF A TOP TWO NONPARTISAN
11 BLANKET PRIMARY. (a) For a period of not less than two full election cycles immediately
12 following the effective date of this Act, the director of elections shall, in a manner reasonably
13 calculated to educate the public, inform voters of the changes made to the state's election
14 systems in this Act.

15 (b) In this section, "election cycle" means the 24-month period commencing on
16 January 1 of odd-numbered years and ending on December 31 of even-numbered years.