

SENATE BILL NO. 199

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY SENATOR BEGICH

Introduced: 2/19/20

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to elections for state legislative office; and providing for an effective**
2 **date."**

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

4 * **Section 1.** AS 15.13.110(f) is amended to read:

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

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

11 (2) a person who has filed a nominating petition under AS 15.25.140 -
12 15.25.200 to become a candidate at the general election for elective state executive
13 [OR LEGISLATIVE] office;

14 (3) a person who campaigns as a write-in candidate for elective state

1 executive or legislative office at the general election; and

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

6 * **Sec. 2.** AS 15.15.030(5) is amended to read:

7 (5) The names of the candidates [AND THEIR PARTY
8 DESIGNATIONS] shall be placed in separate sections on the state general election
9 ballot under the office designation to which they were nominated. The party
10 affiliation, if any, shall be designated after the name of a [THE] candidate **for elective**
11 **state executive or national legislative office**. The lieutenant governor and the
12 governor shall be included under the same section. Provision shall be made for voting
13 for write-in [AND NO-PARTY] candidates within each section **and for no-party**
14 **candidates within sections for elective state executive and national legislative**
15 **offices**. [PAPER BALLOTS FOR THE STATE GENERAL ELECTION SHALL BE
16 PRINTED ON WHITE PAPER.]

17 * **Sec. 3.** AS 15.15.030 is amended by adding a new paragraph to read:

18 (14) Paper ballots for the state general election shall be printed on
19 white paper.

20 * **Sec. 4.** AS 15.25.010 is amended by adding a new subsection to read:

21 (c) The director shall prepare and provide a nonpartisan primary election
22 ballot. A voter may, regardless of party affiliation, vote a nonpartisan primary election
23 ballot.

24 * **Sec. 5.** AS 15.25.014(a) is amended to read:

25 (a) Not later than 5:00 p.m., Alaska time, on September 1 of the calendar year
26 before the calendar year in which a primary election is to be held, a political party
27 shall submit a notice in writing to the director stating whether the party bylaws expand
28 or limit who may participate in the primary election for selection of the party's
29 candidates for elective state executive [AND STATE] and national legislative offices.
30 A copy of the party's bylaws expanding or limiting who may participate in the primary
31 election for selection of the party's candidates, documentation required under (b) of

1 this section, and other information required by the director [,] must be submitted along
 2 with the notice. The notice, bylaws, documentation, and other information required by
 3 the director shall be provided by the party's chairperson or another party official
 4 designated by the party's bylaws.

5 * **Sec. 6.** AS 15.25.030(a) is amended to read:

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

10 (1) the full name of the candidate;

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

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

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

15 (5) **if the candidacy is for state executive or national legislative**
 16 **office,** the name of the political party of which the person is a candidate for
 17 nomination;

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

20 (7) the date of the primary election at which the candidate seeks
 21 nomination;

22 (8) the length of residency in the state and in the district of the
 23 candidate;

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

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

27 (11) that the candidate will meet the specific age requirements of the
 28 office for which the person is a candidate; if the candidacy is for the office of state
 29 representative, that the candidate will be at least 21 years of age on the first scheduled
 30 day of the first regular session of the legislature convened after the election; if the
 31 candidacy is for the office of state senator, that the candidate will be at least 25 years

1 of age on the first scheduled day of the first regular session of the legislature convened
 2 after the election; if the candidacy is for the office of governor or lieutenant governor,
 3 that the candidate will be at least 30 years of age on the first Monday in December
 4 following election or, if the office is to be filled by special election under
 5 AS 15.40.230 - 15.40.310, that the candidate will be at least 30 years of age on the
 6 date of certification of the results of the special election; or, for any other office, by
 7 the time that the candidate, if elected, is sworn into office;

8 (12) that the candidate requests that the candidate's name be placed on
 9 the primary election ballot;

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

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

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

16 (16) if the candidacy is for state executive or national legislative
 17 office, that the candidate is registered to vote as a member of the political party whose
 18 nomination is being sought.

19 * **Sec. 7.** AS 15.25.056 is amended to read:

20 **Sec. 15.25.056. Nomination [BY PARTY PETITION] where incumbent**
 21 **dies or is disqualified or incapacitated.** (a) If an unopposed incumbent candidate for
 22 renomination for state executive or national legislative office dies, becomes
 23 disqualified from holding the office the candidate is seeking, or is certified as being
 24 incapacitated between June 1 of the election year and that date which is more than 54
 25 days before the date of the primary election, the candidate's place on the ballot may be
 26 filled by party petition. The petition shall state that the political party requests the
 27 name of the proposed candidate replace that of the incumbent on the primary election
 28 ballot and shall be accompanied by a declaration of candidacy from the person named
 29 in the petition. The petition must be received by the director not later than 14 days
 30 after the death, disqualification, or certification of incapacity of the incumbent or 52
 31 days before the primary election date, whichever time is earlier.

(b) The method for certifying an incumbent candidate for nomination for state executive or national legislative office as being incapacitated, the method for selecting the person who is to be named in the party petition, and the method for placing the name of the person selected on the primary nomination ballot are the same as those prescribed in AS 15.25.110 and 15.25.130 relating to filling vacancies of party nominees in a general election.

(c) The death, disqualification, or certification of incapacity of the incumbent for state executive or national legislative office within 52 days before or on the primary election date does not affect the counting and review of the ballots. If the result of the counting and review discloses that the candidate, if the candidate had lived, would have been nominated, the candidate shall be declared nominated. The vacancy may be filled by party petition as provided in AS 15.25.110 - 15.25.130.

* **Sec. 8.** AS 15.25.060 is amended to read:

Sec. 15.25.060. Preparation and distribution of ballots; appropriate ballot.

(a) The primary election ballots shall be prepared and distributed by the director in the manner prescribed in this section. The director shall prepare and provide a primary election ballot for each political party that contains all of the candidates of that party for elective state executive [AND STATE] and national legislative offices, the names, without party affiliation, of the candidates for elective state legislative office, and [ALL OF] the ballot titles and propositions required to appear on the ballot at the primary election. The director shall print the ballots on white paper and place the names of all candidates who have properly filed in groups according to offices. The order of the placement of the names for each office shall be as provided for the general election ballot. Blank spaces may not be provided on the ballot for the writing or pasting in of names. The director shall also prepare and print a separate nonpartisan primary election ballot including only the names, without party affiliation, of candidates for elective state legislative office and the ballot titles and propositions required to appear on the ballot.

(b) A voter may vote only one primary election ballot. A voter may vote a political party ballot only if the voter is registered as affiliated with that party, is allowed to participate in the party primary under the party's bylaws, or is registered as

nonpartisan or undeclared rather than as affiliated with a particular political party and the party's bylaws do not restrict participation by nonpartisan or undeclared voters in the party's primary. For the purpose of determining which primary election ballot a voter may use, a voter's party affiliation is considered to be the affiliation registered with the director as of the 30th day before the primary election. If a voter changes party affiliation within the 30 days before the primary election, the voter's previous party affiliation shall be used for the determination under this subsection. **A voter may, regardless of party affiliation, vote a nonpartisan primary election ballot.**

(c) If a voter is not voting in person and has requested an absentee ballot or special needs ballot but has not indicated a choice of ballot, the director shall provide the voter with the ballot listing the candidates of the political party or group with which the voter is affiliated, **if any,** as determined under (b) of this section. **If the voter is not affiliated with a political party or group, the director shall provide the voter with a nonpartisan primary election ballot.**

* Sec. 9. AS 15.25.100 is amended to read:

Sec. 15.25.100. Placement of nominees on general election ballot. **For state executive and national legislative offices, the** [THE] director shall place the name of the candidate receiving the highest number of votes for an office by a political party on the general election ballot. **For state legislative offices, the director shall place the names of the two candidates receiving the highest number of votes for an office on the general election ballot.**

* Sec. 10. 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) **if the candidacy is for state executive or national legislative office,** the name of the political party or political group of which the candidate is a member, if any;

(5) if the **candidacy** [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 candidate;

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

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

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

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

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

* **Sec. 11.** AS 15.25.110 is amended to read:

Sec. 15.25.110. Filling vacancies occurring before the general election [BY

PARTY PETITION]. If a candidate of a political party nominated **for state executive or national legislative office** at the primary election dies, withdraws, resigns, becomes disqualified from holding the office for which the candidate is nominated, or is certified as being incapacitated in the manner prescribed by this **subsection** [SECTION] after the primary election and 64 days or more before the general election, the vacancy may be filled by party petition. The central committee of any political party or any party district committee may certify as being incapacitated any candidate nominated by their respective party by presenting to the director a sworn statement made by a panel of three licensed physicians, not more than two of whom may be of the same political party, that the candidate is physically or mentally incapacitated to an extent that would in the panel's judgment prevent the candidate from active service during the term of office if elected. The director shall place the name of the person nominated by party petition on the general election ballot. The name of a candidate disqualified under this **subsection** [SECTION] may not appear on the general election ballot.

* **Sec. 12.** AS 15.25.110 is amended by adding a new subsection to read:

(b) If a candidate for state legislative office receiving the highest or second highest number of votes at the primary election dies, withdraws, resigns, or becomes disqualified from holding the office and the candidate's death, withdrawal, resignation or disqualification occurs

(1) 64 days or more before the general election, the director shall fill the vacancy by placing on the general election ballot the name of the candidate receiving the next highest number of votes in the primary election;

(2) less than 64 days before the general election, the director shall leave the candidate's name on the ballot.

* **Sec. 13.** AS 15.25.130 is amended to read:

Sec. 15.25.130. Selection of nominees for party petition. The nominees of political parties by party petition may be selected for **state executive or national legislative** [STATEWIDE] offices by the state party central committee or in any other manner prescribed by the party bylaws, and the petition for **state executive or national legislative** [STATEWIDE] offices shall be signed by the state chairperson of

the political party or, in the absence of the state chairperson, by any two members of the state party central committee. [THE NOMINEES OF POLITICAL PARTIES BY PARTY PETITION MAY BE SELECTED FOR DISTRICT-WIDE OFFICES BY THE RESPECTIVE PARTY DISTRICT COMMITTEE OR IN ANY OTHER MANNER PRESCRIBED BY THE PARTY BYLAWS, AND THE PETITION FOR DISTRICT-WIDE OFFICES SHALL BE SIGNED BY THE CHAIRPERSON OF THE PARTY DISTRICT COMMITTEE, OR IN THE ABSENCE OF THE CHAIRPERSON, BY ANY TWO MEMBERS OF THE PARTY DISTRICT COMMITTEE, OR IN ANY OTHER MANNER PRESCRIBED BY THE PARTY BYLAWS.] The petition may be delivered in person [,] or by mail, facsimile, or other reliable electronic transmission.

* **Sec. 14.** AS 15.25.140 is amended to read:

Sec. 15.25.140. Provision for no-party candidate nominations. Candidates for state executive and national legislative office not representing a political party are nominated by petition.

* **Sec. 15.** AS 15.40.320 is amended to read:

Sec. 15.40.320. Condition and time for filling vacancy by appointment. When a vacancy occurs in the state legislature, the governor, within 30 days, shall appoint a qualified person to fill the vacancy, unless the governor is required to call a special election under AS 15.40.380 or 15.40.385. [HOWEVER, IF THE REMAINDER OF THE TERM OF THE PREDECESSOR IN OFFICE WILL EXPIRE OR IF A VACANCY IN THE STATE SENATE WILL BE FILLED BY A SPECIAL ELECTION BEFORE THE LEGISLATURE WILL NEXT MEET, CONVENE, OR RECONVENE, THE GOVERNOR MAY NOT FILL THE VACANCY.]

* **Sec. 16.** AS 15.40.330(a) is amended to read:

(a) An [THE] appointee must [SHALL] meet the qualifications of a member of the legislature as prescribed in art. II, sec. 2, Constitution of the State of Alaska, must [SHALL] be a member of the same political party as [THAT WHICH NOMINATED] the predecessor in office, and is [SHALL BE] subject to confirmation by a majority of the members of the legislature who are members of the same caucus

[POLITICAL PARTY WHICH NOMINATED THE PREDECESSOR IN OFFICE] and of the same house as was the predecessor in office. If the predecessor in office was not a member of [NOMINATED BY] a political party [OR IF NO OTHER MEMBER OF THE PREDECESSOR'S POLITICAL PARTY IS A MEMBER OF THE PREDECESSOR'S HOUSE OF THE LEGISLATURE], the governor may appoint any qualified person. If the predecessor in office was not a member of a caucus, the appointee is subject to confirmation by a majority of the entire membership of the house in which the vacancy occurs [APPOINTEE IS NOT A MEMBER OF A POLITICAL PARTY, THE APPOINTMENT IS NOT SUBJECT TO CONFIRMATION. IF THE APPOINTEE IS A MEMBER OF A POLITICAL PARTY, THE APPOINTMENT IS SUBJECT TO CONFIRMATION AS PROVIDED BY THIS SECTION FOR THE CONFIRMATION OF POLITICAL PARTY APPOINTEES].

* **Sec. 17.** AS 15.40.370 is amended to read:

Sec. 15.40.370. Conditions for full, unexpired term senate appointment. If the vacancy is for an unexpired senate term of two years plus five full calendar months or less, and AS 15.40.385 does not apply, the appointment shall be for the remainder of the unexpired term.

* **Sec. 18.** AS 15.40 is amended by adding a new section to read:

Sec. 15.40.385. Special election when vacancy occurs before term commences. If a candidate for state legislature receiving the highest number of votes at the general election dies, withdraws, resigns, or becomes disqualified from holding the office before taking office, the governor shall call a special election to fill the vacancy to be held not less than 60 days and not more than 90 days after the general election. The director shall place the names of the two candidates who have not died, withdrawn, resigned, or become disqualified receiving the next highest number of votes in the primary election on the special election ballot.

* **Sec. 19.** AS 15.40.390 is amended to read:

Sec. 15.40.390. Date of special election. The special election to fill a vacancy in the state senate under AS 15.40.380 shall be held on the date of the first general election held more than three full calendar months after the senate vacancy occurs.

1 * **Sec. 20.** AS 15.40.400 is amended to read:

2 **Sec. 15.40.400. Proclamation of special election.** The governor shall issue the
3 proclamation calling the special election under AS 15.40.380 at least 50 days before
4 the election.

5 * **Sec. 21.** AS 15.40.410 is amended to read:

6 **Sec. 15.40.410. Term of senator elected for unexpired term [ELECTED**
7 **SENATOR].** At the unexpired term special election under AS 15.40.380, a state
8 senator shall be elected to fill the remainder of the unexpired term and shall take office
9 on the date the state senate first convenes or reconvenes following the certification of
10 the results of the special election by the director.

11 * **Sec. 22.** AS 15.40.430 is amended to read:

12 **Sec. 15.40.430. Designation of nominees by petition.** If the senate vacancy
13 occurs less than one calendar month before the filing date and more than three
14 calendar months before the next general election, candidates shall be nominated by
15 petition transmitted by actual physical delivery of the petition in person or by mail
16 postmarked not later than midnight of the filing date.

17 * **Sec. 23.** AS 15.40.440 is amended to read:

18 **Sec. 15.40.440. Requirements of petition for nomination [NO-PARTY**
19 **CANDIDATES].** Petitions for the nomination of candidates [NOT REPRESENTING
20 A POLITICAL PARTY] shall be signed by qualified voters equal in number to at least
21 one percent of the number of voters who cast ballots in the proposed nominee's
22 respective house or senate district in the preceding general election. A nominating
23 petition may not contain fewer [LESS] than 50 signatures for any district, must state
24 the senate district of which the candidate is a resident, and must state in substance
25 that which is required in petitions for nomination by AS 15.25.180.

26 * **Sec. 24.** AS 24.20.020 is amended to read:

27 **Sec. 24.20.020. Membership.** The legislative council is composed of the
28 president of the senate and six other senators appointed by the president, and the
29 speaker of the house of representatives and six other representatives appointed by the
30 speaker. The membership from each house shall include at least one member from the
31 majority organizational caucus and one member from the minority

1 **organizational caucus** [EACH OF THE TWO MAJOR POLITICAL PARTIES]. The
2 appointing authority in each house shall make and announce the appointment or
3 reappointment of members of the council within 15 days after the convening of the
4 first regular session of each legislature. **In this section, "majority organizational**
5 **caucus" and "minority organizational caucus" have the meanings given in**
6 **AS 24.60.130(p).**

7 * **Sec. 25.** AS 15.25.170, 15.25.180(a)(5); AS 15.40.330(b), 15.40.450, and 15.40.460 are
8 repealed.

9 * **Sec. 26.** This Act takes effect July 1, 2020.