

Original sponsors: Miller, Duncan
and Rogers

Offered: 4/12/79
Referred: Rules

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

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SENATE CS FOR CS FOR HOUSE BILL NO. 28

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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ELEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act providing for presidential party primary
elections; and providing for an effective date."

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

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* Section 1. AS 15.25.010 is amended to read:

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Sec. 15.25.010. PROVISION FOR PRIMARY ELECTION. Candidates for
the elective state executive and state and national legislative offices
shall be nominated in a primary election by direct vote of the people in
the manner prescribed by AS 15.25.010 - 15.25.200 [THIS CHAPTER].

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* Sec. 2. AS 15.25 is amended by adding new sections to read:

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ARTICLE 3. PRESIDENTIAL PARTY PRIMARY ELECTIONS.

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Sec. 15.25.220. PRESIDENTIAL PARTY PRIMARY ELECTION. (a) The
lieutenant governor shall call a presidential party primary election on
the third Tuesday in April of a presidential election year.

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(b) The lieutenant governor may conduct the presidential party
primary election on a date different from the date set in (a) of this
section if he sets the different date in a proclamation issued by
September 1 of the year preceding the presidential election.

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(c) The ballot shall be prepared and distributed by the lieutenant
governor in the manner prescribed by AS 15.25.060.

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Sec. 15.25.230. PLACING RECOGNIZED NAMES ON THE BALLOT. (a) The
lieutenant governor shall place on the ballot the name of each candidate
generally recognized throughout the United States as a candidate for
nomination for President of the United States.

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(b) The lieutenant governor shall announce on the last Tuesday in

1 January of a presidential election year a list of candidates who will
2 appear on the ballot. The lieutenant governor shall also notify each
3 candidate that the candidate's name will appear on the ballot in this
4 state.

5 (c) The lieutenant governor shall notify each candidate that he
6 may withdraw his name from the ballot by filing with the lieutenant
7 governor no later than the last Tuesday in February of a presidential
8 election year a statement that he is not now and does not intend to
9 become a candidate for the office of President of the United States at
10 that presidential election and requesting the removal of his name. The
11 name of a candidate withdrawing under this section may not appear on the
12 ballot.

13 (d) If the lieutenant governor calls the presidential party pri-
14 mary election for a date different from the date set under AS 15.25.-
15 220(a)

16 (1) the announcement required by (b) of this section shall be
17 made no later than the Tuesday that is 11 weeks before the date of the
18 election; and

19 (2) the statement required by (c) of this section shall be
20 filed no later than the Tuesday that is seven weeks before the election.

21 Sec. 15.25.240. PETITION FOR PRESIDENTIAL CANDIDATE. (a) Sup-
22 porters of a candidate for nomination for President of the United States
23 may file a petition to have the name of the candidate of their choice on
24 the ballot. A petition under this section must be filed by the last
25 Tuesday in February of a presidential election year and must contain the
26 signatures of qualified voters residing in no less than two-thirds of
27 the election districts of the state equal in number to five per cent of
28 the number of votes cast for the candidates for governor in the preced-
29 ing election for governor. A petition under this section shall include

1 (1) the full name of the candidate; (2) the name of the political group
2 supporting the candidate; (3) the name of the political party in which
3 the candidate is registered; (4) a statement that the subscribers are
4 qualified voters of this state; and (5) a statement that the subscribers
5 request that the candidate's name be placed on the ballot. The signa-
6 ture sheets shall also contain the printed name and residence address of
7 each qualified voter whose signature appears on the petition.

8 (b) The lieutenant governor shall notify a candidate of the filing
9 of a petition under this section and advise that he may withdraw his
10 name from the ballot by filing with the lieutenant governor no later
11 than the first Tuesday in March of a presidential election year a state-
12 ment that he is not now nor does he intend to become a candidate for the
13 office of President of the United States at that presidential election
14 and requesting the removal of his name. The name of a candidate with-
15 drawing under this subsection may not appear on the ballot.

16 (c) If the lieutenant governor calls the presidential party pri-
17 mary election for a date different from the date set under AS 15.25.-
18 220(a),

19 (1) the petition required by (a) of this section shall be
20 filed no later than the Tuesday that is seven weeks before the date of
21 the election; and

22 (2) the statement required by (b) of this section shall be
23 filed no later than the Tuesday that is six weeks before the election.

24 Sec. 15.25.250. SELECTION OF DELEGATES. (a) The political
25 parties in the state shall select delegates to their national conven-
26 tions according to the party's plan of organization. The final selec-
27 tion of delegates shall be held after the presidential party primary
28 election.

29 (b) Each candidate who receives more than 15 per cent of the votes

1 cast in that party's primary is entitled to receive a proportionate
2 number of delegate votes equal to the proportionate number of votes the
3 candidate received in the primary after excluding the number of votes
4 cast for candidates of his party who each received less than 15 per cent
5 of the votes in that party's primary. The proportions of delegate votes
6 shall be expressed as fractional delegate votes or the nearest whole
7 number of delegate votes as the rules of the particular national party
8 or convention may provide.

9 Sec. 15.25.260. DELEGATES PLEDGED. A delegate selected under
10 AS 15.25.250 must cast his vote to secure the nomination for the candi-
11 date to whom he is pledged until that candidate is nominated by the
12 convention, receives less than 30 per cent of the delegate votes for
13 nomination by the convention, releases the delegates from the pledge, or
14 until two convention nominating ballots have been taken.

15 Sec. 15.25.270. NO OTHER ELECTIONS ON THE SAME DATE. The
16 lieutenant governor may not schedule another state election on the date
17 scheduled for the presidential party primary election.

18 Sec. 15.25.280. PROCEDURES FOR CONDUCT OF ELECTION. The provi-
19 sions of AS 15 regarding the conduct of a general election govern the
20 conduct of the presidential party primary election, except to the extent
21 that the provisions of AS 15.25.220 - 15.25.280 are inconsistent with
22 those provisions.

23 * Sec. 3. AS 15.13 is amended by adding a new section to read:

24 Sec. 15.13.011. INAPPLICABILITY TO PRESIDENTIAL PRIMARY. The
25 provisions of this chapter do not apply to a presidential primary
26 election conducted under AS 15.25.220 - 15.25.280.

27 * Sec. 4. ADVISORY VOTE. Notwithstanding the provisions of AS 15.25.270,
28 as enacted by this Act, the lieutenant governor shall place before the voters
29 voting in the 1980 presidential party primary election established under

1 AS 15.25.220, the question advisory to the legislature:

2 "Shall there be a presidential party primary election held in
3 Alaska in each presidential election year?"

4 * Sec. 5. AS 15.25.220 - 15.25.290 are repealed on July 1, 1981.

5 * Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-
6 070(c).

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