

Introduced: 3/20/79
Referred: State Affairs and
Judiciary

1 IN THE HOUSE

BY RANDOLPH

2 HOUSE BILL NO. 415

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to elections."

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

8 * Section 1. AS 15.25.30 is amended to read:

9 Sec. 15.25.030. DECLARATION OF CANDIDACY. A member of a political
10 party, a political group, or an independent who seeks to become a candi-
11 date for an office specified in AS 15.25.010 [OF THE PARTY IN THE
12 PRIMARY ELECTION] shall execute and file a declaration of candidacy.
13 The declaration shall be executed under oath before an officer autho-
14 rized to take acknowledgements and shall state in substance:

15 (1) the full name of the candidate;

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

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

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

21 (5) the name of the political party or the political group of
22 which he is a candidate for nomination or a statement that he is not
23 affiliated with a political party or political group;

24 (6) the full resident address of the candidate;

25 (7) the date of the primary election at which the candidate
26 declares himself to be a candidate;

27 (8) that the candidate will meet the specific residency
28 requirements of the office for which he is a candidate;

29 (9) that the candidate will meet the specific citizenship

1 requirements of the office for which he is a candidate;

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

4 (11) that the candidate will meet the specific age require-
5 ments of the office for which he is a candidate;

6 (12) that the candidate requests that his name be placed on
7 the primary election ballot;

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

9 (14) that he is not a candidate for any other office, exclud-
10 ing a congressional office, to be voted on at the primary election; and

11 (15) the manner in which he wishes his name to appear on the
12 ballot.

13 * Sec. 2. AS 15.25.056 is amended to read:

14 Sec. 15.25.056. NOMINATION BY PARTY PETITION [WHERE INCUMBENT DIES
15 OR IS DISQUALIFIED OR INCAPACITATED]. (a) If a [AN INCUMBENT] candi-
16 date [FOR RENOMINATION] of a political party dies [,] or becomes dis-
17 qualified from holding the office he is seeking [, OR IS CERTIFIED AS
18 BEING INCAPACITATED] between June 1 of the election year and that date
19 which is 15 days before the date of the primary election and if no other
20 candidate of the political party remains on the ballot, his place on the
21 ballot may be filled by party petition. The petition shall state that
22 the political party requests that the name of the proposed candidate
23 replace that of the candidate who died or became disqualified [THE
24 INCUMBENT] on the primary election ballot and shall be accompanied by a
25 declaration of candidacy from the person named in the petition. The
26 petition must be received by the lieutenant governor no later than 14
27 days after the death or [,] disqualification [OR CERTIFICATION OF
28 INCAPACITY] of the candidate [INCUMBENT] or 10 days before the primary
29 election date, whichever time is earlier.

1 (b) The [METHOD FOR CERTIFYING AN INCUMBENT CANDIDATE FOR NOMINA-
2 TION AS BEING INCAPACITATED, THE] method for selecting the person who is
3 to be named in the party petition [,] and the method for placing the
4 name of the person selected on the primary nomination ballot are the
5 same as those prescribed in AS 15.25.110 and 15.25.130 relating to
6 filling vacancies of party nominees in a general election.

7 (c) The death or [,] disqualification of a candidate [OR CERTI-
8 FICATION OF INCAPACITY OF THE INCUMBENT] within 10 days before or on the
9 primary election date does not affect the canvass of the ballots. If
10 the result of the canvass discloses that the candidate, if he had lived,
11 would have been nominated under AS 15.25.100, the candidate shall be
12 declared nominated and the party may fill the vacancy by a party peti-
13 tion which requests that the name of the proposed candidate replace
14 that of the nominee on the general election ballot and be accompanied
15 by a declaration of candidacy from the person named in the petition [THE
16 VACANCY MAY BE FILLED BY PARTY PETITION AS PROVIDED IN AS 15.25.110 -
17 15.25.130].

18 * Sec. 3. AS 15.25.060 is amended to read:

19 Sec. 15.25.060. PREPARATION AND DISTRIBUTION OF BALLOTS. The
20 primary election ballot shall be prepared and distributed by the lieu-
21 tenant governor in the manner prescribed for general election ballots
22 except as specifically provided otherwise for the primary election. The
23 lieutenant governor shall place the names of all candidates who have
24 properly filed in groups according to offices filed for, without regard
25 to party or group affiliation. The names for each office shall be
26 rotated as provided for the general election ballot. [NO BLANK SPACES
27 SHALL BE PROVIDED ON THE BALLOT FOR THE WRITING OR PASTING IN OF NAMES.]

28 * Sec. 4. AS 15.25.080 is amended to read:

29 Sec. 15.25.080. DECLARATION OF PARTY OR GROUP PREFERENCE. The

1 lieutenant governor shall provide a space upon the official voter regis-
2 tration book wherein a voter may, if he desires, record his party or
3 group preference.

4 * Sec. 5. AS 15.25.100 is repealed and re-enacted to read:

5 Sec. 15.25.100. PLACEMENT OF NOMINEES ON GENERAL ELECTION BALLOT.

6 (a) The lieutenant governor shall place the names of the candidates on
7 the general election ballot according to the following formula:

8 (1) if a single office is to be filled, the lieutenant
9 governor shall place on the general election ballot the names of the two
10 candidates receiving more votes than other candidates in the primary
11 election;

12 (2) if more than a single office is to be filled, the lieu-
13 tenant governor shall place on the general election ballot the names of
14 as many candidates receiving more votes than other candidates in the
15 primary election as are equal to the number of offices to be filled plus
16 one.

17 (b) If a candidate receives 50 per cent of the votes cast for that
18 office in the primary, the candidate is considered elected and that
19 position will not be voted on in the general election.

20 * Sec. 6. AS 15.25.110 is amended to read:

21 Sec. 15.25.110. FILLING VACANCIES [BY PARTY PETITION]. If a
22 candidate nominated at a primary election dies, withdraws, resigns,
23 becomes disqualified from holding office for which he is nominated, [OR
24 IS CERTIFIED AS BEING INCAPACITATED IN THE MANNER PRESCRIBED BY THIS
25 SECTION] after the primary election and 10 days or more before the
26 general election, the vacancy shall [MAY] be filled by the certification
27 by the lieutenant governor of the candidate having the next largest
28 number of votes in the primary election [PARTY PETITION. THE CENTRAL
29 COMMITTEE OF ANY POLITICAL PARTY OR ANY PARTY DISTRICT COMMITTEE MAY

1 CERTIFY AS BEING INCAPACITATED ANY CANDIDATE NOMINATED BY THEIR RESPEC-
2 TIVE PARTY BY PRESENTING TO THE LIEUTENANT GOVERNOR A SWORN STATEMENT
3 MADE BY A PANEL OF THREE LICENSED PHYSICIANS, NOT MORE THAN TWO OR WHOM
4 SHALL BE OF THE SAME POLITICAL PARTY, THAT THE CANDIDATE IS PHYSICALLY
5 OR MENTALLY INCAPACITATED TO AN EXTENT THAT WOULD IN HIS JUDGMENT
6 PREVENT THE CANDIDATE FROM ACTIVE SERVICE DURING THE TERM OF OFFICE IF
7 ELECTED]. The lieutenant governor shall place the name of the person
8 certified [NOMINATED BY PARTY PETITION] on the general election ballot
9 or, if the general election ballot has been prepared, the lieutenant
10 governor or the election officials directed by the lieutenant governor
11 shall prepare, print, and distribute a sufficient number of gummed
12 labels or stickers bearing the name of the candidate to fill the vacancy
13 to each voting precinct with instructions that the election judges shall
14 place one of the stickers or labels on the appropriate place on each
15 ballot before the ballot is handed to the voter. The name of the
16 candidate disqualified under this section shall not appear on the
17 general election ballot.

18 * Sec. 7. AS 15.25.070 and 15.25.120 - 15.25.200 are repealed.
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