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Referred: State Affairs and
Judiciary

BY M.M.MILLER, DUNCAN
AND VASKA

1 IN THE HOUSE

2

HOUSE BILL NO. 395

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the presidential party primary
7 election; and providing for an effective date."

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

9 * Section 1. LEGISLATIVE FINDINGS. (a) The legislature finds that

10 (1) the rules of at least one national political party require
11 that the delegates to its national convention be chosen through procedures
12 in which only members of that party may participate;

13 (2) the provisions of AS 15.25.220 - 15.25.280 permit any qual-
14 ified voter of the state to participate in the presidential party prefer-
15 ence primary election, whether or not the person has declared a preference
16 for the political party;

17 (3) the provisions of AS 15.25.250 - 15.25.260 require that
18 delegates to a national convention be pledged according to the proportion
19 of votes received at the presidential party preference primary election by
20 various candidates for President of the United States;

21 (4) the United States Supreme Court has held that a national
22 political party cannot be obliged to seat a delegation to its national
23 convention that is chosen in violation of the rules of that national polit-
24 ical party;

25 (5) the United States Supreme Court has held that a national
26 political party has a constitutionally protected right of political asso-
27 ciation under the First Amendment of the United States Constitution and
28 this freedom to gather in association for the purpose of advocating shared
29 beliefs is protected by the Fourteenth Amendment from infringement by any

1 state and necessarily presupposes the freedom to identify the people who
2 constitute the association and to limit the association to those people
3 only;

4 (6) the United States Supreme Court has held that the state
5 interests of preserving the overall integrity of the electoral process, of
6 providing secrecy of the ballot, of increasing participation in primary
7 elections, and preventing the harassment of voters do not justify the
8 substantial intrusion of the state into the associational freedom of the
9 members of the political party.

10 (b) The legislature therefore finds that certain existing provisions
11 of AS 15.25.220 - 15.25.280 violate the rules of a national political
12 party, violate the rights of association of that political party, and
13 therefore under the decisions of the United States Supreme Court are to
14 that extent unconstitutional.

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

16 Sec. 15.25.221. QUALIFICATIONS OF VOTER. (a) A voter who has
17 not publicly declared a preference for a particular political party
18 may not vote in the presidential party preference primary election
19 held for the candidates of the particular political party.

20 (b) A voter may declare a preference for a particular political
21 party by declaring the party preference at the time the voter regis-
22 ters to vote or by a public declaration and a recording of party
23 preference before voting at the election held under AS 15.25.220.

24 Sec. 15.25.222. BALLOT TO BE GIVEN VOTER. A person voting in
25 the presidential party preference primary election may be given only
26 the ballot of the political party the voter has declared a preference
27 for.

28 Sec. 15.25.223. PREPARATION OF BALLOT FOR PRESIDENTIAL PARTY
29 PREFERENCE PRIMARY. (a) Except as provided in this section, the

1 director shall prepare the official ballot for a presidential party
2 preference primary under AS 15.15.030.

3 (b) A separate ballot shall be printed for each political party
4 and the ballot of each party shall contain only the names of the
5 candidates of that party.

6 * Sec. 3. AS 15.25.270 is repealed.

7 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
8 10.070(c).