

CS FOR HOUSE BILL NO. 327 (JUDICIARY) am  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 5/8/92  
Offered: 5/2/92

Sponsor(s): HOUSE STATE AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to primary elections."

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

3 \* Section 1. INTENT. It is the intent of the legislature in enacting this Act to continue the open  
4 primary to the maximum extent legally and constitutionally permissible.

5 \* Sec. 2. AS 15.25.060 is amended to read:

6           Sec. 15.25.060. PREPARATION AND DISTRIBUTION OF BALLOTS. The primary  
7 election ballot shall be prepared and distributed by the director in the manner prescribed for  
8 general election ballots except as specifically provided otherwise for the primary election.  
9 Except when (b) of this section otherwise requires, the [THE] director shall place the names  
10 of all candidates who have properly filed in groups according to offices filed for, without regard  
11 to party affiliation. The names for each office shall be rotated as provided for the general  
12 election ballot. [NO] Blank spaces shall be provided on the ballot for the writing or pasting in  
13 of names. The ballot prepared under this subsection shall be designated, prominently  
14 labeled, and referred to as the "open primary ballot." In this subsection, "open" means

1 **that the ballot is available to all qualified and eligible voters of the state.**

2 \* Sec. 3. AS 15.25.060 is amended by adding new subsections to read:

3 (b) If (1) the central committee or other governing body of a political party adopts a rule  
4 that, notwithstanding AS 15.25.010 - 15.25.130, nominees of the party may not be chosen by a  
5 primary election open to all voters, but rather shall be chosen by a primary election limited to  
6 voters whose political affiliation or nonaffiliation is designated by the party rules; and (2) the  
7 central committee or other governing body of the party delivers a copy of the rule to the director,  
8 no later than March 1 of the year in which a primary election is to take place, the director shall  
9 prepare a separate ballot listing only the candidates of that party, and shall authorize the  
10 distribution of that ballot only to the registered voters who are eligible to vote in that party's  
11 primary under the party rule. Candidates who are listed on a separate ballot under this subsection  
12 may not be listed on the ballot described in (a) of this section. The names of the candidates for  
13 each office shall be rotated as provided for the general election ballot, and no blank spaces shall  
14 be provided on the ballot for the writing or pasting in of names. A ballot prepared under this  
15 subsection shall be designated, prominently labeled, and referred to as the "(insert name of the  
16 party whose candidates appear on the ballot)."

17 (c) If at a primary election under AS 15.25.010 there is more than one ballot available,  
18 a registered voter may choose which ballot the voter wishes to use. A voter may not be given  
19 more than one ballot, and may not be given a ballot of a political party if, under the rules of that  
20 party as delivered to the director under (b) of this section, the voter would not be eligible to vote  
21 in that party's primary election.

22 \* Sec. 4. Sections 2 and 3 of this Act take effect only if a court of competent jurisdiction

23 (1) finds that the rules of a political party providing for the exclusion of a class or classes  
24 of voters from their primary election in this state are valid and enforceable; or

25 (2) otherwise orders the director of elections to conduct the primary election in this state  
26 in a manner that is consistent with the rules of a political party."