

HOUSE BILL NO. 494

IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES GRUENBERG, Finkelstein

Introduced: 2/18/92

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to preliminary general elections, run-off general elections, special general
2 elections, declarations of affiliation with a political party, and the definition of 'political
3 party'."

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

5 * Section 1. AS 15.15.030(5) is amended to read:

6 (5) The state run-off general election ballot shall be printed on white paper with
7 the names of the candidates [AND THEIR PARTY DESIGNATIONS] placed in separate sections
8 under the office designation to which they were nominated. An official endorsement of a
9 candidate by a political party as provided in AS 15.25.057 shall be noted immediately after
10 the name of the candidate. The party affiliation, if any, shall be designated after the name of
11 the candidate. The lieutenant governor and the governor shall be included under the same
12 section. Blank spaces may not be provided on a run-off general election ballot for the
13 writing or pasting in of names [PROVISION SHALL BE MADE FOR VOTING FOR
14 WRITE-IN AND NO-PARTY CANDIDATES WITHIN EACH SECTION]. The squares

1 appearing on the ballots shall measure 1/4 inch on each side.

2 * Sec. 2. AS 15.15 is amended by adding a new section to read:

3 Sec. 15.15.245. WRITE-IN AND PASTE-IN VOTES PROHIBITED IN RUN-OFF
4 GENERAL ELECTION. A voter may not vote for a person whose name is not on the ballot in
5 a run-off general election. Votes cast for a person whose name is not on the ballot in a run-off
6 general election may not be counted, but writing in a candidate's name for an office does not
7 invalidate votes properly cast in the ballot for other offices.

8 * Sec. 3. AS 15.25.030(a) is amended to read:

9 (a) A person [MEMBER OF A POLITICAL PARTY] who seeks to become a candidate
10 [OF THE PARTY] in the preliminary general [PRIMARY] election shall execute and file a
11 declaration of candidacy. The declaration shall be executed under oath before an officer
12 authorized to take acknowledgments and shall state in substance:

- 13 (1) the full name of the candidate;
- 14 (2) the full mailing address of the candidate;
- 15 (3) if the candidacy is for the office of state senator or state representative, the
16 election or senate district of which the candidate is a resident;
- 17 (4) the office for which the candidate seeks nomination;
- 18 (5) whether the candidate is affiliated with a political party and if so the
19 identity of the party [THE NAME OF THE POLITICAL PARTY OF WHICH THE PERSON
20 IS A CANDIDATE FOR NOMINATION];
- 21 (6) the full residence address of the candidate, and the date on which residency
22 at that address began;
- 23 (7) the date of the preliminary general [PRIMARY] election at which the
24 candidate seeks nomination;
- 25 (8) the length of residency in the state and in the district of the candidate;
- 26 (9) that the candidate will meet the specific citizenship requirements of the office
27 for which the person is a candidate;
- 28 (10) that the candidate is a qualified voter as required by law;
- 29 (11) that the candidate will meet the specific age requirements of the office for
30 which the person is a candidate;
- 31 (12) that the candidate requests that the candidate's name be placed on the

1 **preliminary general** [PRIMARY] election ballot;
2 (13) that the required fee accompanies the declaration;
3 (14) that the person is not a candidate for any other office to be voted on at the
4 **preliminary general election or run-off** [PRIMARY OR] general election and that the person
5 is not a candidate for this office under any other declaration of candidacy or nominating petition;
6 **and**
7 (15) the manner in which the candidate wishes the candidate's name to appear
8 on the ballot [; AND
9 (16) THAT THE CANDIDATE IS REGISTERED TO VOTE AS A MEMBER
10 OF THE POLITICAL PARTY WHOSE NOMINATION IS BEING SOUGHT].

11 * Sec. 4. AS 15.25.040(a) is amended to read:

12 (a) The declaration is filed by either

13 (1) the actual physical delivery of the declaration in person or by mail at or before
14 5:00 p.m., prevailing time, June 1 of the year in which a **run-off** general election is held for the
15 office; or

16 (2) the actual physical delivery by telegram **or facsimile** of a copy in substance
17 of the statements made in paragraphs (1) - (5) of the declaration as required by AS 15.25.030(a)
18 at or before 5:00 p.m., prevailing time, June 1 of the year in which a **run-off** general election
19 is held for the office and also the actual physical delivery of the declaration containing
20 paragraphs (1) - **(15)** [(16)] as required by AS 15.25.030(a) by **certified or** registered mail **that**
21 [WHICH] is received not more than 15 days after that time.

22 * Sec. 5. AS 15.25 is amended by adding a new section to read:

23 Sec. 15.25.057. OFFICIAL ENDORSEMENT OF CANDIDATES BY POLITICAL
24 PARTIES. A political party may officially endorse candidates for each office in an election. A
25 political party may prescribe and follow its own rules and procedures in determining the party's
26 official endorsement of candidates. If the candidate consents, notice of an official endorsement
27 of a candidate by a political party shall be placed by the director immediately after the name of
28 the candidate on preliminary general election and run-off general election ballots.

29 * Sec. 6. AS 15.25.060 is amended to read:

30 Sec. 15.25.060. PREPARATION AND DISTRIBUTION OF BALLOTS. The
31 **preliminary general** [PRIMARY] election ballot shall be prepared and distributed by the director

1 in the manner prescribed for run-off general election ballots except as specifically provided
2 otherwise for the preliminary general [PRIMARY] election. The director shall place the names
3 of all candidates who have properly filed in groups according to offices filed for, without regard
4 to party affiliation. The names for each office shall be rotated as provided for the run-off
5 general election ballot. Blank [NO BLANK] spaces shall be provided on the ballot for the
6 purpose of permitting voters to vote for candidates not appearing on the ballot by writing
7 or pasting in [OF] names. The director shall note an official endorsement of a candidate by
8 a political party under AS 15.25.057 immediately after the candidate's name.

9 * Sec. 7. AS 15.25.070 is amended to read:

10 Sec. 15.25.070. WRITE-IN OR PASTE-IN VOTING [SPECIAL PROVISIONS ON
11 COUNTING BALLOTS]. A voter may [NOT] vote in a preliminary general election for a
12 person whose name is not on the ballot by writing or pasting in the name of the person
13 receiving the vote [VOTES CAST FOR A PERSON WHOSE NAME IS NOT ON THE
14 BALLOT MAY NOT BE COUNTED, BUT WRITING IN A CANDIDATE'S NAME DOES
15 NOT INVALIDATE THE ENTIRE BALLOT].

16 * Sec. 8. AS 15.25.100 is repealed and reenacted to read:

17 Sec. 15.25.100. ELECTION IN PRELIMINARY GENERAL ELECTION FOR OFFICE
18 OTHER THAN GOVERNOR OR LIEUTENANT GOVERNOR. (a) A candidate for a state
19 office other than governor or lieutenant governor who receives more than 50 percent of the votes
20 cast for that office in a preliminary general election shall be declared elected.

21 (b) For a state office other than governor and lieutenant governor, if no candidate
22 receives more than 50 percent of the votes cast for that office in a preliminary general election,
23 the director shall place on the run-off general election ballot the names of the two candidates who
24 received the most votes in the preliminary general election.

25 (c) If a candidate for state office other than governor or lieutenant governor nominated
26 at the preliminary general election dies, withdraws, resigns, or becomes disqualified from holding
27 the office for which the candidate is nominated, the vacancy shall be filled by the candidate, if
28 any, for the same office in the preliminary general election who received the most votes among
29 candidates not otherwise placed on the run-off general election ballot.

30 (d) Party affiliation is irrelevant in determining candidates who receive the most votes
31 for office in a preliminary general election.

1 * **Sec. 9.** AS 15.25.110 is repealed and reenacted to read:

2 **Sec. 15.25.110. PLACEMENT ON RUN-OFF GENERAL ELECTION BALLOT OF**
3 **NOMINEES FOR GOVERNOR.** (a) The director shall place on a run-off general election ballot
4 the names of the two candidates who received the most votes for governor in the preliminary
5 general election.

6 (b) If a candidate for governor nominated at the preliminary general election dies,
7 withdraws, resigns, or becomes disqualified from holding office for which the candidate is
8 nominated, the vacancy shall be filled by the candidate, if any, for governor in the preliminary
9 general election who received the most votes among candidates not otherwise placed on the run-
10 off general election ballot.

11 (c) Party affiliation is irrelevant in determining candidates who receive the most votes
12 for governor in a preliminary general election, run-off general election, or special general
13 election.

14 * **Sec. 10.** AS 15.25.120 is repealed and reenacted to read:

15 **Sec. 15.25.120. PLACEMENT ON RUN-OFF GENERAL ELECTION BALLOT OF**
16 **NOMINEES FOR LIEUTENANT GOVERNOR.** (a) On a run-off general election ballot, the
17 director shall join with the candidate for governor who received the most votes in the preliminary
18 general election the name of the candidate, if any, of the same political party who received the
19 most votes for lieutenant governor in the preliminary general election.

20 (b) If candidates for governor on a run-off general election ballot are not affiliated with
21 the same political party, the director shall join with the candidate for governor who received the
22 second most votes in the preliminary general election the name of the candidate, if any, of the
23 same political party who received the most votes for lieutenant governor in the preliminary
24 general election.

25 (c) If both candidates for governor on a run-off general election ballot are affiliated with
26 the same political party, the director shall join with the candidate for governor who received the
27 second most votes in the preliminary general election the name of the candidate of the same
28 political party, if any, who received the second most votes for lieutenant governor in the
29 preliminary general election.

30 (d) If a candidate for governor in a preliminary general election who is not affiliated with
31 a political party is nominated to run in the run-off general election, the director shall join that

1 candidate on the run-off general election ballot with the candidate for lieutenant governor who
2 received the most votes in the preliminary general election and who is not otherwise joined with
3 a candidate for governor under (a) - (c) of this section. If neither candidate for governor in a
4 run-off general election is affiliated with a political party, the director shall join the candidate for
5 governor receiving the second most votes in the preliminary general election on the run-off
6 general election ballot with the name of the candidate for lieutenant governor who received the
7 second most votes in the preliminary general election.

8 (e) A candidate for governor in a run-off general election who is joined with a candidate
9 for lieutenant governor who dies, withdraws, resigns, or becomes disqualified from serving as
10 lieutenant governor shall be joined with a replacement candidate for lieutenant governor
11 determined by (a) - (d) of this section.

12 * Sec. 11. AS 15.40.180 is repealed and reenacted to read:

13 Sec. 15.40.180. SELECTION OF NOMINEES IN MANNER PROVIDED FOR RUN-
14 OFF GENERAL ELECTION. If the vacancy in the office of the United States representative
15 occurs one calendar month or more before the filing date for the preliminary general election,
16 candidates for the special general election shall be nominated in the manner provided for the
17 nomination of candidates for run-off general elections.

18 * Sec. 12. AS 15.40.270 is repealed and reenacted to read:

19 Sec. 15.40.270. SELECTION OF NOMINEES IN MANNER PROVIDED FOR RUN-
20 OFF GENERAL ELECTION. If a vacancy in the office of the governor or the lieutenant
21 governor occurs one calendar month or more before the filing date for the preliminary general
22 election, candidates for the special general election shall be nominated in the manner provided
23 for the nomination of candidates for run-off general elections.

24 * Sec. 13. AS 15.58.030(b) is amended to read:

25 (b) No later than July 15 of a year in which a state run-off general election will be held,
26 an individual who becomes a candidate for the office of United States senator, United States
27 representative, governor, lieutenant governor, state senator, or state representative under
28 AS 15.25.030 may file with the lieutenant governor a photograph and a statement advocating the
29 candidacy. An individual who becomes a candidate for the office of United States senator,
30 United States representative, governor, lieutenant governor, state senator, or state representative
31 [UNDER AS 15.25.180 BY FILING A NOMINATING PETITION OR] by write-in [ANOTHER

1 MEANS] may file with the lieutenant governor a photograph and a statement advocating the
2 candidacy [BY JULY 15 OR] within 10 days of becoming a candidate in the run-off general
3 election [, WHICHEVER IS LATER].

4 * **Sec. 14.** AS 15.60.010(20) is repealed and reenacted to read:

5 (20) "political party" means an organized group of voters who represent a political
6 program and with whom at least one candidate, who received at least three percent of the total
7 votes cast for that office in the preceding preliminary general election, declared affiliation under
8 AS 15.25.030(a).

9 * **Sec. 15.** AS 39.50.020(b) is amended to read:

10 (b) The governor, lieutenant governor, members of the legislature, judicial officers, each
11 commissioner, head or deputy head of, or director of a division within, a department in the
12 executive branch, assistant to the governor or chairman or member of a commission or board
13 required to report under this chapter, shall file the statement with the Alaska Public Offices
14 Commission. Candidates for the office of governor, lieutenant governor, and the legislature shall
15 file the statement under AS 15.25.030 [OR 15.25.180]. Municipal officers, and candidates for
16 elective municipal office, shall file with the municipal clerk or other municipal official designated
17 to receive their filing for office. All statements required to be filed under this chapter are public
18 records.

19 * **Sec. 16.** AS 15.25.056, 15.25.130, 15.25.140, 15.25.150, 15.25.160, 15.25.170, 15.25.180,
20 15.25.190, 15.25.200; AS 15.40.090, 15.40.100, 15.40.110, 15.40.120, 15.40.190, 15.40.200, 15.40.210,
21 15.40.280, 15.40.290, 15.40.300, 15.40.430, 15.40.440, 15.40.450, and 15.40.460 are repealed.

22 * **Sec. 17.** IMPLEMENTING NAME CHANGES. To be consistent with the name changes made by
23 this Act, wherever in the Alaska Statutes, and in regulations adopted under those statutes, "primary" or
24 "primary election" is used, it shall be read as referring to a "preliminary general election." Wherever
25 in the Alaska Statutes, and in regulations adopted under those statutes, "general election" is used, it shall
26 be read as referring to a "run-off general election." Wherever in the Alaska Statutes, and in regulations
27 adopted under those statutes, "special election" is used, it shall be read as referring to a "special general
28 election." Under AS 01.05.031, the revisor of statutes shall implement this section in the statutes, and,
29 under AS 44.62.125(b)(6), the regulations attorney shall implement the section in the administrative
30 regulations.