

CS FOR SENATE BILL NO. 297 (STATE AFFAIRS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 2/24/92
Referred: Judiciary, Finance

Sponsor(s): SENATE STATE AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to primary election ballots and nomination for general elections; and
2 providing for an effective date."

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

4 * Section 1. INTENT. The legislature is passing this Act in response to Tashjian v. Republican Party
5 of Connecticut, 479 U.S. 208 (1986). If it is determined that the case does not apply in this state, it is
6 the intent of the legislature to repeal this Act and return to an open primary election.

7 * Sec. 2. AS 15.25.070 is amended to read:

8 Sec. 15.25.070. SPECIAL PROVISIONS ON COUNTING BALLOTS. A voter may not
9 vote for a person whose name is not on the ballot. Votes cast for a person whose name is not on
10 the ballot may not be counted, but writing in a candidate's name does not invalidate the entire
11 ballot. Votes cast for a candidate by all voters and votes cast for a candidate by voters
12 whose votes are permitted, by the rules of the political party with whom the candidate is
13 affiliated, to be counted for election to that office, shall be separately counted. In this
14 section, a political party's rules permit the votes of all qualified voters to be counted, unless

1 the political party delivers to the director

2 (1) at least 150 days before the date of the election, a written copy of rules
3 providing otherwise; and

4 (2) at least 90 days before the date of election, evidence that the rules have
5 been precleared by the federal government.

6 * Sec. 3. AS 15.25.100 is amended to read:

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

8 The director shall place on the general election ballot the name of the candidate receiving the
9 highest number of votes for an office cast by voters whose votes are permitted, by the rules
10 of the [A] political party with whom the candidate is affiliated, to be counted for election to
11 that office. In this section, a political party's rules permit the votes of all qualified voters
12 to be counted in nominating a candidate to a general election ballot, unless the political
13 party delivers to the director

14 (1) at least 150 days before the date of the primary election, a written copy
15 of rules providing otherwise; and

16 (2) at least 90 days before the election, evidence that the rules have been
17 precleared by the federal government [ON THE GENERAL ELECTION BALLOT].

18 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).