

HOUSE BILL NO. 15
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE NAVARRE

Introduced: 1/11/93

Referred: State Affairs, Judiciary, Finance

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
4 the open primary as it operated in the state between 1967 and 1991 to the maximum extent
5 legally and constitutionally permissible.

6 * Sec. 2. AS 15.25.060 is amended to read:

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

1 **The ballot prepared under this subsection shall be designated, prominently**
2 **labeled, and referred to as the "open primary ballot." In this subsection, "open"**
3 **means that the ballot is available to all qualified and eligible voters of the state.**

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

5 (b) The central committee or other governing body of a political party may
6 adopt a rule that, notwithstanding AS 15.25.010 - 15.25.130, nominees of the party for
7 offices may not be chosen by a primary election open to all voters, but rather shall be
8 chosen by a primary election limited to voters whose political affiliation or
9 nonaffiliation is designated by the party rules. The director shall prepare a separate
10 ballot listing only the candidates of a political party and shall authorize the distribution
11 of that ballot only to the registered voters who are eligible to vote in that party's
12 primary under the party rule if the central committee or other governing body of the
13 political party

14 (1) adopts the rule described in this subsection; and

15 (2) delivers a copy of the rule to the director no later than March 1 of
16 the year in which a primary election is to take place.

17 (c) Candidates who are listed on a separate ballot under (b) of this section may
18 not be listed on the ballot described in (a) of this section. The names of the candidates
19 for each office shall be rotated as provided for the general election ballot, and blank
20 spaces shall be provided on the ballot for the writing or pasting in of names. A ballot
21 prepared under this subsection shall be designated, prominently labeled, and referred
22 to as the "(insert name of the party whose candidates appear on the ballot) party
23 primary ballot."

24 (d) If, at a primary election under AS 15.25.010, there is more than one ballot
25 available, a registered voter may choose which ballot the voter wishes to use. A voter

26 (1) may not be given more than one ballot; and

27 (2) may not be given the separate ballot of a political party if, under
28 the rules of that party as delivered to the director under (b) of this section, the voter
29 would not be eligible to vote in that party's primary election.

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

31 (1) finds that the rules of a political party providing for the exclusion of a class

- 1 or classes of voters from their primary election in this state are valid and enforceable; or
- 2 (2) otherwise orders the director of elections to conduct the primary election
- 3 in this state in a manner that is consistent with the rules of a political party.