

**HOUSE BILL NO. 47**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**EIGHTEENTH LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVE MARTIN**

**Introduced: 1/12/93**

**Referred: State Affairs, Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the delivery of the primary ballots to persons making  
2 application for them when, by operation of political party rule, two or more  
3 primary ballots must be provided to the public."

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

5 \* Section 1. LEGISLATIVE FINDINGS AND INTENT. (a) To implement the stipulation  
6 and approval entered into between the state and various parties in the case captioned Zawacki  
7 v. State, No. A-92-414-Civil, in the United States District Court for the District of Alaska, the  
8 lieutenant governor prepared and adopted a series of emergency regulations, codified as 6  
9 AAC 28. Among the provisions was a subsection, 6 AAC 28.040(c), directing that "if an  
10 applicant for an absentee ballot does not indicate a ballot preference on the absentee ballot  
11 application, the director [of elections] will send the applicant the open primary (statutory)  
12 ballot." As a result of the stipulated subsection, persons registered to the one political party  
13 whose rules then required the use of a ballot containing a listing of candidates limited to those  
14 who were registered as members of that political party received the absentee ballot for the

1 September 8, 1992, primary that contained the names of candidates seeking the nomination  
2 of other political parties. The regulations in question lapsed, effective November 7, 1992, and  
3 do not apply to future primary elections.

4 (b) The purpose of this Act is to establish that, for purposes of guiding future primary  
5 elections, if a political party's rules require the use of an absentee ballot containing a listing  
6 of candidates limited to those who were registered as members of that political party, absentee  
7 ballot applicants shall receive the primary election ballot of their choice or, in the event of  
8 failure to indicate a choice or lack of opportunity to make the choice, shall receive the  
9 appropriate primary election ballots and shall be directed to make a choice between them, and  
10 will not be required to vote an absentee ballot that contains the names of candidates seeking  
11 the nomination of other political parties.

12 \* Sec. 2. AS 15.20 is amended by adding a new section to read:

13 Sec. 15.20.155. DELIVERY OF PRIMARY BALLOT. (a) The provisions  
14 of this section apply when

15 (1) the central committee or other governing body of a political party  
16 adopts a rule that, notwithstanding AS 15.25.010 - 15.25.130, nominees of the party  
17 may not be chosen by a primary election open to all voters, but rather shall be chosen  
18 by a primary election that is limited to voters whose political affiliation or  
19 nonaffiliation is designated by the party rules; and

20 (2) the director is prevented by application of that rule from providing  
21 to a voter the ballot of a political party if, under the rules of that party, the voter  
22 would not be eligible to vote in that party's primary election.

23 (b) If an applicant for an absentee ballot under AS 15.20.071, 15.20.081, or  
24 15.20.082

25 (1) indicates a ballot preference on the absentee ballot application when  
26 opportunity to indicate the preference has been provided on the absentee ballot  
27 application, the director shall deliver to the applicant the primary ballot indicated on  
28 the application;

29 (2) does not indicate a ballot preference on the absentee ballot  
30 application when opportunity to indicate the preference has been provided on the  
31 absentee ballot application, or the applicant has not been given an opportunity on the

1 absentee ballot application to indicate the applicant's preference, the director shall  
2 deliver to the applicant all primary ballots that are appropriate to the primary election  
3 of the applicant's political party affiliation or nonaffiliation, together with an  
4 instruction to vote only one of the ballots; the director shall make the determination  
5 of appropriateness of the primary ballots on the basis of voter registration documents  
6 maintained by the director.