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STATE OF ALASKA  
1988 LEGISLATIVE SESSION

DIRECTOR OF ELECTIONS  
FISCAL NOTE

BILL VERSION: SB288  
PUBLISH DATE: 5/4/87

REQUEST:

Revision Date: \_\_\_\_\_  
Title: Act relating to use of the name of a political party by a candidate.  
Sponsor: Halford  
Requestor: Senate State Affairs

Agency Affected: Office of the Governor  
BRU: Elections  
Components: II - Primary & General Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Linda Edgeworth, Information Officer  
Division: Elections

Phone: 465-4611  
Date: 1/21/88

Approved by Commissioner: [Signature]  
Agency: Office of the Governor

Date: 1/26/88

Distribution (by preparer): 1/26/88

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

# The Republican Party of Alaska



Jim Crawford  
Chairman

Marilyn Paine  
National Committeewoman

Eidon Ulmer  
National Committeeman

Jack Wilbur  
Vice Chairman

Gail Phillips  
Secretary

Tim McKeever  
Treasurer

Charlot Thickalon  
Asst. Secretary

Lloyd Hames  
Asst. Treasurer

Randy Ruedrich  
Finance Chairman

Cliff Groh  
Legal Counsel

750 E. Fireweed Lane, Suite 102  
Anchorage, Alaska 99503  
(907) 276-4467

January 15, 1988

The Honorable Mitch Abood  
Chairman  
State Affairs Committee  
P.O. Box V  
Juneau, Alaska 99811

Dear Mr. Chairman:

Thank you for the opportunity to testify regarding Senate Bill 288, "An act relating to the use of a political party name by a candidate". SB 288 addresses a serious difficulty endemic only to legislative and gubernatorial elections in our state. The presidential portion of the statute is clear as to a process by which a candidate and a party are identified. As we found, to our chagrin, in 1986, no such clarity exists in statute regarding the identification of a candidate with our party or another party should the candidate choose to avoid a primary and yet utilize our party label by attaching some qualifier to it.

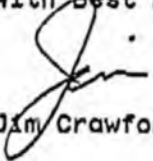
Thousands of Alaskans have worked to build political parties with stated philosophies in our platforms and resolutions, with incumbents of whom we are proud as they espouse our political philosophies and with candidates who are the embodiment of our public leadership. A basic foundation of party activists is the identity of the Party through our names and symbols. The elephant is clearly a Republican and the donkey is clearly a Democrat. That clarity in the public's mind, however, is subject to confusion when qualifiers are added to the name and primaries are avoided.

Whether an "independent Republican" runs, a "moderate Democrat" runs or any other of the tremendous number of qualifiers that could be used to condition Republicans or Democrats as they run, the qualifiers merely add confusion to the system and, frankly, allow gamesmanship at the public's expense. Simply put, if a candidate chooses to run as a Republican, Democrat, Libertarian or any other party and there is competition, we have a tried and true system of competition called the primary to determine the standard bearer for that party. If a candidate chooses to identify with a party by use of the name that candidate should do so honorably by competing in the established process.

Page Two  
Chairman Abood  
January 15, 1988

Even though there are points which may need clarification between the parties, the public has come to expect and indeed demands to examine the records, platforms and differences between incumbents of the parties, and indeed the parties themselves. Although 1986 provided only one candidate who used what he described as a "neat trick" to avoid the primary, I could anticipate more such gamesmanship in 1988 if the statute is not clarified. Therefore, I advocate on behalf of the Republican Party passage of Senate Bill 298.

With Best Regards,



Jim Crawford



# Democratic Party of Alaska

Jack Roderick  
State Chair

Virgie King  
1st Vice Chair

Hilda Woods  
Treasurer

Carolyn Covington  
Secretary

Dan Coffey  
Finance Chair

Bob Goldberg  
Legal Counsel

Doris Volske  
National Committeewoman

Vander Pearson  
National Committeeman

Chancy Croft  
Policy Commission

Peg Tileston  
Alaska Democrat

January 15, 1988

Senator Halford  
Pouch V  
Juneau, Ak 99811

Dear Senator Halford;

I endorse the concept embodied in SB 288, whereby state candidates would be prohibited from using the name of an existing political party in their campaign in any way other than that intended by the political party.

Sincerely,

Jack Roderick  
Party Chair

William D. Bobrick  
Executive Director



## NOTES TO DECISIONS

**Ballot access requirement.** — Where there was no evidence that the former ballot access requirement of 1,000 signatures caused confusion among voters or any other problem, the increase to a minimum of signatures equal in number to 3 percent of votes cast in last election in order to make all ballot access requirements uniform, violated the free speech and equal

protection clauses of the Alaska Constitution by effectively eliminating a new political party's access to the ballot. *Vogler v. Miller*, Sup. Ct. Op. No. 2562 (File No. 6959), 651 P.2d 1 (1982).

Quoted in *Vogler v. Miller*, Sup. Ct. Op. No. 2639 (File No. 6959), 660 P.2d 1192 (1983).

**Sec. 15.25.170. Required number of signatures for district-wide office.** Petitions for the nomination of candidates for the office of state senator or state representative shall be signed by qualified voters of the election or senate district in which the proposed nominee desires to be a candidate equal in number to at least one percent of the number of voters who cast ballots in the proposed nominee's respective election or senate district in the preceding general election. A nominating petition may not contain less than 50 signatures for any district. (§ 5.54 ch 83 SLA 1960; am § 139 ch 100 SLA 1980; am § 27 ch 85 SLA 1986)

**Effect of amendments.** — The 1986 amendment divided the section into two sentences by substituting "A" for "provided that no," in the first sentence substituted "one" for "three," "voters who cast ballots" for "votes cast" and "the proposed

nominee's" for "his" and in the second sentence deleted "need contain more than 200 signatures nor" following "petition" and "it" preceding "contain less" and inserted "not."

**Sec. 15.25.180. Requirements for petition.** The petition shall state in substance

- (1) the full name of the candidate,
- (2) the full resident address of the candidate,
- (3) the full mailing address of the candidate,
- (4) the name of the political group supporting the candidate,
- (5) if the candidacy is for the office of state senator or state representative, the election or senate district of which the candidate is a resident,
- (6) the office for which the candidate is nominated,
- (7) the date of the election at which the candidate seeks election,
- (8) that the candidate meets, or will meet, as required by law, the specific requirements of the office for which he is a candidate,
- (9) that the subscribers are qualified voters of the state or election or senate district in which the candidate resides,
- (10) *[Repealed, § 45 ch 85 SLA 1986.]*
- (11) that the subscribers request that the candidate's name be placed on the ballot,
- (12) that the proposed candidate accepts the nomination and will serve if elected, with the statement signed by the proposed candidate,

(13) if the candidacy is for the office of the governor, the name of the candidate for lieutenant governor running jointly with him,

(14) the name of the candidate as he wishes it to appear on the ballot, and

(15) that the candidate is not a candidate for any other office to be voted on at the primary or general election and that he has not filed another nominating petition or declaration of candidacy for the office for which this petition is filed. (§ 5.55 ch 83 SLA 1960; am § 22 ch 80 SLA 1963; am § 140 ch 100 SLA 1980; am § 45 ch 85 SLA 1986)

**Effect of amendments.** — The 1986 amendment repealed paragraph (10), which read "That the subscribers intend to vote for the candidate at the general election."

### Article 3. Presidential Party Primary Election.

*Secs. 15.25.220 — 15.25.280. Presidential party primary election. [Repealed, § 1 ch 2 SLA 1984.]*

## Chapter 30. National Elections.

### Article

1. President (§ 15.30.025)

### Article 1. President.

#### Section

25. Qualifications for limited political parties

**Sec. 15.30.025. Qualifications for limited political parties.** (a) A limited political party may be organized for the purpose of selecting candidates for electors of President and Vice President of the United States by filing with the director at least 90 days before a presidential general election a petition signed by qualified voters of the state equaling in number at least one percent of the number of voters who cast ballots for President at the last presidential election. The petition shall state that the signers intend to organize a limited political party, that they intend to select candidates for electors of President and Vice President of the United States at the next succeeding presidential election, and the name of the limited political party.

(b) A limited political party organized under this section may not assume a name which is so similar to an existing political party as to confuse or mislead the voters at an election. If the director determines that the name of the limited political party set out in a petition is confusing or misleading, he may refuse to accept the petition for filing.

Article 1. President.

Section

- 10. Provision for selection of electors
- 20. Number and manner of selecting candidates
- 25. Qualifications for limited political parties
- 30. Qualification of electors
- 40. Requirement of party pledge
- 50. Interpretation of votes cast for candi-

Section

- dates for President and Vice President
- 60. Notification of electors
- 70. Place and time of meeting
- 80. Filling of vacancies
- 90. Duties of electors
- 100. Compensation of electors

Collateral references. -- 25 Am. Jur. 2d, Elections, §§ 1, 3, 4, 9; 77 Am. Jur. 2d, United States, § 43.  
 29 C.J.S., Elections, §§ 91, 94, 97, 111(1), 174, 210(2); 91 C.J.S., United States, §§ 27, 28.  
 Presidential and vice-presidential electors, 153 ALR 1066.

**Sec. 15.30.010. Provision for selection of electors.** Electors of President and Vice President of the United States are selected by election at the general election in presidential election years. (§ 6.01 ch 83 SLA 1960; am § 10 ch 71 SLA 1972)

Legislative history reports. -- For report on ch. 71, SLA 1972 (HCSSB 383 am H), see 1972 House Journal, p. 898.

**Sec. 15.30.020. Number and manner of selecting candidates.** Each political party shall select a number of candidates for electors of President and Vice President of the United States equal to the number of senators and representatives to which the state is entitled in Congress. The candidates for electors shall be selected by the state party convention or in any other manner prescribed by the bylaws of the party. The chairman and secretary of the state convention or any other party official designated by the party bylaws shall certify a list of the names of candidates for electors to the director on or before September 1 in presidential election years. (§ 6.02 ch 83 SLA 1960; am § 143 ch 100 SLA 1980)

Effect of amendments. -- The 1980 amendment substituted "director" for "lieutenant governor" near the end of the section.

**Sec. 15.30.025. Qualifications for limited political parties.** (a) A limited political party may be organized for the purpose of selecting candidates for electors of President and Vice President of the United States by filing a petition with the director at least 90 days before a presidential general election signed by qualified voters of this state equaling in number at least three percent of Alaska's total vote for

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President at the last presidential election. The petition shall state that the signers intend to organize a limited political party, that they intend to select candidates for electors of President and Vice President of the United States at the next succeeding presidential election, and the name of the limited political party.

(b) A limited political party organized under this section may not assume a name which is so similar to an existing political party as to confuse or mislead the voters at an election. If the director determines that the name of the limited political party set out in a petition is confusing or misleading, he may refuse to accept the petition for filing.

(c) A limited political party organized under this section shall cease to be a limited political party whenever its presidential candidate fails to receive at least 10 percent of the total Alaskan vote cast for the office of President at a presidential election. (§ 1 ch 160 SLA 1970; am § 100 ch 100 SLA 1980)

**Effect of amendments.** — The 1980 amendment substituted "director" for "lieutenant governor" where it appears near the middle of the first sentence of subsection (a) and at the beginning of the last sentence of subsection (b), inserted "general" preceding "election" near the middle of the first sentence of subsection (a), and

inserted "limited" preceding "political party" near the beginning and end of the second sentence of subsection (a), at the beginning of the first sentence and near the middle of the second sentence of subsection (b), and at the beginning and near the middle of subsection (c).

**Sec. 15.30.030. Qualification of electors.** Any qualified voter except a United States senator or representative or person holding an office of trust or profit under the United States may be selected as a candidate for elector. (§ 6.03 ch 83 SLA 1960)

**Sec. 15.30.040. Requirement of party pledge.** The party shall require from each candidate for elector a pledge that as an elector he will vote for the candidates nominated by the party of which he is a candidate. (§ 6.04 ch 83 SLA 1960)

**Sec. 15.30.050. Interpretation of votes cast for candidates for President and Vice President.** In voting for presidential electors, a vote marked for the candidates for President and Vice President is considered and counted as a vote for the presidential electors of the party. (§ 6.05 ch 83 SLA 1960)

**Sec. 15.30.060. Notification of electors.** When the results of the election of presidential electors have been determined, the director shall send a certificate of election to each elector and shall notify the electors of the time and place of their meeting and of their duties as electors. (§ 6.06 ch 83 SLA 1960; am § 145 ch 100 SLA 1980)

**Effect of amendments.** — The 1980 amendment substituted "director" for "lieutenant governor" near the middle of the section.

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

President at the last presidential election. The petition shall state that the signers intend to organize a limited political party, that they intend to select candidates for electors of President and Vice President of the United States at the next succeeding presidential election, and the name of the limited political party.

(b) A limited political party organized under this section may not assume a name which is so similar to an existing political party as to confuse or mislead the voters at an election. If the director determines that the name of the limited political party set out in a petition is confusing or misleading, he may refuse to accept the petition for filing.

(c) A limited political party organized under this section shall cease to be a limited political party whenever its presidential candidate fails to receive at least 10 percent of the total Alaskan vote cast for the office of President at a presidential election. (§ 1 ch 160 SLA 1970; am § 144 ch 100 SLA 1980)

**Effect of amendments.** — The 1980 amendment substituted "director" for "lieutenant governor" where it appears near the middle of the first sentence of subsection (a) and at the beginning of the last sentence of subsection (b), inserted "general" preceding "election" near the middle of the first sentence of subsection (a), and

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**Effect of amendments.** — The 1980 amendment substituted "director" for "lieutenant governor" near the middle of the section.