

H B

395

INTRODUCTION OF BILLS (House)

State-Owned
Salmon
Hatcheries
(transfer of)

HOUSE BILL NO. 393, by Rep. Bettisworth. Would transfer operation of state-owned salmon hatcheries by lease to qualified regional associations (AS 16.10.380 created regional associations for the purpose of enhancing salmon production), or to local nonprofit hatchery corporations approved by a qualified regional association. The bill's "findings" section states: "The legislature finds that declining state revenues and the newly imposed constitutional spending limit require a reduction in expenditures for state-operated salmon hatcheries. This reduction is likely to result in the closure of many, if not all, state hatcheries. State hatcheries play an important role in the conservation and management of the state's fisheries resources and benefit all fishermen - commercial, subsistence, and sport - who depend on salmon stocks. Therefore, it is in the public interest to provide for the transfer of operation of the hatcheries by lease to private nonprofit operators."

A lease to operate a state-owned hatchery shall make the lessee solely responsible for the operation and maintenance of the hatchery and shall indemnify the state against liability for harm or loss arising from the operation during the period of the lease. Application for the transfer of the operation of a state-owned hatchery shall be made on a form provided by the Department of Fish and Game.

Does not provide for an effective date (becomes law 90 days after Governor's approval).

Introduced May 2 and referred to the House Special Committee on Fisheries, Resources, and Finance.

State Retirement System
(fireman/
peace officer status)

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 394, by Rep. Hayes. See Sponsor Substitute for Senate Bill 277, page 614, identical.

Introduced May 4 and referred to State Affairs, Finance.

Presidential Party Primary Elections

HOUSE BILL NO. 395, by Reps. M. M. Miller, Duncan, & Vaska. Would limit presidential party primary elections in Alaska to those voters who have publicly declared a preference for a particular political party. A person voting in the presidential party preference primary election could only be given the ballot of the political party he has declared a preference for. Repeals AS 15.25.270: "The lieutenant governor may not schedule another state election on the date scheduled for the presidential party primary election." Provides for an immediate effective date.

Introduced May 3 and referred to State Affairs and Judiciary.

State Audit of Local Governments

HOUSE BILL NO. 396, by the Community and Regional Affairs Committee. Amends AS 29.48.220 (Post Audit). Current law requires the assembly or council to provide for an annual independent audit of the accounts and financial transactions of the municipality or, in the case of a second class city, an audit or statement of annual income and expenditures. Amended so that only second class cities that had received less than \$100,000 in total

HPS 573 3 29 1

PRESIDENTIAL PRIMARIES

Sixteen states responded to the questionnaire by indicating that they hold "true" presidential primaries (sometimes called delegate selection primaries) in which voters choose individuals or a slate of persons to serve as delegates to the national party conventions at which party candidates for president are chosen. Thirteen of the states responded by saying they hold presidential preference primaries at which candidates for president appear on the ballot and are voted for directly. One state indicated that either kind of primary was permissible under state law, and the choice of which kind to hold was left to the parties. Another state said that both kinds of primaries are held. Sixteen states do not hold presidential primaries; their delegates to the national conventions are selected at state conventions or caucuses. The remaining three states hold some kind of primary, but the information available does not permit us to ascertain the type of primary utilized.

Presidential Primaries

	"True" Primary	Preference Primary	Caucus/ Convention	Administration	Finance	Date
ALABAMA	✓			parties	state	2nd Tues. March
ALASKA		✓		state	state	3rd Tues. April
ARIZONA			✓			
ARKANSAS	✓			parties	parties	
CALIFORNIA	✓			county	county	Tues. after 1st Mon. June
COLORADO			✓			
CONNECTICUT	✓			state	state	Tues. after 4th Mon. March
DELAWARE			✓			
FLORIDA	✓			county	county	2nd Tues. March
GEORGIA	✓			parties	parties	
HAWAII			✓			
IDAHO		✓		state/county	state-25%/county-75%	4th Tues. May
ILLINOIS	✓			state/county	county	3rd Tues. March
INDIANA	✓			state	county	Tues. after 1st Mon. May
IOWA			✓			
KANSAS			✓			
KENTUCKY		✓		state	state/county	
LOUISIANA		✓		county	state	1st Sat. April
MAINE			✓			
MARYLAND	✓			state	local	2nd Tues./May in Pres. yrs.
MASSACHUSETTS		✓		state	state	1st Tues. March
MICHIGAN	†	†		state	state	3rd Tues. May

* No data available

† depends on party rule

Presidential Primaries (cont.)

	"True" Primary	Preference Primary	Caucus/ Convention	Administration	Finance	Date
MINNESOTA			✓			
MISSISSIPPI		✓		parties	counties	1st Tues./Sept.
MISSOURI			✓			
MONTANA	✓	✓		county/state	county/state	Tues. after 1st Mon./June
NEBRASKA				county	county	
NEVADA	✓		✓			
NEW HAMPSHIRE	✓			state	state	2nd Tues./March
NEW JERSEY						1st Tues. after 1st Mon./June
NEW MEXICO		✓		state	state	1st Tues. June in 1956, etc.
NEW YORK*						
NORTH CAROLINA		✓		state	state	Tues. after 1st Mon./May
NORTH DAKOTA	✓	✓		county	county	
OHIO				state	state	Tues. after 1st Mon./June
OKLAHOMA			✓			
OREGON	✓	✓		state	county	3rd Tues./May
PENNSYLVANIA	✓			state	state	4th Tues./April
RHODE ISLAND				state	state	
SOUTH CAROLINA	✓		✓			
SOUTH DAKOTA	✓			state/county	county	1st Tues./June
TENNESSEE		✓		state/county	county	1st Tues./May
TEXAS		✓		parties	state	1st Sat./May
UTAH			✓			
VERMONT		✓		state	state	1st Tues./March
VIRGINIA			✓			
WASHINGTON			✓			
WEST VIRGINIA*						
WISCONSIN*				state	state/county	1st Tues./April
WYOMING			✓			

* No data available

† depends on party rule

CHAPTER TWO PRIMARIES

REQUIREMENTS FOR HOLDING A PRIMARY

The most commonly utilized requirement for qualifying to hold a primary election is that the party in question wins a statewide race in the last general election or receives a specific percentage of the total vote cast in the most recent general election for governor. However, some states have requirements which do not follow this format. Specific exceptions to this format are noted in the footnote to the table entitled "Primary Nominations."

At least two states have provisions for continuing parties' eligibility for primaries without regard to their turnout performance, while others link the requirements to the turnout percentage in the race for Secretary of State, Congressional offices, or even the total number of votes cast in races for the State Legislature.

This data was obtained both from the Election Codes of the various states and from the questionnaires which were completed by the Offices of the several Secretaries of State.

Primary Nominations

% Vote in Last Statewide Election
Required to Hold Primary Election

ALABAMA	•	MONTANA	5
ALASKA	3	NEBRASKA	5
ARIZONA	1	NEVADA†	5
ARKANSAS	3	NEW HAMPSHIRE	3
CALIFORNIA†	1	NEW JERSEY†	10
COLORADO	10	NEW MEXICO	15
CONNECTICUT	20	NEW YORK	5
DELAWARE†		NORTH CAROLINA	10
FLORIDA	3	NORTH DAKOTA	•
GEORGIA	•	OHIO	5
HAWAII	•	OKLAHOMA†	
IDAHO	3	OREGON	20
ILLINOIS	5	PENNSYLVANIA	2
INDIANA†	10	RHODE ISLAND	5
IOWA	2	SOUTH CAROLINA†	
KANSAS†	5	SOUTH DAKOTA	10
KENTUCKY†	20	TENNESSEE	5
LOUISIANA	5	TEXAS	2
MAINE	5	UTAH†	2
MARYLAND	3	VERMONT	5
MASSACHUSETTS	3	VIRGINIA	10
MICHIGAN†	5	WASHINGTON	5
MINNESOTA	5	WEST VIRGINIA	1
MISSISSIPPI	•	WISCONSIN	1
MISSOURI	•	WYOMING	10

* No Data Available

% vote applies to gubernatorial elections unless otherwise noted.

† California—obtain number of registered voters equivalent to 1% of last gubernatorial vote

Delaware—number of registrants must equal 5/100 of 1% of total registration

Indiana—10% of vote in last Secretary of State election

Kansas—5% of vote in last Secretary of State election

Kentucky—20% of last Presidential vote

Michigan—5% of vote in last Secretary of State election

Nevada—5% of last congressional vote

New Jersey—10% of last General Assembly vote

Oklahoma—new parties formed with 5% of total registration; old parties remain

South Carolina—new parties formed with petition of 10,000 signatures; old parties remain

Utah—2% of last congressional vote

GAINING BALLOT STATUS: THE INDEPENDENT CANDIDATES

The most commonly used format for running as an Independent candidate includes filing a declaration of intent to run by a specified date, collecting the required number of signatures of registered voters, and filing a formal petition with the designated Chief Election Officer in the state, usually the Secretary of State. As in the case for qualifying parties to hold a primary elections, the number of signatures may be either a percentage of turnout for a certain office or a specified number of signatures of registered voters, depending on the state. Many states require the signatures to be those of registered persons who did not participate in either party's primary election.

Most states indicated that access to the ballot by independent candidates is relatively easy, while only two states said that it is difficult. Some states (e.g., Michigan) have no provision for ballot access by independent candidates. It is important to remember that these measures are subjective and are based on different characteristics in each state.

All data in this section was obtained from the questionnaires which were completed by the Offices of the Secretaries of State.

Primary Ballot Access in Statewide Races

	Payment of Fee	Signature Petition	Choice of Fee or Petition	Both Fee and Petition		Payment of Fee	Signature Petition	Choice of Fee or Petition	Both Fee and Petition
ALABAMA			✓		MONTANA			✓	
ALASKA	✓				NEBRASKA	✓			
ARIZONA		✓			NEVADA			✓	
ARKANSAS			✓		NEW HAMPSHIRE			✓	
CALIFORNIA			✓		NEW JERSEY		✓		
COLORADO		✓			NEW MEXICO			✓	
CONNECTICUT		✓			NEW YORK			✓	
DELAWARE	✓				NORTH CAROLINA			✓	
FLORIDA			✓		NORTH DAKOTA		✓		
GEORGIA			✓		OHIO				✓
HAWAII				✓	OKLAHOMA			✓	
IDAHO				✓	OREGON			✓	
ILLINOIS		✓			PENNSYLVANIA				✓
INDIANA		✓			RHODE ISLAND		✓		
IOWA		✓			SOUTH CAROLINA	✓			
KANSAS			✓		SOUTH DAKOTA		✓		
KENTUCKY			✓		TENNESSEE		✓		
LOUISIANA			✓		TEXAS			✓	
MAINE		✓			UTAH	✓			
MARYLAND				✓	VERMONT		✓		
MASSACHUSETTS		✓			VIRGINIA	✓			
MICHIGAN		✓			WASHINGTON	✓			
MINNESOTA			✓		WEST VIRGINIA	✓			
MISSISSIPPI	✓				WISCONSIN		✓		
MISSOURI			✓		WYOMING	✓			

MINOR PARTY ACCESS TO THE BALLOT

A majority of the responses to the questionnaire indicated that it is relatively easy among the states for minor parties to access the ballot. One common requirement for partisan access to the general election ballot includes a petition with voter signatures equal in number to a specified percentage of the turnout in the most recent general election. Another commonly utilized requirement is that of requiring a number of signatures equal to a specified percentage of the total vote cast in the most recent gubernatorial election.

Another means of accessing the ballot is by requiring conventions to be held in several counties and for them to be attended by a certain proportion of the electorate. This approach usually culminates in a state convention which nominates candidates for the general election ballot. Some states also charge a filing fee, however, this requirement is not an exclusive characteristic of either of the above mentioned methods of accessing the ballot.

The statutes of many states distinguish between minor parties and parties which are seeking ballot status for the first time by specifying different requirements for gaining ballot status. For example, minor parties may be required only to obtain a percentage of the signatures of voters who voted in the last general election, while new parties seeking ballot status may be required to obtain a minimal number of signatures.

Ballot Access for Minor Parties and Independent Candidates

	Minor Party		Independent Candidate			Minor Party		Independent Candidate	
	Easy	Difficult	Easy	Difficult		Easy	Difficult	Easy	Difficult
ALABAMA		✓		✓	MONTANA*				
ALASKA	✓		✓		NEBRASKA	✓		✓	
ARIZONA*					NEVADA	✓		✓	
ARKANSAS		✓			NEW HAMPSHIRE			✓	
CALIFORNIA		✓		✓	NEW JERSEY	✓		✓	
COLORADO	✓		✓		NEW MEXICO	✓		✓	
CONNECTICUT			✓		NEW YORK	✓		✓	
DELAWARE	✓		✓		NORTH CAROLINA*				
FLORIDA	✓		✓		NORTH DAKOTA*				
GEORGIA		✓		✓	OHIO			✓	
HAWAII	✓		✓		OKLAHOMA	✓		✓	
IDAHO		✓	✓		OREGON	✓		✓	
ILLINOIS	✓		✓		PENNSYLVANIA*				
INDIANA*					RHODE ISLAND	✓		✓	
IOWA	✓		✓		SOUTH CAROLINA		✓		
KANSAS*					SOUTH DAKOTA	✓		✓	
KENTUCKY	✓		✓		TENNESSEE			✓	
LOUISIANA	✓		✓		TEXAS	N.C.	N.C.	N.C.	N.C.
MAINE	✓		✓		UTAH	✓		✓	
MARYLAND*					VERMONT	✓		✓	
MASSACHUSETTS	✓		✓		VIRGINIA	✓		✓	
MICHIGAN	✓			✓	WASHINGTON	✓		✓	
MINNESOTA	✓		✓		WEST VIRGINIA*				
MISSISSIPPI	✓		✓		WISCONSIN	✓		✓	
MISSOURI	✓		✓		WYOMING*				

* No Data Available

N.C. No Comment—Involved in Litigation

WRITE-IN VOTES ALLOWED ON PRIMARY BALLOTS

A majority of states allow write-in votes on primary ballots. It should be noted, however, that a wide variety of requirements are placed on the format of write-in votes and the names of persons who are eligible as write-in candidates.

Most states do allow write-in votes on primary ballots. At least one state (Kansas) does not permit write-in votes in primaries except in those cases where there are no nominees on the ballot for a specific office.

This data was obtained both from the Election Codes of the various states and from the questionnaires which were completed by the Offices of the Secretaries of State.

Write-Ins Allowed on Primary Ballots

	Yes	No		Yes	No
ALABAMA	✓		MONTANA	✓	
ALASKA		✓	NEBRASKA	✓	
ARIZONA		✓	NEVADA		✓
ARKANSAS		✓	NEW HAMPSHIRE	✓	
CALIFORNIA	✓		NEW JERSEY	✓	
COLORADO	✓		NEW MEXICO	✓	
CONNECTICUT		✓	NEW YORK	✓	
DELAWARE	✓		NORTH CAROLINA	✓	
FLORIDA	✓		NORTH DAKOTA	✓	
GEORGIA	✓		OHIO	✓	
HAWAII		✓	OKLAHOMA		✓
IDAHO	✓		OREGON	✓	
ILLINOIS	✓		PENNSYLVANIA	✓	
INDIANA		✓	RHODE ISLAND*		
IOWA	✓		SOUTH CAROLINA	✓	
KANSAS		✓	SOUTH DAKOTA		✓
KENTUCKY	✓		TENNESSEE	✓	
LOUISIANA		✓	TEXAS†	✓	
MAINE	✓		UTAH	✓	
MAINE	✓		VERMONT	✓	
MASSACHUSETTS	✓		VIRGINIA	✓	
MICHIGAN	✓		WASHINGTON	✓	
MINNESOTA	✓		WEST VIRGINIA	✓	
MISSISSIPPI	✓		WISCONSIN		✓
MISSOURI	✓		WYOMING	✓	

* No Data Available

† only for party offices

THE UNITARY PRIMARY

Texas is only one of four states in which the political parties hold separate primaries with separate election workers for each party. Of those four states (Texas, Connecticut, Mississippi, and South Carolina), only in Texas and Connecticut do the parties use separate polling places. Mississippi and South Carolina hold their primaries in the same locations on the same days, but each party uses separate election personnel. The remaining forty-six states use some form of unitary primary.

Thirty-five states hold a closed unitary primary. In a closed unitary primary, the parties share polling places and election workers, but each party has a separate ballot. A voter must disclose his party preference to the election officials before he is given a ballot.

Idaho, Michigan, Minnesota, Montana, North Dakota, Utah, Vermont, and Wisconsin hold regular open unitary primaries. In a regular open unitary primary, all parties' candidates are listed on one ballot, or the voter receives a ballot for each party. The voter never publicly discloses his party preference. If he receives multiple ballots, he marks the ballot of one party and discards the others. If he receives a combined ballot, he must vote for the candidates of only one party, or his ballot will be discounted.

Alaska, Louisiana, and Washington hold blanket open primaries. All candidates are placed on one ballot. The ballot is divided by political office, and not by political party. Candidates are listed in random order under the office they are seeking. Each candidate's party affiliation is indicated beside his name. A voter may vote for candidates of one party or more than one party. In Alaska and Washington each party's top vote-getter in the primary race advances to the general election. However in Louisiana, the top two vote-getters, regardless of party, advance to the general election.

The Unitary Primary

	Unitary Primary	Types of Unitary Primaries			Non-Unitary Primary
		Closed	Regular Open	Blanket Open	
ALABAMA	✓	✓			
ALASKA	✓			✓	
ARIZONA	✓	✓			
ARKANSAS	✓	✓			
CALIFORNIA	✓	✓			
COLORADO	✓	✓			
CONNECTICUT					✓
DELAWARE	✓	✓			
FLORIDA	✓	✓			
GEORGIA	✓	✓			
HAWAII	✓	✓			
IDAHO	✓		✓		
ILLINOIS	✓	✓			
INDIANA	✓	✓			
IOWA	✓	✓			
KANSAS	✓	✓			
KENTUCKY	✓	✓			
LOUISIANA	✓			✓	
MAINE	✓	✓			
MARYLAND	✓	✓			
MASSACHUSETTS	✓	✓			
MICHIGAN	✓		✓		
MINNESOTA	✓		✓		
MISSISSIPPI*					✓
MISSOURI	✓	✓			
MONTANA	✓		✓		
NEBRASKA	✓	✓			
NEVADA	✓	✓			
NEW HAMPSHIRE	✓	✓			
NEW JERSEY	✓	✓			
NEW MEXICO	✓	✓			
NEW YORK	✓	✓			
NORTH CAROLINA	✓	✓			
NORTH DAKOTA	✓		✓		
OHIO	✓	✓			
OKLAHOMA	✓	✓			
OREGON	✓	✓			
PENNSYLVANIA	✓	✓			
RHODE ISLAND	✓	✓			
SOUTH CAROLINA*					✓
SOUTH DAKOTA	✓	✓			
TENNESSEE	✓	✓			
TEXAS					✓
UTAH	✓		✓		
VERMONT	✓		✓		
VIRGINIA	✓	✓			
WASHINGTON	✓			✓	
WEST VIRGINIA	✓	✓			
WISCONSIN	✓		✓		
WYOMING	✓	✓			

* Mississippi and South Carolina hold their primaries in the same locations on the same days but use separate election personnel for the different parties. Mississippi has elected the Louisiana unitary primary plan but has had difficulty with preclearance under the Voting Rights Act.

Source: *Party Primary Election Systems in the United States: An Interim Report* by the Lyndon B. Johnson School of Public Affairs to the Texas House Committee on Elections, 63rd Legislature, May 1972, and Texas Secretary of State's Office, Elections Division, June 1982.

I. REQULST

Bill/Resolution No.: HB 395
 Title: Presidential Party Primary Election
 Sponsor: M M Miller
 Requestor: House State Affairs

II. FISCAL DETAIL

Agency Affected: Office of the Governor
 Program Category Affected: Exec Operations
 BRU, Program of Subprogram(s), Affected: Division of Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL		7.3				9.1
300 CONTRACTUAL		87.9				108.9
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		95.2	-0-	-0-	-0-	118.1
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	95.2				118.1
FEDERAL FUNDS					
OTHER (Specify Source)					

POSITIONS:

FULL-TIME					
PART-TIME					
TEMPORARY					

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL: Not Provided

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Dana C. Coffman, Deputy Director

Phone: 586-6181

Division: Division of Elections

Date: May 10, 1983

Approved by Commissioner: 

Date: May 11, 1983

Department: Lieutenant Governor

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

"An Act relating to presidential party primary elections"

ASSUMPTIONS:

1. The passage of this legislation will initially affect the 1984 Presidential Party Primary Election.
2. Extensive travel to larger population centers required in order to educate the voter about the closed primary system.
3. Advertising expenses, (34.6) including radio, tv, and newspapers, required for an adequate voter outreach program.
4. The redesign of instructions, forms, and posters will be required.
5. Following the passage of this legislation, approximately 10% of Alaska's non-partisan voters will change their political party affiliation, resulting in a moderate increase in registrar activity.