

HB

132

HFIN

FILE

Alaska State Legislature.

REPRESENTATIVE
JERRY MACKIE



House of Representatives

ALASKA STATE CAPITOL
GENERAL ALASKA PRINTING
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SPONSOR STATEMENT

ON

HB 132

I introduced HB 132 to bring parity to the state's election process. The principle provision of the bill is the requirement that all candidates for state elective office must enter the primary election contest.

Currently, any Alaskan citizen eligible for elective office may bypass the state's primary election and be placed directly on the general election ballot by a nominating petition. In my view, this causes two inequities. First, the voters are denied full knowledge at the onset of all contestants seeking election to a particular office. Voter access to financial disclosure information of petition candidates is delayed until just 2 months before the general election. Furthermore, voter exposure to petition candidates' views and positions on issues of public interest is limited and compressed.

The second inequity is that the petition process provides a short cut avenue to the general election ballot. It thus acts as an incentive for citizens to get directly on the general election ballot, because it saves money and the campaign scrutiny by the electorate is short. While independent candidates have occasionally won elective office, they more often act as spoilers to the competition between primary election winners. In effect then, the two ballot, primary-general election system, designed to winnow the many candidates down to contests between the few, is subverted. The infusion of petition candidates onto the general election ballot can make it an election system of few primary contests transcending into contests among the many in the general election.

HB 132 would place all candidates before the electorate on an equal footing. This is accomplished by requiring all candidates to be in the primary election. Just as the top vote getter of each political group will move on to the general election ballot, so too will the top vote getter among all independent candidates for a particular elective office. In this manner, the electorate will have an equal opportunity to view and assess all candidates for an elective office. And each candidate will be equally challenged by the election process.

SECTIONAL ANALYSIS
OF
HB 132

Section 1 This section changes the filing date for candidates for elective office who are being nominated by petition to June 1. This date coincides with the primary filing deadline for candidates of a political party [A.S 15.24.040 (a)(1)].

Section 2. Deleted is the provision that petitions for governors and lieutenant governor must file jointly. This necessity for the general election ballot is contained in section 8.

Section 3. The requirements for the nominating petition must include the request that the candidate's name be placed on the primary election ballot in subsection (10). The provision for joint filing of governor and lieutenant governor candidates is deleted.

Section 4. AS 15.25.180(b) is amended to change financial disclosure requirements of petition candidates to coincide with those of political party candidates filing for the primary.

Section 5. A new section is added which governs challenges to the eligibility of a candidate being nominated by petition. AS 15.25.042 and AS 15.25.043 cite the authority and the manner with which the director of elections shall resolve questions of a candidate's eligibility.

Sections 6 and 7. These sections make general election to primary election conforming changes.

Section 8. A new section is added which places the names of the top vote getter of each party or political group on the general election ballot. In subsection (b) the party or political groups' governor and lieutenant governor candidates are paired up. In subsection (c), all nominating petition candidates will be treated as a political group. Hence, top vote getter for a particular office among competing petition candidates shall be placed on the general election ballot.

Alaska State Legislature

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House of Representatives

February 21, 1995

MEMORANDUM

To: Rep. Hanley, Chair
House Finance Committee

From: Rep. Mackie 

Re: Finance hearing on HB 132, election processes.

Thank you for scheduling HB 132 for Wednesday and Thursday. I have recently been approached by the Division of Elections with several suggestions that clear up some ambiguities in HB 132. These suggestions were put forward to better administer the bill's intent.

One issue was how to ensure that there is a necessary pairing of petition candidates for governor and lieutenant governor for the general election ballot. A second issue raised concerned the ability of political groups to replace a candidate that has withdrawn from the race after the primary election.

I have taken the liberty to have a blank CS drafted which incorporates the suggested changes in addition to a couple technical changes for your perusal. Attached is a copy of the CS along with the drafter's explanation of the changes.

**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

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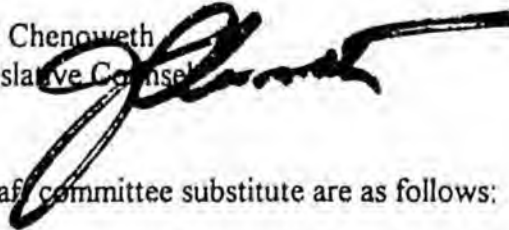
MEMORANDUM

February 14, 1995

SUBJECT: Draft CSHB 132 (), minor parties and independent candidates seeking elected office (Work Order No. 9-LS0481F)

TO: Representative Jerry Mackie

FROM: Jack Chenoweth
Legislative Counsel



The new features of this draft committee substitute are as follows:

Bill section 1 is entirely new. It amends current law concerning the filling of vacancies among candidates nominated by political parties by limiting its operation to candidates of political parties—to distinguish the manner of handling vacancies among nominees by political groups, addressed in proposed AS 15.25.200(2) and the next paragraph of this memo.

Paragraph (2) of AS 15.25.200, amended by bill section 8, is new. The material in this paragraph speaks to the matter of filling vacancies among persons nominated by political groups. My drafting follows Director Dave Koivuniemi's suggestion. However, as this is drafted, it raises the question of whether a political group can take any action to fill a vacancy that occurs after the primary election and before the 48th day preceding the general election. Since a group does not necessarily have the membership or organization of a political party, we can't rely on the vacancy-in-the-nominee-of-a-political-party statute, AS 15.25.110, to help us out. As this is drafted, the implication is that the vacancy occurring any time after 48 days or more before the primary election cannot be filled. We are treating the handling of vacancies by a political party and by a political group differently. Is that where we want to be?

In bill section 9, the last sentence of proposed AS 15.25.205(b), beginning with "However, . . ." is new. This is the agreed upon condition that, in effect, requires that a political party nominate both a candidate for governor and a candidate for lieutenant governor at the primary election in order to bracket the candidacies together on the general election ballot.

Bill sections 10 and 11 are new and are included to delete superfluous references to "general elections" as the purpose of the nominating petitions identified in the two statutes. Under the changes in the bill, nominating petitions involving political groups are filed for inclusion of names on the primary ballot.

Representative Jerry Mackie
February 14, 1995
Page 2

Bill section 12 is new, and speaks to adjustment of the deadline for filing materials for inclusion in the biennial general election pamphlet.

JBC:klb
95-075.klb

9-LS0481NF ✓
Chenoweth
2/14/95

CS FOR HOUSE BILL NO. 132()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES MACKIE, Phillips, Green

A BILL

FOR AN ACT ENTITLED

1 "An Act repealing the ability of persons seeking an elective state executive office or
2 a state or national legislative office to petition for inclusion of their names on the
3 state general election ballot; requiring candidates of all political groups for a state or
4 national legislative office to compete at the state primary election for the placement
5 on the general election ballot of the name of the one candidate from each political
6 group that receives the greatest number of votes cast; requiring candidates of all
7 political groups for state executive office to compete at the state primary election for
8 the placement on the general election ballot of the name of the one candidate for
9 governor from each political group that receives the greatest number of votes cast and
10 the name of the one candidate for lieutenant governor from the same political group
11 that receives the greatest number of votes cast; and making related amendments
12 applicable to nomination vacancies, nominations for special elections, and submitting

1 material for publication in the election pamphlet."

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

3 * Section 1. AS 15.25.110 is amended to read:

4 Sec. 15.25.110. FILLING VACANCIES BY PARTY PETITION. If a candidate
5 of a political party nominated at the primary election dies, withdraws, resigns, becomes
6 disqualified from holding the office for which the candidate is nominated, or is certified
7 as being incapacitated in the manner prescribed by this section after the primary election
8 and 48 days or more before the general election, the vacancy may be filled by party
9 petition. The central committee of any political party or any party district committee may
10 certify as being incapacitated any candidate nominated by their respective party by
11 presenting to the director a sworn statement made by a panel of three licensed physicians,
12 not more than two of whom may be of the same political party, that the candidate is
13 physically or mentally incapacitated to an extent that would in the panel's judgment
14 prevent the candidate from active service during the term of office if elected. The
15 director shall place the name of the person nominated by party petition on the general
16 election ballot. The name of a candidate disqualified under this section may not appear
17 on the general election ballot.

18 * Sec. 2. AS 15.25.150 is amended to read:

19 Sec. 15.25.150. DATE OF FILING PETITION. The petition is filed with the
20 director by actual physical delivery in person at or before 5:00 p.m., prevailing time,
21 June 1 [AUGUST 1] in the year in which a general election is held for the office, or by
22 actual physical delivery to the director by registered or certified mail return receipt
23 requested which is postmarked at or before 5:00 p.m., prevailing time, June 1
24 [AUGUST 1] in the year in which a general election is held for the office, and received
25 not more than 15 days after that time. If the postmark is illegible, a dated receipt from
26 the post office where dispatched shall be acceptable as evidence of mailing. If June 1
27 [AUGUST 1] is a Sunday or holiday, the deadlines for postmarking and receipt of the
28 petition shall be extended 24 hours in each instance.

29 * Sec. 3. AS 15.25.160 is amended to read:

30 Sec. 15.25.160. REQUIRED NUMBER OF SIGNATURES FOR STATEWIDE

1 OFFICE. Petitions for the nomination of candidates for the office of governor, lieutenant
2 governor, United States senator, and United States representative shall be signed by
3 qualified voters of the state equal in number to at least one percent of the number of
4 voters who cast ballots in the preceding general election. [CANDIDATES FOR THE
5 OFFICE OF GOVERNOR AND LIEUTENANT GOVERNOR SHALL FILE
6 JOINTLY.]

7 * Sec. 4. AS 15.25.180(a) is amended to read:

8 (a) The petition must [SHALL] state in substance

9 (1) the full name of the candidate;

10 (2) the full residence address of the candidate, and the date on which
11 residency at that address began;

12 (3) the full mailing address of the candidate;

13 (4) the name of the political group, if any, supporting the candidate;

14 (5) if the candidacy is for the office of state senator or state
15 representative, the election or senate district of which the candidate is a resident;

16 (6) the office for which the candidate is nominated;

17 (7) the date of the election at which the candidate seeks election;

18 (8) the length of residency in the state and in the district of the candidate;

19 (9) that the subscribers are qualified voters of the state or election or
20 senate district in which the candidate resides;

21 (10) that the subscribers request that the candidate's name be placed on
22 the primary election ballot;

23 (11) that the proposed candidate accepts the nomination and will serve if
24 elected, with the statement signed by the proposed candidate;

25 (12) [IF THE CANDIDACY IS FOR THE OFFICE OF THE
26 GOVERNOR, THE NAME OF THE CANDIDATE FOR LIEUTENANT GOVERNOR
27 RUNNING JOINTLY WITH THE CANDIDATE FOR GOVERNOR;

28 (13)] the name of the candidate as the candidate wishes it to appear on the
29 ballot; and

30 ~~(13)~~ [(14)] that the candidate is not a candidate for any other office to be
31 voted on at the primary or general election and that the candidate is not a candidate for

1 this office under any other nominating petition or declaration of candidacy.

2 * Sec. 5. AS 15.25.180(b) is amended to read:

3 (b) A person filing a nominating petition under this section, other than a person
4 subject to AS 24.60 who is filing a petition for a state legislative office, shall
5 simultaneously [ALSO] file with the director a statement of income sources and business
6 interests that complies with the requirements of AS 39.50 [WITHIN 30 DAYS OF
7 FILING THE PETITION]. A person who is subject to AS 24.60 and is filing a
8 nominating petition for state legislative office shall simultaneously file with the director
9 a disclosure statement that complies with the requirements of AS 24.60.200 [WITHIN
10 30 DAYS OF FILING THE PETITION].

11 * Sec. 6. AS 15.25 is amended by adding a new section to read:

12 Sec. 15.25.185. ELIGIBILITY OF CANDIDATE. The provisions of
13 AS 15.25.042 and 15.25.043 apply to determinations of a candidate's eligibility when a
14 candidate seeks nomination by petition under AS 15.25.140 - 15.25.205.

15 * Sec. 7. AS 15.25.190 is amended to read:

16 Sec. 15.25.190. PLACEMENT OF NAMES ON PRIMARY [GENERAL]
17 ELECTION BALLOT. The director shall place the names and the political group
18 affiliation of persons who have been properly nominated by petition on the primary
19 [GENERAL] election ballot.

20 * Sec. 8. AS 15.25.200 is amended to read:

21 Sec. 15.25.200. WITHDRAWAL OF CANDIDATE'S NAME. If a candidate
22 nominated by petition dies or withdraws

23 (1) after the petition has been filed and at least 48 days before the date of
24 the primary [GENERAL] election, the director may not place the name of the candidate
25 on the primary [GENERAL] election ballot; ~~and~~ OR

26 (2) on or after the date of the primary election and 48 days or more
27 before the general election, the director may not place the name of the candidate on
28 the general election ballot.

29 * Sec. 9. AS 15.25 is amended by adding a new section to read:

30 Sec. 15.25.205. PLACEMENT OF NOMINEE ON GENERAL ELECTION
31 BALLOT. (a) Except as provided in (b) of this section, of the names of persons that

1 appear on the primary election ballot under AS 15.25.190, the director shall place on the
2 general election ballot the name of the candidate of each political group that receives the
3 greatest number of votes for an office.

4 (b) For the offices of governor and lieutenant governor, the director shall place
5 on the general election ballot the name of the candidate of each political group receiving
6 the greatest number of votes for the office of governor together with the name of the
7 candidate for lieutenant governor who received the greatest number of votes and who is
8 from the same political group as that candidate. However, the director may not place on
9 the general election ballot the name of the candidate of a political group receiving the
10 greatest number of votes for the office of

11 (1) governor unless there is also a candidate for lieutenant governor of
12 that political group;

13 (2) lieutenant governor unless there is also a candidate for governor of
14 that political group.

15 (c) For purposes of placement of the names of nominees on the general election
16 ballot under this section, all candidates who file nominating petitions without designating
17 a political group name under AS 15.25.180(a) shall be treated as candidates of the same
18 political group.

19 * Sec. 10. AS 15.40.100 is amended to read:

20 Sec. 15.40.100. REQUIREMENTS OF PETITION FOR NO-PARTY
21 CANDIDATES. Petitions for the nomination of candidates not representing a political
22 party shall be signed by qualified voters of the state equal in number to at least one
23 percent of the number of voters who cast ballots in the preceding general election, and
24 shall state in substance that which is required in petitions for nomination by [FOR
25 GENERAL ELECTIONS PROVIDED IN] AS 15.25.180.

26 * Sec. 11. AS 15.40.440 is amended to read:

27 Sec. 15.40.440. REQUIREMENTS OF PETITION FOR NO-PARTY
28 CANDIDATES. Petitions for the nomination of candidates not representing a political
29 party shall be signed by qualified voters equal in number to at least one percent of the
30 number of voters who cast ballots in the proposed nominee's respective election or senate
31 district in the preceding general election. A nominating petition may not contain less

1 than 50 signatures for any district, and shall state in substance that which is required in
2 petitions for nomination **by** [FOR GENERAL ELECTIONS PROVIDED IN]
3 AS 15.25.180.

4 * Sec. 12. AS 15.58.030(b) is amended to read:

5 (b) No later than July 15 of a year in which a state general election will be held,
6 an individual who becomes a candidate for the office of United States senator, United
7 States representative, governor, lieutenant governor, state senator, or state representative
8 under AS 15.25.030 or under AS 15.25.180 may file with the lieutenant governor a
9 photograph and a statement advocating the candidacy. An individual who becomes a
10 candidate for the office of United States senator, United States representative, governor,
11 lieutenant governor, state senator, or state representative [UNDER AS 15.25.180 BY
12 FILING A NOMINATING PETITION OR] by party petition filed under AS 15.25.110
13 [ANOTHER MEANS] may file with the lieutenant governor a photograph and a
14 statement advocating the candidacy [BY JULY 15 OR] within 10 days of becoming a
15 candidate [, WHICHEVER IS LATER].

HOUSE COMMITTEE REPORT

(11)

Date Referred: February 15, 1995

FURTHER REFERRALS:

Date of Committee Action: 2/23/95

The FINANCE Committee considered:

HB 132

HOUSE BILL NO. 132

CANDIDATES FOR STATEWIDE BALLOT

"An Act repealing the ability of persons seeking an elective state executive office or a state or national legislative office to petition for inclusion of their names on the state general election ballot; requiring candidates of all political groups for a state or national legislative office to compete at the state primary election for the placement on the general election ballot of the name of the one candidate from each political group that receives the greatest number of votes cast; and requiring candidates of all political groups for state executive office to compete at the state primary election for the placement on the general election ballot of the name of the one candidate for governor from each political group that receives the greatest number of votes cast and the name of the one candidate for lieutenant governor from the same political group that receives the greatest number of votes cast."

recommends it be replaced

with the following committee substitute

CS HB 132 (FIN)

the same title

a new title

additional referral to _____ Committee

attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) offic. of gov 2/15/95

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Edmund P. ...</i>	millon	X			
<i>Gregory ...</i>	martin			✓	
<i>Robert ...</i>	Pannell	X			
<i>Ben ...</i>	Grussendorf	X			
<i>Tom ...</i>	Therriault	X			
<i>John ...</i>	Brown			✓	
<i>Vicki ...</i>	Kelly	✓			
<i>Vic ...</i>	Kohring	✓			
<i>Mark ...</i>	Hanley	X			
<i>Richard ...</i>	Foster	X			

CHAIR'S SIGNATURE

Mark Hanley
Hanley

Richard Foster
FOSTER

No. 1

Bill Version: HB 132

(H) Publish Date: 2/15/95

FISCAL NOTE

STATE OF ALASKA

19946 LEGISLATIVE SESSION

Revision Date: _____

Title: Candidates for Statewide Ballot

Sponsor: Representative Mackle

Requestor: _____

Department Affected: Office of the Governor

BRU: Division of Elections

Component: General and Primary

COMPONENT SERIAL NO. 22

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY95) impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: David Kolvonnemi, Acting Director
Division: Division of Elections

Phone: 465-4611
Date: 2-2-95

Approved by Commissioner: Fran Ulmer, Lieutenant Governor
Agency: Office of the Governor

Date: _____

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