

HB

112

Alaska State Legislature

House of Representatives

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Fairbanks, AK 99701
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Fax# (907)-456-8245

Session Address:
Room 13
(907)-465-3719



Official Business

State Capitol
Juneau, AK. 99801-1182

Representative Al Vezey

HB 112 SPONSOR STATEMENT

HB 112 would expand the definition of a political party. It would allow a political party to choose its method of qualification: (1) receive three percent of the vote in the preceding gubernatorial election; or (2) have at least 10,000 eligible voters in the state registered to their party. A political party with 10,000 registered voters would not have to run a candidate for governor every four years to retain status as a political party.

To be recognized as a political party under current Alaskan law, a political party must nominate a candidate for governor every four years. The candidate must receive at least three percent of the total votes cast for governor in the general election. Political parties should not have to enter Alaska's gubernatorial race just to qualify as a political party.

In the 1990 gubernatorial election, the governor was elected by 38.8% percent of the voters. In the 1994 gubernatorial election, the governor was elected by 41.1% percent of the voters. HB 112 would result in Alaska's governors being elected by a larger plurality and hopefully a majority of Alaskan voters.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
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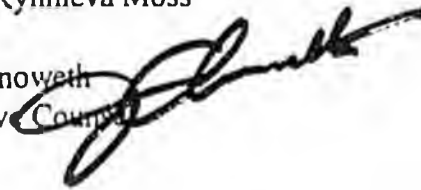
130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

January 29, 1997

SUBJECT: Amending the definition of "political party" (Work Order No. 20-LS0455\A)

TO: Representative Al Vezey
ATTN: Rynnieva Moss

FROM: Jack Chenoweth
Legislative Council 

Bill section 2 amends the definition of "political party," AS 15.60.010(2), as it is used in the state Election Code in line with your suggested wording.

Because the definition of "political organization" in AS 05.15, covering regulation of gaming, cross-references the definition of "political party" in AS 15.60.010, I had to make a decision as to whether the substantive change made in bill section 2 should affect the definition of political party under gaming regulation. I opted not to have the change affect the gaming regulation provision. Bill section 1, then, simply "unties" the definition of "political party" from its cross-reference to AS 15.60.010 and substitutes the text of the **current** definition of "political party." In other words, though a change is made to AS 05.15.690, it is not intended to have substantive effect. If I did not do this and simply omitted the change being made by bill section 1, redefining "political party" in AS 15.60.010 would necessarily carry over into the gaming regulation provision, and I would have to note the effect of the change in the bill title.

The bill title provided notes an exception. For purposes of campaign financing regulation under AS 15.13 (AS 15.13 is part of the Alaska Election Code), there is a separate definition of "political party" intended to apply only for purposes of treatment of parties under the contribution and expenditure regulation provisions of AS 15.13. The change in definition made in bill section 1 does not affect that definition.

If this bill becomes law, there will be three definitions of "political party" operating in the Alaska Statutes:

-- AS 15.13.400(10)(A) will apply to regulation of campaign financing;

Representative Al V...
January 29, 1997
Page 2

-- AS 15.60.010(20) as amended by bill section 2 of this measure will apply to provisions of the Alaska Election Code apart from election campaign financing; and

-- AS 05.15.690(34) as amended by bill section 1 of this measure will continue in place the **current** definition of "political party" as applicable to gaming regulation.

*

If any of this prompts questions, or if you want this redrafted to eliminate the inconsistent definitions, please contact me.

JBC:glc
97-024.glc

CS FOR HOUSE BILL NO. 112(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 3/12/97
Referred: Rules

Sponsor(s): REPRESENTATIVE VEZEY

A BILL

FOR AN ACT ENTITLED

1 "An Act amending the definition of 'political party' except as the definition of
2 the term applies to the regulation of contributions and expenditures in state and
3 municipal election campaigns, an amendment that also has the effect of changing
4 the definition of 'political organization' as applied to the regulation of games of
5 chance and contests of skill."

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

7 * Section 1. AS 15.60.010(20) is amended to read:

8 (20) "political party" means an organized group of voters that
9 represents a political program and that either nominated a candidate for governor who
10 received at least three percent of the total votes cast for governor at the ~~preceding~~
11 general election or has registered voters in the state equal in number to at least
12 three percent of the total votes cast for governor at the preceding general election;

Revision Date: _____ Dept. Affected: 1 700
 Title: AMEND DEFINITION OF "POLITICAL PARTY" BRU: Revenue Operations
 Component: Charitable Gaming Division
 Sponsor: Rep. Vezay
 Requestor: H (STA) COMPONENT SERIAL NO. 1883

Expenditures/Revenue: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill will change the definition of 'political organization.' However, this change will not have a fiscal impact on Charitable Gaming Division.

Prepared by: Dennis R. Poshard, Director *DRP* Phone: 465-2279
 Division: Charitable Gaming Division Date: 2-21-97
 Approved by Commissioner: Wilson L. Condon *Wilson L. Condon* Date: _____
 Agency: Revenue

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COMMITTEE COPY

FISCAL NOTE

Page 2
 Bill Version: HB 112
 H) Publish Date: 2/26/97

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Revision Date		Dept. Affected	Office of the Governor
Title	<u>Amend definition of Political Party</u>	BRU	<u>Elective Operations</u>
		Component	<u>Elections</u>
Sponsor	<u>Representative Vezey</u>		
Requester	<u>House State Affairs</u>	Component Serial No.	<u>#21</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services						
Travel						
Contractual	59.6	10.0	10.0	10.0		
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	59.6	10.0	10.0	10.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES []						
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POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

There are approximately 230,000 voters who have not aligned themselves with a political party, registering as Non-partisan, Undeclared, or Other (N,U,O voters). The passage of this legislation would require that the division of elections start tracking and reporting all political party selections.

This change will require substantial reprogramming of the VREMS election registration system. The cost of reprogramming and increased mainframe time are estimated at \$38.0. Assuming that roughly 10% of the current N,U,O voters, would change their registration to indicate a party affiliation results in the printing and mailing of 23,000 voter id cards at a cost of \$10.1. New voter registration cards and training materials will be designed and printed at an estimated cost of \$11.5.

The costs estimated in this fiscal note assume that the division of elections would not be responsible for notifying N,U, and O voters of the change in law. If the division was expected to notify voters of the change, the fiscal note would increase dramatically.

Prepared by	<u>Dana LaTour</u> <i>D. LaTour</i>	Phone	<u>465-5347</u>
Division	<u>Division of Elections</u>	Date	<u>2/24/97</u>
Approved by Co	<u>Lt. Governor Fran Ulmer</u> <i>Fran Ulmer</i>	Date	<u>2/24/97</u>

Office of the Lieutenant Governor
COMMITTEE COPY

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 Component: Charitable Gaming Division
 Sponsor: Rep. Vezey
 Requestor: H (STA) COMPONENT SERIAL NO. 1883

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 112

Revision Date _____	Dept. Affected _____	Office of the Governor _____
Title <u>Amend definition of Political Party</u>	BRU _____	Elective Operations _____
	Component _____	Elections _____
Sponsor <u>Representative Vezey</u>		
Requester <u>House State Affairs</u>	Component Serial No. _____	#21 _____

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Division	Division of Elections	Date	2/24/97
Approved by Co	Lt. Governor Fran Ulmer <i>F. Ulmer</i>	Date	2/24/97
Agency	Office of the Lieutenant Governor		

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The Republican Party of Alaska

April 17, 1997

Senator Bert Sharp
Senate Finance Committee
VIA FAX 465-2070

RE: CSHB 112 Fin

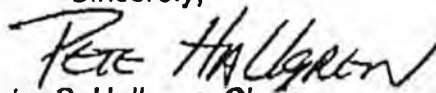
Folks,

On behalf of the Republican Party of Alaska I would like to make a statement in favor of CSHB 112 Fin. This bill which affects political parties in Alaska is an excellent broadening of ballot access options for political parties. As the current law now stands, an Alaskan political party is forced to run a gubernatorial candidate every four years to retain its ballot access. This bill provides an alternative method for parties to retain their ballot access merely by having sufficient party members registered with the State of Alaska. Such an option will have a salutary effect on Alaska political party organizations in that it will be a true inducement for them to engage in voter registration drives. It will also thereby increase voter participation which is a foundation of our political system.

As a specific example, this bill would give the Republican Party of Alaska the ability to avoid running a candidate for governor while concentrating on legislative races. I might note that while the RPA has had some success of late in House and Senate races, we have not elected a Republican governor in nearly 20 years and in 1990, the Republican candidate came in third.

Other smaller parties may also find that a strategy of focusing on legislative races is more productive than being tied directly to the governor's race for ballot access. This proposed legislation would allow such a strategy through voter registration. It is definitely in the best interests of all Alaskans to encourage greater voter participation and enhance Alaskans' First Amendment "freedom of association rights".

Sincerely,



Peter S. Hallgren, Chair
Republican Party of Alaska



Headquarters: 1001 West Fireweed Lane • Anchorage, AK 99503 • (907) 276-4467 • Fax 276-0426

Ballot Access News

Richard Winger, Editor

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APR 17 1997

Rynniera Moss

March 13, 1997

~~Hon. John Davies~~
fax 907-465-3519

Dear Representative Davies:

Thanks for your fax. I am sympathetic to your point, but I doubt a court would hold the proposal unconstitutional. There is not a single federal court holding, striking down the requirements for a party to maintain itself on the ballot. Even the Alabama law, which requires a party to poll 20% of the vote for a statewide office, was upheld. Last year the North Carolina law, which requires a party to poll 10% for President or Governor, was upheld. The problem is that in 1971 the U.S. Supreme Court in Jenness v Ferguson, 403 US 471, seemed to think it was OK that Georgia required a vote of 20% for president (in the entire US!) or for Governor, to be a "party".

It is true the Alaska Supreme Court threw out the old 10% vote test to be a political party in Vogler v Miller in 1983, but they specifically stated they were using the Alaska Constitution to do it. 660 P 2d 1192.

Also, the 5th circuit upheld Louisiana law, which says that a party is something that either has 5% registration, or which polled 5% for president. Dart v Brown, 717 F 2d 1491 (1983).

Maybe you could get the bill amended in the Senate to a 1% registration test. You could point out that the last third party to elect a US Senator, the Conservative Party of New York (which elected James Buckley in 1970; he defeated the Republican nominee and the Democratic nominee) only had registration of about 1% at the time. Third parties frequently poll big votes even when they have tiny registration.

I'm also faxing the requirements for a party to remain on, so you can see that generally, when there is a registration alternative, it's 1% or lower, sometimes much lower. I sent the same information to Mr. Sykes and also an Alaska legislative analyst who asked for it.

If the bill passes at 3% registration, couldn't the Alaska Democratic Party help out the Green Party, by encouraging a certain percentage of Democrats to re-register "Green"? There's nothing unethical about that, it seems to me, given the obvious attempt of the Republican majority to skew the 1998 gubernatorial election. I hope the Governor doesn't veto the bill because, after all, it does give parties 2 methods to remain on the ballot, and 2 methods is better than one. Also maybe the big newspapers would editorialize that the bill ought to be amended to a registration test of 1%.

Richard Winger

Testimony submitted to Senate Finance on HB 112 on April 18, 1997
Donna Gilbert
2223 S. Cushman Street
Fairbanks, AK 99701

My name is Donna Gilbert and I have been registered voter in Alaska for 35 years.

First of all, I would like to thank the Senate Finance Committee for the opportunity to testify in support of the House Finance Committee Substitute for House Bill 112.

The last time Alaskans were represented by a governor who won by a majority vote was in 1970 when Bill Egan was elected with 52.4 percent of the votes.

Since that time, we have had governors elected with as little as 38.9 percent of the vote. Our current governor won with a landslide of 41.1%. That hardly allows for the majority of Alaskans to be represented on the third floor.

I commend Rep. Vezey for speaking up for silent majority in Alaska and providing a method for political parties to have a choice as to whether or not they want to run candidates in a statewide election.

Political parties are organizations that supply three kinds of services:

1. helping members of the collective influence legislation
that reflects the party's philosophy
2. helping people get bills passed
3. helping political candidates get elected

Existing state law requires a political party to recruit a candidate for governor to qualify itself as a political party every four years.

Current law places an unnecessary financial burden on small political parties and forces them to expend energies on gubernatorial races when they would rather focus their energy and financial resources on influencing legislation and helping political candidates other than statewide candidates get elected.

HB 112 provides that a political party could simply have a number of registered voters equal to 3% of the votes cast in the last gubernatorial race to qualify as a political party.

I do not think a 3% requirement is too rigid. I know there have been several attempts by opponents of this bill to amend the legislation and allow for the 3% requirement to be reduced to 1%. If such an amendment was adopted, every special interest pressure group in Alaska would become a political party.

I don't know how anyone could object to making it easier for a group of people to organize as a political party. I encourage you to pass this bill and allow Alaskans to vote for the man not the party in our next gubernatorial election.

Bill changes rules for minority parties

3/25/97

■ *Democrats call Vezey's legislation pure politics*

By JEANINE POHL SMITH
THE JUNEAU EMPIRE

Alaskans haven't elected a governor by a majority vote since 1970, and a bill passed by the House today could remedy that, according to sponsor Rep. Al Vezey.

Democrats are calling the North Pole Republican's bill pure politics that could hurt Gov. Tony Knowles' chances of re-election.

House Bill 112 changes the definition of political parties in state law so small parties could maintain their status in the 1998 gubernatorial election without a candidate for governor.

Vezey said today he merely wanted to give parties more flexibility, allowing them to stay current without having to go through the extra effort of running a gubernatorial candidate.

Limits . . .

Continued from Page 1
the state Division of Elections, 213,404 votes were cast in the 1994 general election, with 3 percent equaling 6,402 votes.

Rep. Eric Croft said the measure, if passed, could help a Republican candidate for governor in the next race. That's because an AIP candidate wouldn't be there to split the conservative vote with a Republican, but a Green candidate running against Knowles could divide the liberal vote.

The measure passed 41-12, with Juneau Democratic Rep. Kim Elton voting against it. Juneau Republican Rep. Bill Hudson was absent during the vote.

If passed, a political party would qualify as such if it nominated a candidate for governor who received at least 3 percent of the votes cast for governor in the preceding election. It would also qualify if the party has registered voters in the state equal to at least 3 percent of the votes cast for governor in the preceding election.

Under current law, the only way a political group qualifies as a party is if it nominated a candidate for governor who received at least 3 percent of the votes cast for governor in the previous election.

Democrats argue the change could let the Alaskan Independence Party skip the 1998 gubernatorial election, but force the Green Party of Alaska to run a candidate to keep its party status.

That's because the Green Party's 3,000 registered voters are below the 3 percent requirement, while the Alaskan Independence Party's about 16,000 registered voters are more than the requirement. According to

Please see Limits, Page 8

"It's playing politics with our election laws," said Croft, an Anchorage Democrat. "I get the sense that anything that has the potential to hurt Tony Knowles is a priority in this Legislature."

While Knowles, who won the 1994 election by a tiny margin, hasn't declared his intentions, many in the Capitol expect him to run for a second term.

"Rep. Vezey's legislation is pure politics, plain and simple, aimed at influencing the next election," said Bob King, the governor's spokesman, in de-

claring the governor's opposition to the measure.

The AIP supports Vezey's bill, and former Lt. Gov. Jack Coghill, the party's chairman, told the House Finance Committee earlier this month that the group probably wouldn't run a candidate in the 1998 election.

Vezey said he was aware his proposal would be controversial, but his main goal was to give parties an alternative to running a candidate for governor.

"I think it's very reasonable," he said.

1970 GUBERNATORIAL ELECTION RESULTS

Candidates	Party	Total Votes	% of Vote
Anderson/Merill	(AIP)	1,206	1.5%
Egan/Boucher	(D)	42,309	52.4%
Sheffield/McAlpine	(R)	37,264	46.1%
Write-ins		**	
	Totals	80,779	100.0%

** Write-in information was not kept in '70 or '74.

1974 GUBERNATORIAL ELECTION RESULTS

Candidates	Party	Total Votes	% of Vote
Egan/Boucher	(D)	45,381	47.4%
Hammond/Thomas	(R)	45,602	47.6%
Vogler/Peppler	(AIP)	4,740	5.0%
Write-ins		**	
	Totals	95,723	100.0%

** Write-in information was not kept in '70 or '74.

1978 GUBERNATORIAL ELECTION RESULTS

Candidates	Party	Total Votes	% of Vote
Croft/Hurley	(D)	25,656	20.2%
Hammond/Miller	(R)	49,580	39.1%
Kelly/Poland	(A)	15,656	12.3%
Wright/Vogler	(I)	2,463	1.9%
Write-in Hickel*		33,555	26.4%
	Totals	126,910	100.0%

* Primary race close - Hickel had a ballot sticker for his write-in campaign.

1982 GUBERNATORIAL ELECTION RESULTS

Candidates	Party	Total Votes	% of Vote
Fink/Colleta	(R)	72,291	37.1%
Randolph/Thompson	(L)	29,067	14.9%
Sheffield/McAlpine	(D)	89,918	46.1%
Vogler/Roberts	(AI)	3,235	1.7%
Write-ins		374	0.2%
	Totals	194,885	100.0%

1986 GUBERNATORIAL ELECTION RESULTS

Candidates	Party	Total Votes	% of Vote
Cowper/McAlpine	(D)	89,943	48.7%
O'Brannon/Barnes	(L)	1,050	0.6%
Sturgulewski/Miller	(R)	76,515	41.5%
Vogler/Rowe	(AI)	10,013	5.4%
Write-in Hickel		4,958	2.7%
Write-in Hoch		107	0.1%
Write-in Misc.		1,969	1.1%
	Totals	184,555	100.0%

1990 GUBERNATORIAL ELECTION RESULTS

Candidates	Party	Total Votes	% of Vote
Hickel/Coghill	(AI)	75,721	38.9%
Knowles/Hensley	(D)	60,201	30.9%
O'Callaghan/Darby	(TPP)	942	0.5%
Sturgulewski/Campbell	(R)	50,991	26.2%
Sykes/Crumb	(GPA)	6,563	3.4%
Write-ins		332	0.2%
	Totals	194,750	100.0%

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 465-3991
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Monday, March 10

REGISTRATION REQUIREMENTS FOR RETENTION OF "POLITICAL PARTY" STATUS IN WESTERN STATES:

		<u>election code citation</u>
1. Arizona	2/3rds of 1%	16-801
2. California	one-fiftenth of 1%	5100
3. Colorado	1,000 (works out to .05%)	House Bill 1168
4. Nevada	1%	293.066, 293.1715.2 (b)
5. Oregon	one-twentieth of 1%	249.732
6. New Mexico	one-third of 1%	1-1-9

Hawaii, Washington, Idaho, Montana, Utah do not provide for any voter to register into any political party on voter registration forms. There is no data in these states as to how many registered voters each party has. The concept doesn't exist.

In Alaska and Wyoming, the legal status of a party is based entirely on its vote; its registration total is irrelevant.

Some of the requirements above are alternatives to a party's getting enough votes; others are in addition to a party getting a particular vote.

The bill in Colorado has passed the House and is expected to pass the Senate this month.

HB 112

ILLINOIS LOSS

On March 7, the 7th circuit upheld Illinois election law which requires petitions signed by 5% of the last vote cast, for minor party candidates for district office. *Libertarian Party of Illinois v Rednour*, 96-1561.

The party had argued that since it is qualified for statewide office, it is irrational to require it to submit such onerous petitions for its candidates for district office. The court responded to this argument by belittling the party's electoral showing in the 1994 election. Must was made of the fact that the party had only polled 1.6% for Governor (if the party had polled 5% for Governor, it would have been considered qualified for all office, not just statewide office).

The party also argued that the 1995 U.S. Supreme Court decision *U.S. Term Limits v Thornton* meant that Illinois could not require 5% petitions for the party's candidates for the U.S. House. The 7th circuit refused to acknowledge that the *Term Limits* case changed the old understanding of whether states can add to the qualifications listed in the U.S. Constitution for Congress.

Prior to the 1995 decision, the common understanding (as expressed in numerous lower court opinions) was that the states could not prevent anyone from being elected to Congress, if he or she met the qualifications listed in the U.S. Constitution. However, states could make it difficult for certain classes of candidate to run for Congress, by keeping them off the ballot and forcing them to run as write-in candidates.

The U.S. Supreme Court went further; it said that states cannot even discriminate against any class of candidates for Congress. Consequently, it struck down the Arkansas term limits law, even though that law permitted anyone to be elected to Congress, via write-ins.

Illinois does discriminate against a class of candidates for Congress, namely, the class of candidates who are nominated by a qualified party which did not poll as much as 5% of the gubernatorial vote. The 7th circuit did not even discuss this point.

The 7th circuit also failed even to mention the party's third argument, which is that since Illinois only requires 5,000 signatures for minor party candidates for U.S. House in election years held after reapportionment, there can't be any valid state interest in requiring almost twice as many signatures in other election years. Since both the U.S. District Court and the 7th circuit failed even to mention this issue, any minor party is still free to file a new lawsuit strictly on this issue, since the issue has not been adjudicated. However, to have standing, the minor party would need to collect at least 5,000 valid signatures for one of its U.S. House candidates.

The opinion was written by Judge Michael Kanne, a Reagan appointee, and signed by Judge Kenneth Ripple, a Reagan appointee, and Walter Cummings, a Johnson appointee. No appeal is planned.

HIGH COURT TO HEAR LOUISIANA APPEAL

On March 17 the U.S. Supreme Court agreed to hear Louisiana's appeal in *Foster v Love*, no. 96-670, over whether Louisiana is breaking federal law by holding its congressional elections in September instead of November. The lower court had ruled against the state.

OTHER LAWSUIT NEWS

1. Arizona: On March 28, U.S. District Court Judge William D. Browning, a Reagan appointee, ruled that the Green Party's challenge to Arizona independent candidate procedures has merit, and denied the state's motion to dismiss. *Campbell v Hull*, cv96-444. A trial will be held, unless the legislature amends the law. Arizona's independent candidate deadline is in June. For president, this is the third earliest deadline in the nation, after Texas and Maine.

2. Arkansas: On April 16, the 8th circuit will hear Arkansas' appeal in *Citizens to Establish a Reform Party v Priest*, no. 96-3238. The lower court had ruled that the January petition deadline for new parties is too early, and the 3% petition requirement is too difficult.

3. Florida: the Socialist Workers and Green Parties are appealing their loss in *SWP v Leahy*, the case over the law that unqualified parties must post a bond in order to register their party name. Florida says it won't enforce the law, so the lower court refused to declare it unconstitutional, but the parties want a judicial decision that the law is void.

4. Iowa: The 8th circuit had scheduled an April 15 hearing in *Marcus v Iowa Public TV*, over whether a TV station owned by the state could sponsor a congressional candidate debate and refuse to invite the Natural Law Party candidate to participate. However, the hearing was postponed indefinitely, since the U.S. Supreme Court agreed to hear a somewhat similar case. The Natural Law Party has asked the 8th circuit to reconsider the postponement.

5. Virginia: the 4th circuit will hold a hearing on May 8 in *Wood v Brown*, 96-1232, the case over Virginia's June petition deadline for non-presidential minor party and independent candidates. The lower court had struck down the deadline.

ODD ALASKA BILL

On March 26, the Alaska House passed HB 112, which makes it somewhat easier for a qualified party to remain on the ballot. The vote was 21-12, with Democrats opposed.

Current law defines "party" to be a group which polled at least 3% of the vote for Governor. The bill adds an alternative, that a party is also qualified if it has registration of at least 10,000 members.

The bill has partisan motivations. There are two qualified minor parties in Alaska: Alaska Independence, and Green. The Alaska 1994 gubernatorial vote was very close. The Republicans would like to entice the Alaska Independence Party to abstain from the 1998 gubernatorial race, since they believe that most voters who vote for that party, would vote Republican if the AIP had no candidate. Since the AIP has over 10,000 members, the bill provides a means to keep the AIP on the ballot after 1998, even if it skips the gubernatorial race (Greens only have 3,000).

December 12, 1996

Ballot Access News

1996 REGISTRATION TOTALS

	Dem.	Rep.	Indp. & Misc.	US Tax	Reform	Libt	Green	Nat Law	other
Alaska	70,008	101,509	224,080	?	?	?	3,034	?	16,186
Arizona	911,024	1,012,282	295,499	?	542	18,418	?	?	--
Calif.	7,387,504	5,704,536	1,836,846	290,172	108,381	77,675	95,090	84,665	77,216
Colorado	719,082	824,222	739,130	?	?	2,420	501	?	148
Conn.	656,737	455,555	652,448	127	?	70	2,017	?	1,488
Delaware	177,728	148,806	91,295	216	299	566	10	431	157
Dist. Col.	282,454	25,463	48,371	?	?	?	?	?	5,131
Florida	3,728,513	3,309,105	928,492	79	1,557	5,509	731	119	103,772
Iowa	575,560	603,068	563,330	--	--	--	--	--	--
Kansas	423,595	650,566	351,492	--	936	9,829	--	--	--
Kentucky	1,475,802	746,174	174,110	?	?	?	?	?	--
Louisian	1,654,388	536,147	348,705	?	?	?	?	?	--
Maine	298,204	271,565	338,631	?	23,474	?	2,580	?	--
Maryland	1,518,248	775,896	289,271	254	425	3,785	?	98	--
Mass.	1,319,753	476,581	1,651,050	?	?	8,157	189	49	1,588
Nebraska	384,667	502,030	127,894	--	74	234	--	57	--
Nevada	325,450	329,661	105,854	12,923	35	3,833	9	369	--
N. Hamp.	206,273	276,129	227,627	?	?	3,207	?	?	--
N. Jersey	1,099,722	866,873	2,354,271	--	--	--	--	--	--
N. Mex.	457,678	281,895	92,380	?	?	1,407	5,841	?	--
N. York	4,738,254	2,996,511	2,052,021	45,772	70,114	--	--	--	257,484
No. Car.	2,346,552	1,456,599	511,426	--	311	2,585	--	70	--
Okla.	1,169,526	690,611	118,610	--	129	141	--	--	--
Oregon	788,001	701,901	390,342	8	440	10,102	1,529	4	1,074
Pennsyl.	3,334,777	2,909,143	537,195	2,994	2,093	14,435	?	?	--
So. Dak.	184,262	273,932	51,121	?	?	656	?	?	--
W. Va.	616,207	288,199	66,339	?	?	?	?	?	--
Wyo.	74,673	140,438	25,379	?	?	181	?	40	--
TOTAL	36,924,642	27,305,397	15,195,035	352,545	208,910	163,210	111,342	85,853	464,244
PERCENT	45.69	33.79	18.80	.44	.26	.20	.14	.11	.57

The parties in the "Other" column are: Alaska Independence in Alaska; Peace and Freedom in California; Populist in Colorado 39, Concerned Citizens in Colorado 109; A Connecticut Party in Connecticut 1,414, Independence in Connecticut 74; A Delaware Party in Delaware; Statchood in D.C. 4,381, Umoja in D.C. 750; these parties in Florida: Independent 101,138, Conservative 1,159, Independence 1,148, American 183, Socialist Workers 107, Reform-Silly 37; these parties in Massachusetts: Interdependent 1,319, Socialist 149, Conservative 81, Prohibition 14, others 25; these parties in New York: Conservative 159,499, Liberal 90,505, Freedom 7,480; Socialist in Oregon.

All data is for October or November 1996, except Maine data, which is for June 1996. November 1996 data for Maine will be reported in the next issue.

States not mentioned above do not provide for voters to register into parties, when they register to vote. Rhode Island registration forms ask the voter to choose a party, but the state does not keep track of how many people join any party.

A dash means that the voters are not permitted to register into a particular party, since the particular party is not, or was not, qualified in that state, and the state won't let people register into unqualified parties. A question mark means that the state has not tabulated the number of registrants in a particular party.

Totals two years ago were: Dem. 34,586,676 (47.13%), Rep. 24,618,092 (33.55%), Indp. & misc. 13,363,803 (18.21%), U.S. Taxpayers 246,951 (.34%), Libertarian 109,001 (.15%), Green 89,566 (.12%), Patriot 41,187 (.06%), other parties 328,833 (.45%).

Totals four years ago were: Dem. 35,616,630 (47.76%), Rep. 24,590,383 (32.97%), Indp. & misc. 13,617,167 (18.26%), U.S. Taxpayers 247,995 (.33%), Green 102,557 (.14%), Libertarian 100,394 (.13%), other parties 306,673 (.41%).

HOUSE STATE AFFAIRS STANDING COMMITTEE

February 25, 1997

8:05 a.m.

MEMBERS PRESENT

Representative Jeannette James, Chair

Representative Ethan Berkowitz

Representative Fred Dyson

Representative Kim Elton

Representative Mark Hodgins

Representative Ivan Ivan

Representative Al Vezey

MEMBERS ABSENT

All members present.

COMMITTEE CALENDAR

GAIL FENUMIAI, Election Coordinator

Central Office

Division of Elections

Office of the Lieutenant Governor

P.O. Box 110017

Juneau, Alaska 99811-0017

Telephone: (907) 465-5347

POSITION STATEMENT: Provided testimony on HB 112.

KEN JACOBUS, Legal Counsel

Republican Party of Alaska

425 "J" Street, Suite 920

Anchorage, Alaska 99501

Telephone: (907)

POSITION STATEMENT: Provided testimony on HB 112.

ACTION NARRATIVE

TAPE 97-19, SIDE A

Number 0001

The House State Affairs Standing Committee was called to order by Chair Jeannette James at 8:05 a.m. Members present at the call to order were Representatives James, Berkowitz, Dyson, Elton, Hodgins,

and Ivan. Member absent was Vezey.

HB 112 - AMEND DEFINITION OF "POLITICAL PARTY"

The next order of business to come before the House State Affairs Standing Committee was HB 112, "An Act amending the definition of 'political party' except as the definition of the term applies to the regulation of contributions and expenditures in state and municipal election campaigns, an amendment that also has the effect of changing the definition of 'political organization' as applied to the regulation of games of chance and contests of skill."

CHAIR JAMES called on Representative Al Vezey, sponsor of HB 112, to present the bill.

Number 0755

REPRESENTATIVE AL VEZEY explained that HB 112 was an endeavor to change the nature of the general election for statewide offices. Currently, the system included a primary election and then "I would characterize this thing-a lottery-that followed that." There had been candidates elected to statewide offices, most notably to governor, that had received as little as 36 percent of the votes. It had been a long time since anyone received more than 42 percent of the votes. One of the reasons was because current election law encouraged groups of people who wanted to call themselves a political party to run a candidate for governor. "That is our measurement of how we establish a political party for most of Alaska Statutes." House Bill 112 would change that by creating another option to establish a political party. It did not take away the right of people to get together and run a candidate for governor and qualify as a political party, but rather the bill provided an alternative for groups to be recognized as a party. He explained that the figure 10,000 was equivalent to approximately 3 percent of the votes, in the last general election. In addition, the party did not have to run a candidate for governor to retain its qualification, and it was hopeful that if the bill became law as many as three parties would no longer feel a need to throw a candidate into the general election.

Number 0934

REPRESENTATIVE IVAN asked Representative Vezey if this would allow the undeclared or undecided voters to form a political party?

Number 0951

REPRESENTATIVE VEZEY replied, "Not declaring a party affiliation under this bill would not classify those people as a member of a political party." However, if they wished to create a party called "undeclared" or "independent" and they got 10,000

registered voters then it would become a political party. There would still be on the voter registration card a category, by default, called "undeclared."

Number 1041

JAMES BALDWIN, Assistant Attorney General, Governmental Affairs Section, Civil Division, Department of Law, explained that the definition of a "political party" involved substantial litigation in the past, particularly over the 3 percent requirement. He cited the Vogler case where the threshold was reduced from 10 percent to 3 percent. It was possible to add another threshold, but he believed the legislature should create a record to justify the 10,000 registered voter requirement. "It just isn't something that, I think, that can be done arbitrarily and successfully defended." There needed to be a compelling interest on the part of the state to impose such a limitation, and it needed to be the least restrictive. He did not know how the sponsor arrived at the 10,000 figure, but until that was put into a record, there wasn't much to defend.

MR. BALDWIN further stated there was the issue of political affiliation disclosure. He cited a federal case, NAACP v. Button where it was found that there was a strong First Amendment right to keep one's political affiliation private. In addition, the largest percentage of the registered voters in Alaska were non-partisan or no-party. He assumed that was because Alaskans did not like to disclose their party affiliation publicly. Therefore, one unintended result would be to require a disclosure of one's party affiliation in order to qualify for the second prong of the proposed definition.

MR. BALDWIN further stated, in its current form, the department did not support the bill.

Number 1250

CHAIR JAMES asked Mr. Baldwin if he had any suggestion? If the bill said "registered voters or 3 percent of the last election," for example, what would that do? It still made a person disclose his or her party affiliation. What if a person did not have to do disclose it every time, for example?

Number 1280

MR. BALDWIN replied there was a problem tracking political affiliation. Voter registrations were open and available to the public. They were a valuable tool to the political parties and to campaigns. "One option that could be considered would be some limited way of making this information confidential perhaps to the administration that's making that determination as to whether or not they met the basic threshold." Consequently, the political parties would not have access to the information that they valued.

Number 1358

GAIL FENUMIAI, Election Coordinator, Central Office, Division of Elections, Office of the Lieutenant Governor, stated the division believed that this new definition of a political party would be an additional expense and be administratively burdensome. Presently, the division tracked party affiliation of only the recognized parties. She cited: Democrat, Republican, Alaskan Independence, Green, Undeclared, Non-Partisan, and Other. The voter registration system was not set up to handle a wide variety of other political party affiliations that somebody could put down if they checked the "other" category. At present, they were all lumped together into this category. She reiterated this bill would cause some problems for the division.

Number 1429

REPRESENTATIVE HODGINS asked Ms. Fenumiai if she saw any advantages of the bill if the logistics were in place?

Number 1438

MS. FENUMIAI replied she could not see any other advantage other than creating another avenue for a group of people to become a political party.

Number 1458

KEN JACOBUS, Legal Counsel, Republican Party of Alaska, was the first person to testify via teleconference in Anchorage. He supported HB 112. He called it a good idea and it should be passed. A small political party should not have to undertake the expensive gubernatorial campaign each election to retain its status. He agreed with Mr. James Baldwin that a legislative record was needed.

MR. JACOBUS further stated that the parties would oppose any confidentiality of the records. He referred the committee members to a memorandum dated January 29, 1997, from Mr. Jack Chenoweth, Legislative Counsel, and stated consideration should be given to making a uniform definition of a "political party" throughout the Alaska Statutes. There were two definitions now, and if the bill was enacted there would be three. Moreover, the Republican Party of Alaska had a problem with the issue of defining a political party for the purpose of campaign financing. The legislature should consider input from all of the political parties to ensure that the parties did not have any problems.

Number 1571

CHAIR JAMES asked Mr. Jacobus if he would comment on the issue of the constitutionality of the bill addressed earlier by Mr. James Baldwin?

Number 1580

MR. JACOBUS replied the NAACP v. Button case dealt with disclosure of the membership records of the NAACP which was a different issue. "I don't think you're really going to run into a problem because a political party will have two ways now in order to exercise its right to political affiliation." He cited the 3 percent route and the 10,000 route. The 10,000 route was a free choice because registered voters needed to be obtained. "I don't see that it's a big problem, myself."

Number 1648

CHAIR JAMES called for a motion to move the bill out of the committee.

Number 1650

REPRESENTATIVE DYSON moved that HB 112 move from the committee with the attached fiscal note(s) and individual recommendations. There was no objection, HB 112 was so moved from the House State Affairs Standing Committee.

ADJOURNMENT

Number 1670

CHAIR JAMES adjourned the House State Affairs Standing Committee meeting at 9:53 a.m.

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: February 26, 1997

FURTHER REFERRALS:

Date of Committee Action: 3/10/97

The FINANCE Committee considered:

HB 112

HOUSE BILL NO. 112

AMEND DEFINITION OF "POLITICAL PARTY"

"An Act amending the definition of 'political party' except as the definition of the term applies to the regulation of contributions and expenditures in state and municipal election campaigns, an amendment that also has the effect of changing the definition of 'political organization' as applied to the regulation of games of chance and contests of skill."

recommends it be replaced with the following committee substitute CS HB 112 (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) Gov, 2/24/97

zero fiscal note(s) _____ zero fiscal note(s) DOR, 2/26/97

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Gene Therriault</i>	Therriault	X			
<i>Terry Martin</i>	Martin	X			
<i>Neil Kohring</i>	Kohring	X			
<i>Cal & Davis</i>	J. Davis				X
<i>Bar Grussendorf</i>	Grussendorf				X
<i>Ray B. Moses</i>	Moses				X
<i>John A. Kelly</i>	G. Davis			X	
<i>[Signature]</i>	Kelly	X			
<i>[Signature]</i>	Foster	X			

CHAIR'S SIGNATURE

Gene Therriault

HOUSE FINANCE COMMITTEE

March 10, 1997

1:44 P.M.

TAPE HFC 97-52, Side 1, #000 - end.
TAPE HFC 97-52, Side 2, #000 - end.
TAPE HFC 97-53, Side 1, #000 - end.
TAPE HFC 97-53, Side 2, #000 - #289.

CALL TO ORDER

Co-Chair Therriault called the House Finance Committee meeting to order at 1:44 p.m.

PRESENT

Co-Chair Hanley	Representative Kelly
Co-Chair Therriault	Representative Kohring
Representative Davies	Representative Martin
Representative Davis	Representative Moses
Representative Foster	Representative Mulder
Representative Grussendorf	

ALSO PRESENT

Representative Al Vezey; Representative Con Bunde; Nancy Buehl, Department of Education; John Cyr, National Education Association - Alaska; Gail Fenumiai, Division of Elections; Office of the Lieutenant Governor; Jim Baldwin, Assistant Attorney General, Department of Law; Jim Sykes, Green Party, Anchorage; Kevin Morford, Green Party, Anchorage; Jack Coghill, Chair, Alaska Independent Party (AIP); Scott Kohlhaas, Alaska Libertarian Party;

SUMMARY

HB 112 "An Act amending the definition of 'political party' except as the definition of the term applies to the regulation of contributions and expenditures in state and municipal election campaigns, an amendment that also has the effect of changing the definition of 'political organization' as applied to the regulation of games of chance and contests of skill."

HB 112 was reported out of Committee with a "do pass" recommendation and with a fiscal impact note by the Office of the Lieutenant Governor, dated 2/26/97; and with a zero fiscal note by the Department of Revenue, dated 2/26/97.

HB 145 "An Act relating to certification of teachers."

HB 145 was HELD in Committee for further consideration.

HOUSE BILL NO. 112

"An Act amending the definition of 'political party' except as the definition of the term applies to the regulation of contributions and expenditures in state and municipal election campaigns, an amendment that also has the effect of changing the definition of 'political organization' as applied to the regulation of games of chance and contests of skill."

REPRESENTATIVE AL VEZEY, SPONSOR, testified in support of HB 112. He maintained that HB 112 would bring order to the chaos in the electoral process. He observed that political parties must run a candidate for Governor and receive 3 percent of the vote cast in that general election, in order to retain their legal status. He observed that third parties are growing. He noted the last time a Governor was last elected with a majority vote was in 1970. He explained that the legislation would provide a mechanism for a political party to retain its status without running a candidate for Governor every four years. He observed that political parties have special status under the Alaska Public Offices Commission (APOC). Political parties are able to participate in charitable gaming activities. Political parties must file APOC reports.

Representative Vezey observed that 10,000 represent approximately 3 percent of the registered voters. The legislation allows a party that has 10,000 registered voters to retain party status under Alaska statutes without running a candidate for governor.

Representative Davies observed that the Republican and Democratic parties would not be affected. He stated that the Alaska Independent Party (AIP) has more than the required 10,000 registered voters.

Co-Chair Therriault noted statistics for the following parties:

- *Democrats - 71,000;
- *Republicans - 104,000;
- *Alaska Independent Party - 16,000; and
- *Green Party - 3,000.

Representative Davies summarized that the AIP party would not have to run a candidate, while the Green Party would have to run a candidate for governor in the next general election. Representative Vezey estimated that there would be a concentrated registration drive if the legislation were passed.

Representative Grussendorf asked if the Sponsor considered requiring the gubernatorial candidate to receive more than 45 percent of the vote. Representative Vezey clarified that his intent is to lessen the need for a runoff election and allow small parties to retain their status if they do not run a candidate.

Representative Grussendorf pointed out that many smaller parties are trying to influence election issues through their candidates. Representative Vezey observed that smaller parties would not be precluded from running a candidate.

JIM BALDWIN, ASSISTANT ATTORNEY GENERAL, DEPARTMENT OF LAW observed the need to document the interest that is being served by the legislation. He observed that the legislation is a limitation on the right of political association. He noted that the Court ruled in Vogler versus Miller, that the State must have a compelling governmental interest to place limitations on political recognition for purposes of admission to the primary election ballot. He suggested that the legislation cannot be defended on the premise that an election of a gubernatorial candidate by a majority vote is paramount. He observed that under the legislation the Green Party would not be a recognized party and the AIP would be a recognized party.

Mr. Baldwin observed that most states require that a political party meet a percentage of those that voted in the last primary election. Once a party is recognized they are included on the ballot without petition. He observed that in order to meet the registration requirement individuals must disclose their party affiliation before the party can achieve recognized party status. Registered voters do not have to disclose their party affiliation. This requirement could be seen as a compulsory disclosure of political affiliation. He noted that these kinds of limitation are upheld only when there is nothing less intrusive to serve this interest. He acknowledged that an attorney of the Republican Party has challenged his interpretation.

Co-Chair Therriault noted that voter registration would not be the only route to obtain recognition as a political party.

Representative Kelly observed that if the Green Party gets 3 percent of the vote in a general election for governor they would retain their status.

Co-Chair Therriault emphasized that no rights are being taken away.

Co-Chair Hanley noted that the Court ruled in Vogler versus Miller that the standard was too high. He asked if 3 percent is a defensible amount. Mr. Baldwin stated that the Court indicated that 3 percent would be acceptable.

GAIL FENUMIAI, DIVISION OF ELECTION, OFFICE OF THE LIEUTENANT GOVERNOR noted that 213,404 votes were cast in the last general election. Three percent of those that voted is 6402. Co-Chair Hanley noted that the 10,000 requirement is higher than 3 percent.

Mr. Baldwin noted that 10,000 is an arbitrary number. He emphasized that the Department would like to have some rationale to defend the number. Co-Chair Hanley spoke in support of setting the limit at 3 percent of the previous election.

In response to a question by Representative Grussendorf, Ms. Fenumiai noted that there are 420,000 registered voters in the State of Alaska. Representative Grussendorf expressed concern that a fixed number would not grow with the population.

Co-Chair Therriault noted that the Green Party had 3,088 registered voters. Representative Grussendorf suggested that the legislation grandfather in all the major recognized parties in the State. Co-Chair Therriault noted that 3,088 is less than 1 percent of the registered voters in the State.

Representative Martin observed that the State of Alaska has a high percentage of voter's registration due to the Permanent Fund Dividend Program. He spoke in support of basing political party status on a percentage of those that voted, rather than on registered voters.

Representative Davies cited statistics of other states requirements for the granting of political party. He demonstrated that other requirements by other states vary from one-twentieth of one percent to one percent of registered voters.

JACK COGHILL, CHAIRMAN, ALASKA INDEPENDENT PARTY, testified via the teleconference network in support of HB 112. He observed that the legislation provides two avenues to retain political party status. He stressed that there would be savings in the Division of Elections if small parties do not have to run a candidate. He noted that it is the goal of AIP to build political strength. He observed that AIP would not run a candidate, in the next gubernatorial election, if they did not have to do so to retain their status.

Representative Davies noted that AIP could support the Republican candidate for Governor and still retain their status. He observed that, under the legislation, the Green Party would have to run a candidate to retain their status as a political party.

Mr. Coghill noted that AIP wants to be able to build a foundation for a political structure, in order to challenge the political process in future years.

In response to a question by Representative Davies, Mr. Coghill noted that he would support the substitution of one-percent of registered voters.

In response to a question by Representative Grussendorf, Ms. Fenumiai explained that supports of the Liberation Party and the Constitutional Party are listed under the "other" category. Representative Grussendorf observed that these parties would not be likely to support AIP since they will be busy trying to gain recognition for their own party.

SCOTT KOHLHASS, ALASKA LIBERTARIAN PARTY, FAIRBANKS testified via the teleconference network in support of HB 112. He noted that the legislation opens new avenues for obtaining political party status. He pointed out that Alaska is one of the more difficult states to obtain ballot access. He noted that in some other states sufficient ballot signatures result in full party status. He asked why small parties are required to petition for each office as a limited political party.

In response to a question by Representative Davies, Mr. Kohlhas noted that he would support the substitution of one-percent of the registered voters. He maintained that requiring 10,000 registered voters, for a political party to retain its legal status without running a gubernatorial candidate, is "oppressive."

Co-Chair Therriault noted that the Division of Elections would need computer modifications.

Mr. Kohlhas observed that the Alaska Civil Liberties Union has advocated that one-tenth of one percent of the vote be required to maintain ballot status.

KEVIN MORFORD, MEMBER, GREEN PARTY testified via the teleconference network. He noted that he is an attorney. He emphasized that the legislation addresses important constitutional rights.

(Tape Change, HFC 97-52, Side 2)

Mr. Morford noted that there are two ways to get on the ballot. A candidate can run as a member of a recognized political party with ballot access or by nominating petition. The legislation will not change the manner in which political parties are able to initially qualify for ballot access. He observed that a party could register voters until they have ballot access. He noted that the Green Party is the only registered party that could not maintain its status without running a candidate for governor. He stressed the importance of maintaining a level playing field.

Mr. Morford referred to the sponsor statement for HB 112. He noted that the sponsor statement concludes that the legislation would result in Alaska's governors being elected by a larger plurality

of voters. He observed the intent of the bill is to cut down on the number of candidates for governor, and thereby achieve elections in which governors are more likely to be elected by a majority. He maintained that it is not legitimate to try to cut down on the number of candidates by limited ballot access. He suggested that multiple ballots could be utilized to achieve plurality. He maintained that the 10,000 requirement is not justified. He pointed out that 50 percent of Alaskan registered voters are not affiliated with a party. He noted that there were more votes cast for the Green Party than were registered members of the party. He stated that it does not make sense to require a higher number to be registered for a party than the amount it received in a general election.

Mr. Morford suggested the adoption of uniform rules, an even playing field and that ballot access be based on reasonable numbers. He supported the use of 3 percent of the vote or a smaller number of registered voters.

JIM SYKES, GREEN PARTY testified via the teleconference network. He acknowledged the need for other criteria to be considered. He questioned why other statewide races are not counted equally. He provided members with a memorandum presenting three options for amendment to HB 112 (attachment 1). He spoke in support of the amendments. He noted that AIP and the Green Party received more than 3 percent of the vote in several previous statewide races. Option B, under the proposed amendments, would require that a political party run at least three legislative races and receive 3 percent of the vote. He agreed that it takes a lot of time and energy to run races. He maintained that a requirement for 10,000 registered voters is different from the way any other states operate. He spoke in support of a registration requirement of one percent of the registered voters. He observed that the Alaska Supreme Court has a record of striking down unreasonable ballot access requirements. He urged the Committee to replace the requirement for 10,000 with the suggestions contained in Attachment 1. He noted that there are ballot options that would allow voters to prioritize their choices to allow a majority to be obtained. He emphasized that the Green Party should receive the same treatment as other parties.

Representative Vezey clarified that the 10,000 requirement was based on, what was at that time, 3 percent of the registered voters. He clarified that the legislation is not about ballot access. He maintained that the legislation is about the ability to maintain political party status without being on the ballot. He observed that political parties could have any number of gaming permits. He questioned if the Legislature wants to make it easy for inactive political parties to have access to gaming permits.

Representative Martin agreed with comments by Representative Vezey. He suggested that political parties not be allowed to have pull-

tab permits.

Representative Davies provided members with Amendment 1 (copy on file). Representative Davies MOVED to adopt Amendment 1. Representative Martin OBJECTED. Representative Davies explained that Amendment 1 would allow a political party to run in three other statewide races as a means to validate its status as a party. Representative Vezey spoke against the amendment. A roll call vote was taken on the MOTION.

IN FAVOR: Davies Grussendorf, Moses
OPPOSED: Davis, Foster, Kelly, Martin, Therriault, Hanley

Representatives Mulder and Kohring were absent for the vote.

The MOTION FAILED (3-6).

Co-Chair Hanley MOVED to adopt Amendment 2 (copy on file). He explained that Amendment 2 would provide that a political party have registered voters equal to 3 percent of the votes cast for governor at the proceeding general election. He observed that this is a lower standard than three percent of the registered voters. The number would fluctuate based on the number of registered voters.

Representative Davies MOVED to AMEND Amendment 2; delete "three-percent" and insert "one-percent." Co-Chair Therriault OBJECTED. Representative Davies spoke in support of the amendment. He noted that the amount would require that a party have 6,400 registered voters, before it could retain its legal status without running a gubernatorial candidate. He stressed that 6,400 would be greater than the Green Party currently has registered. He observed that one-percent would require that a party have 2,200 registered voters. He stated that this would be equal to the highest standard of any state in the nation.

Co-Chair Hanley spoke against the amendment. He pointed out that one-percent of the registered voters is more than one-percent of the vote. He maintained that three-percent is a defensible number. He stressed that it is less restrictive. Representative Martin spoke against the amendment. Representative Davies emphasized that the Green Party has consistently received more votes than its share of registered voters. He maintained that Alaskans value their privacy.

A roll call vote was taken on the MOTION to amend Amendment 2.

IN FAVOR: Davies Grussendorf, Moses
OPPOSED: Davis, Foster, Kelly, Martin, Therriault, Hanley

Representatives Mulder and Kohring were absent for the vote.

The MOTION FAILED (3-6).

Co-Chair Hanley clarified that the amendment pertains to votes at the last gubernatorial election. There being NO OBJECTION, Amendment 2 was adopted.

Representative Davies MOVED to adopt Amendment 3 (copy on file). Co-Chair Therriault OBJECTED. He explained that the amendment clarifies that, once a party reaches legal status, it retains legal status until it fails to have registered numbers equal to that percentage.

Representative Vezey spoke against the amendment.

Representative Davies MOVED to AMEND Amendment 3, delete "one-percent" and insert "three-percent" on lines 6 and 9.

Co-Chair Hanley observed that the amendment is based on registered voters. He summarized that the amendment eliminates the ability to qualify with the 3-percent of the votes cast for a gubernatorial candidate. He stressed that the amendment would be more limiting. He observed that, under the amendment, the Green Party would not be able to put up a candidate for governor.

While Representative Davies considered Amendment 3, Ms. Fenumiai discussed the fiscal note by the Office of the Lieutenant Governor. She explained that the Division would need to modify their computer system to track additional parties. In response to a question by Co-Chair Therriault, Ms. Fenumiai explained that the code table would require updates. She observed that voter registration reports and voter cards would also have to be modified. She clarified that the Division could not retrace voter records.

Representative Davies suggested that the amendment should be worded to allow the current provision or the provision contained in Amendment 3. He WITHDREW Amendment 3.

Representative Foster MOVED to report CSHB 112 (FIN) out of Committee with individual recommendations and with the accompanying fiscal notes. Representative Davies OBJECTED. He maintained that the legislation would allow AIP to not run a candidate and require the Green Party to run a candidate. The Green Party would be required to registered 50 percent more voters in order to not run a candidate. He stated that the bill could be interpreted to have political intent.

A roll call vote was taken on the MOTION.

IN FAVOR: Davis, Foster, Kelly, Kohring, Martin, Therriault, Hanley
OPPOSED: Davies, Grussendorf, Moses

Representative Mulder was absent for the vote.

HB 112 was reported out of Committee with a "do pass" recommendation and with a fiscal impact note by the Office of the Lieutenant Governor, dated 2/26/97; and with a zero fiscal note by the Department of Revenue, dated 2/26/97.