

HB

46



# STATE OF ALASKA

OFFICE OF THE LT. GOVERNOR

FRANK H. MURKOWSKI, GOVERNOR

DIVISION OF ELECTIONS  
P.O. BOX 110017  
JUNEAU, ALASKA 99811-0017  
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## CS HB46

### An Act relating to printing of ballot titles and propositions on primary election ballots

#### Summary Statement by the Division of Elections House State Affairs Committee February 20, 2003

Last year, as Alaskans began to understand the state's new primary election law passed by the Legislature in 2001, many voters expressed the following concern to the Division of Elections:

- ◆ In order to vote on the preferential voting initiative that was to appear on the primary election ballot along with candidates running for office, they would have to choose the ballot of one political party in order to do so.

In August 2002, 51 percent of the state's voters (230,319 voters) were registered either undeclared or non-partisan. A number of these voters told the Division they wished to vote only on the initiative, not for candidates of one political party. The Division's response was that the law did not provide for a separate primary election ballot that included only propositions on it, such as initiatives. The Division received complaints not only before the election but also following the election.

CS for House Bill No. 46 addresses this issue. It would amend AS 15.25.060(a) to require the Division Director to prepare and print a separate primary election ballot that includes only the ballot titles and propositions that will appear on the ballot. At the same time, in new language, it requires that party ballots, in addition to including candidates, will also include the ballot titles and propositions. Current law addresses only the inclusion of candidates on party ballots.

The Division of Elections appreciates the opportunity to comment on this bill.

23-LS0298D

Kurtz

2/11/03

CS FOR HOUSE BILL NO. 46( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES HAWKER, Coghill

*2/15/03 Spoke to Visoam at*  
*Maurice Leg Legal - they will do final*  
*CS adopted by STA 2/20/03*  
*Minis Austerma*

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to printing of ballot titles and propositions on primary election  
 2 ballots."

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

4 \* Section 1. AS 15.25.060(a) is amended to read:

5 (a) The primary election ballots shall be prepared and distributed by the  
 6 director in the manner prescribed in this section. The director shall prepare and  
 7 provide a primary election ballot for each political party that contains all of the  
 8 candidates of that party for elective state executive and state and national legislative  
 9 offices and all of the ballot titles and propositions required to appear on the  
 10 ballot at the primary election. The director shall print the ballots on white paper and  
 11 place the names of all candidates who have properly filed in groups according to  
 12 offices. The order of the placement of the names for each office shall be as provided  
 13 for the general election ballot. Blank spaces may not be provided on the ballot for the  
 14 writing or pasting in of names. The director shall also prepare and print a

1  
2

separate primary election ballot including only the ballot titles and propositions  
required to appear on the ballot.

HOUSE BILL NO. 46  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES HAWKER, Coghill

Introduced: 1/21/03  
Referred: State Affairs

A BILL  
FOR AN ACT ENTITLED

1 "An Act relating to ballots."

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

3 \* Section 1. AS 15.25.060 is amended to read:

4           Sec. 15.25.060. Preparation and distribution of ballots. (a) The primary  
5 election ballots shall be prepared and distributed by the director in the manner  
6 prescribed in this section. The director shall prepare and provide a primary election  
7 ballot for each political party that contains all of the candidates of that party for  
8 elective state executive and state and national legislative offices. The director shall  
9 print the ballots on white paper and place the names of all candidates who have  
10 properly filed in groups according to offices. The order of the placement of the names  
11 for each office shall be as provided for the general election ballot. Blank spaces may  
12 not be provided on the ballot for the writing or pasting in of names. The director  
13 shall also prepare and print a separate ballot including only the ballot titles and  
14 propositions required to appear on the ballot at the primary election.

15           (b) A voter may vote only one political party ballot in the primary election

1 [BALLOT]. A voter may vote a political party ballot only if the voter is registered as  
2 affiliated with that party, is allowed to participate in the party primary under the  
3 party's bylaws, or is registered as nonpartisan or undeclared rather than as affiliated  
4 with a particular political party and the party's bylaws do not restrict participation by  
5 nonpartisan or undeclared voters in the party's primary. For the purpose of  
6 determining which political party [PRIMARY ELECTION] ballot a voter may use, a  
7 voter's party affiliation is considered to be the affiliation registered with the director as  
8 of the 30th day before the primary election. If a voter changes party affiliation within  
9 the 30 days before the primary election, the voter's previous party affiliation shall be  
10 used for the determination under this subsection.

# FISCAL NOTE

STATE OF ALASKA  
2003 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB 46  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: OOG  
Title "An Act relating to ballots." BRU Elections  
Component Elections  
Sponsor Representatives Hawker and Coghill  
Requester House State Affairs Committee Component No. 21

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2003) cost: 0.0  
Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

POSITIONS	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
The Legislature appropriated an additional 269.5 in FY '03 to cover the cost of implementing a six-ballot primary. If that appropriation is maintained in subsequent election-year budgets, it would be possible for the Division to absorb the cost of printing an additional ballot.

Prepared by: Lauri Allred, Administrative Officer Phone 465-2644  
Division: Office of Lt. Governor, Division of Elections Date/Time 2/19/03 12:58 PM  
Approved by: Linda J. Perez, Director Date 2/19/2003  
Agency: Office of the Governor, Administrative Services

# Representative Mike Hawker

## Alaska State Legislature



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*Member:*

House Finance Committee  
Legislative Budget  
& Audit Committee

*House District 32:*

Eagle River  
Anchorage  
Rainbow  
Indian  
Bird  
Girdwood  
Portage  
Whittier  
Sunrise  
Hope

## Memorandum

**To:** Representative Bruce Weyrauch, Chair  
House State Affairs Committee

**From:** Representative Mike Hawker

**Date:** 2/13/2003

**Re:** Committee Substitute for House Bill 46-"An act relating to ballots."

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I would like to offer for your consideration a blank Committee Substitute for House Bill 46.

The previous "A" version of HB 46 was not as clear as I wanted it to be. HB 46 directed the Director of the Division of Elections to prepare and print a separate ballot including only ballot titles and propositions required to appear at the primary election. It also limited people to choosing a political party ballot instead of one primary election ballot.

I am concerned the bill might be interpreted as requiring the Director to print two completely separate ballots for all voters in Alaska. Previously, ballot propositions were automatically placed on a single ballot with each party's candidates. This presentation has been presumed, but never defined in statute.

CSHB for HB 46 () amends AS 15.25.060 (a) to clarify the intent that ballot propositions be placed on the same ballots as those with candidates of a party. CSHB 46 () further directs the Director to prepare and print a separate ballot with only ballot titles and propositions required to appear on the primary election ballot. CSHB 46 () also changes the title of the bill, making it more precise.

The committee substitute clarifies the intention that ballot titles and propositions to be on party ballots and provides a separate ballot for those people who do not want to declare a party affiliation, but wish to vote only on the issues. This clarification prevents a more costly and complicated interpretation that would give voters two separate ballots, one with candidates and one with ballot titles and propositions.

If you have any questions, please contact Sara Wright at 465-4949.

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### House Bill 46 Sponsor Statement

House Bill 46 instructs the Director of the Division of Elections Director to offer voters in primary elections the choice of a separate ballot presenting only the ballot titles and propositions being voted on.

This bill does not change the closed-primary election system created by HB 193 in the 22<sup>nd</sup> Alaska Legislature. House Bill 46 offers voters the additional choice of a "no-party" "issues only" ballot.

This bill responds to concerns raised by citizens who desire to vote on the ballot issues, but who prefer not to declare a party affiliation or are bound by their religious beliefs against declaring a party affiliation.

House Bill 46 allows Alaskans to exercise their right and obligation as voters, while preserving their privacy right to refrain from declaring any political party affiliation.

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## **Sectional Analysis**

### **House Bill 46-"An act relating to ballots."**

#### **Section 1.**

Amends AS 15.25.060 – Preparation and distribution of ballots

- a) Instructs the Director of Elections to prepare and print a separate ballot to include only ballot titles and propositions required to be on the ballot at the primary election.
- b) Limits voters to only one political party ballot instead of only one primary election ballot.

Sec. ~~15.25.060~~. Preparation and distribution of ballots.

(a) The primary election ballots shall be prepared and distributed by the director in the manner prescribed in this section. The director shall prepare and provide a primary election ballot for each political party that contains all of the candidates of that party for elective state executive and state and national legislative offices. The director shall print the ballots on white paper and place the names of all candidates who have properly filed in groups according to offices. The order of the placement of the names for each office shall be as provided for the general election ballot. Blank spaces may not be provided on the ballot for the writing or pasting in of names.

(b) A voter may vote only one primary election ballot. A voter may vote a political party ballot only if the voter is registered as affiliated with that party, is allowed to participate in the party primary under the party's bylaws, or is registered as nonpartisan or undeclared rather than as affiliated with a particular political party and the party's bylaws do not restrict participation by nonpartisan or undeclared voters in the party's primary. For the purpose of determining which primary election ballot a voter may use, a voter's party affiliation is considered to be the affiliation registered with the director as of the 30th day before the primary election. If a voter changes party affiliation within the 30 days before the primary election, the voter's previous party affiliation shall be used for the determination under this subsection.

## Religious faith at odds over new ballot

### **BAHA'I: Belief system doesn't allow involvement in partisan politics.**

The Associated Press  
(Published: July 31, 2002)

Juneau -- Alaska's new closed primary system, which requires voters to choose a ballot from one of six political parties, has members of the Baha'i faith in a quandary.

The religion prohibits involvement in partisan politics but encourages its members to exercise their civic duty of voting. But leaders of the faith say they don't know what to say to their 4,000 members in Alaska about a nonpartisan ballot measure on the Aug. 27 primary.

Members who want to vote on the measure must select a ballot from one of the state's six political parties to cast their vote.

The Baha'i of Alaska's spiritual assembly is scheduled to meet in Anchorage in less than two weeks to discuss the primary, said general secretary David Baumgartner.

The governing body plans to discuss how to convey guidance on the primary-election issue to Baha'i followers across the state, Baumgartner said.

The "preferential voting" ballot measure would institute a system of instant runoff voting in which candidates are chosen in order of preference.

If no candidate gets a majority of the vote, the candidate receiving the fewest first-choice votes would be eliminated. Those who voted for that candidate would have their second-choice counted. That would go on until a candidate receives a majority of the votes.

Baumgartner said voting is an important civic duty of Baha'i followers. An election process should allow them to vote in a way that does not require members to pick a party, he said.

Alaska law changed the state's previous blanket primary, in which all candidates from all parties are listed on the same ballot, after a U.S. Supreme Court decision.

The Republican Party of Alaska had been a proponent of holding separate primaries for the state's six recognized political parties.

"I don't think anyone had contemplated this problem arising," said Randy Ruedrich, state Republican Party chairman.

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