

**HB**

**46**

# Representative Mike Hawker

## Alaska State Legislature



*Session:*

State Capitol  
Juneau, AK 99801  
907 465-4949 direct  
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716 W 4<sup>th</sup> Avenue  
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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

### Committee Substitute for House Bill 46 (STA) Sponsor Statement

Committee Substitute for House Bill 46(STA) amends statute to require that ballot propositions be placed on the same ballots as those with candidates of a party. CSHB 46(STA) also directs the Director of the Division of Election to prepare and print a separate ballot with only ballot titles and propositions required to appear on the primary election ballot.

This bill does not change the closed-primary election system created by HB 193 in the 22<sup>nd</sup> Alaska Legislature. CSHB 46(STA) 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.

CSHB 46(STA) allows Alaskans to exercise their right and obligation as voters, while preserving their privacy right to refrain from declaring any political party affiliation.

CSHB 46(STA) has a zero fiscal note as it is the opinion of the administration that the activity contemplated in this bill can be accomplished within the existing appropriation to the Division of Elections and will require no incremental appropriation in the future.

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## **Sectional Analysis**

### **Committee Substitute for House Bill 46 (STA)**

#### **Section 1.**

Amends AS 15.25.060 – Preparation and distribution of ballots

- a) Requires that ballot propositions be placed on the same ballots as those with candidates of a party. Also 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.

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.

# 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)

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**

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

----- Original Message -----

Subject: House Bill 46

Date: Mon, 03 Mar 2003 23:10:12 -0900

From: Randy Ruedrich <raraep@gci.net>

To: RPA <rpa@acsalaska.net>

CC: Representative Mike Hawker

<Representative\_Mike\_Hawker@legis.state.ak.us>

To All Representatives:

House Bill 46 is excellent legislation.

The Bill adds a ballot for non partisan voters to participate in the primary election ballot measures. Many Alaskans have requested this NP ballot since their religion or other personal beliefs do not allow their participation in a partisan primary.

I urge all legislators to support this constructive change in our primary process.

Randy Ruedrich

# STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

OFFICE OF THE LT. GOVERNOR

DIVISION OF ELECTIONS  
P.O. BOX 110017  
JUNEAU, ALASKA 99811-0017  
PHONE: (907) 465-4611

## 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.

## 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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of Alaska, Inc.*

24 August 2002

Janet Kowalski, Director  
State of Alaska, Division of Elections  
P.O. Box 110017  
Juneau, Alaska 99811-0017

Dear Director Kowalski,

In response to recent questions raised in the Alaskan media regarding the participation of members of the Alaska Bahá'í community in the primary election process now in use in Alaska, the National Spiritual Assembly – the governing council for the Bahá'í Faith in Alaska – wishes to share with you its advice to the Bahá'ís of Alaska on this issue.

Since one of the fundamental principles of the Bahá'í Faith involves an attitude on the part of the Bahá'ís of obedience and loyalty to the government of the country they reside in, and no interference whatsoever in political matters or questions, we offer the assurance of our full respect for Alaska's election laws and processes.

The members of the Bahá'í community strive to carry out their responsibility to vote in civil elections, which they regard as a spiritual obligation, in accordance with the principles found in the teachings of their Faith. Bahá'ís are encouraged to fulfill this responsibility by voting in elections if they can do so without identifying with one party or another. Bahá'ís vote on the merits of the individual or issue, rather than basing their participation in the electoral process on associations with any party.

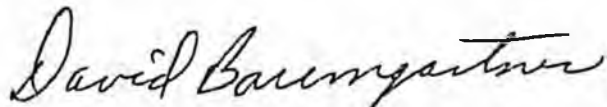
It is the Baha'i view that membership in any political party would conflict with some or all of the principles of peace and unity proclaimed by Bahá'u'lláh, the Founder of our Faith, and would compromise the Bahá'í principle of absolute freedom of the individual to vote according to the dictates of his conscience. Bahá'ís seek to preserve the nonpartisan character of their Faith and to employ an attitude of nonpartisanship in the exercise of their civic responsibilities as voters.

In consideration of these principles, it seems that it would not be possible for Bahá'ís to participate in Alaska's primary elections as they are currently structured. We understand that usually the main function of primary elections is to allow each party to select its candidates to run in the subsequent general election, so Bahá'ís -- as non-partisans -- do not regard a closed primary election as any sort of disenfranchisement. The current structure does, however, as a separate issue, also prevent Bahá'ís from participating in any non-partisan ballot issues which may be attached to a primary election ballot

Since, as a matter of principle, the Bahá'í Faith regards choices in electing individuals to office and voting on issues as being a private matter, we have advised the Bahá'ís to feel free to perform these functions according to the dictates of their own consciences, bearing in mind the applicable principles of their sacred beliefs.

We thank you for this opportunity to share these thoughts with you, and to convey our absolute impartiality in the matter of political parties, that we are neither for or against any system of politics; that Bahá'ís prefer, as a matter of principle, to expend their energies on the promotion of the common good through the application of the teachings of their Faith to the issues confronting society rather than through protest of any existing policies or practices of their respective governments; and, that we are loyal supporters and sincere, well-wishers of the governments under which we live.

Sincerely,



David Baumgartner, Secretary-General

NATIONAL SPIRITUAL ASSEMBLY OF THE BAHÁ'ÍS OF ALASKA