

HB

402

**Alaska State Legislature
House of Representatives**



**Representative Max F. Gruenberg, Jr.
House District 20**

**Anchorage (Mountain View, Russian Jack, East Anchorage)
House Minority Assistant Floor Leader**

Interim
716 W 4th Avenue, Rm 350
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Member

Standing Committees:
Judiciary
State Affairs

House Special Committee:
Ways & Means

Finance Subcommittees:
Administration
Courts

TO: Representative Bob Lynn
Chair, State Affairs

FROM: Representative Max F. Gruenberg, Jr. 

DATE: March 13, 2008

RE: HB402: Political Parties Definition/Elections

Please consider this memorandum as a request for the House State Affairs Committee to schedule a hearing on HB 402. Accompanying this memo are the following documents:

- ▶ Sponsor Statement
- ▶ Sponsor Substitute for HB402 - 25-LS1506\E
- ▶ Sectional Analysis
- ▶ Legal Memorandum - Dated March 10, 2008

Many thanks.

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SPONSOR STATEMENT FOR HB402

By: Representative Max F. Gruenberg, Jr.

TITLE: "An Act relating to elections; relating to the definition of 'political party'; and providing for an effective date."

This bill would allow for another language other than English to be put on the ballots.

It would also define "political party" to be an organized group of voters that represents a political program and has at least 2,500 registered voters.

It calls for an immediate effective date.

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SECTIONAL ANALYSIS FOR HB402

By: Representative Max F. Gruenberg, Jr.

Section 1. AS 15.15.032 is amended by adding a new subsection to read:

ADDS: (d) If the director provides for voting by use of electronically generated ballots, the director shall provide ballots in English, and may provide ballots in one or more languages other than English.

Section. 2. AS 15.60.010(25) is amended to read:

ADDS: has at least 2,500 voters in the state

REMOVES: [(A) THAT NOMINATED A CANDIDATE FOR GOVERNOR WHO RECEIVED AT LEAST THREE PERCENT OF THE TOTAL VOTES CAST FOR GOVERNOR AT THE PRECEDING GENERAL ELECTION OR HAS REGISTERED VOTERS IN THE STATE EQUAL IN NUMBER TO AT LEAST THREE PERCENT OF THE TOTAL VOTES CAST FOR GOVERNOR AT THE PRECEDING GENERAL ELECTION;

(B) IF THE OFFICE OF GOVERNOR WAS NOT ON THE BALLOT AT THE PRECEDING GENERAL ELECTION BUT THE OFFICE OF UNITED STATES SENATOR WAS ON THAT BALLOT, THAT NOMINATED A CANDIDATE FOR THREE PERCENT OF THE TOTAL VOTES CAST FOR UNITED STATES SENATOR AT THAT GENERAL ELECTION OR HAS REGISTERED VOTERS IN THE STATE EQUAL IN NUMBER TO AT LEAST THREE PERCENT OF THE TOTAL VOTES CAST FOR UNITED STATES SENATOR AT THAT GENERAL ELECTION; OR

(C) IF NEITHER THE OFFICE OF GOVERNOR NOR THE OFFICE OF UNITED STATES SENATOR WAS ON THE BALLOT AT THE PRECEDING GENERAL ELECTION, THAT NOMINATED A CANDIDATE FOR UNITED STATE REPRESENTATIVE WHO RECEIVED AT LEAST THREE PERCENT OF THE TOTAL VOTES CAST FOR UNITED STATES REPRESENTATIVE AT THAT GENERAL

ELECTION OR HAS REGISTERED VOTERS IN THE STATE EQUAL IN NUMBER TO
AT LEAST THREE PERCENT OF THE TOTAL VOTES CAST FOR UNITED STATES
REPRESENTATIVE AT THAT GENERAL ELECTION];

LEGAL SERVICES

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

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 10, 2008

SUBJECT: Single-subject requirement (SSHB 402, Work Order No. 25-LS1506\E)

TO: Representative Max Gruenberg
Attn: Deneen Tuck

FROM: Alpheus Bullard *ALB*
Legislative Counsel

You have requested a bill that relates to the definition of "political party" and also contains a provision related to the use of electronically generated election ballots. Political parties and election ballots are arguably separate subjects and the bill may not satisfy Alaska's single-subject requirement.

The single-subject requirement

Under art. II, sec. 13, Constitution of the State of Alaska, "[e]very bill shall be confined to one subject unless it is an appropriation bill or one codifying, revising, or rearranging existing laws." This provision of the Alaska Constitution is frequently referred to as the "single-subject requirement." Each bill may only contain provisions related to the bill's single subject.

The standard adopted by the Alaska Supreme Court in regard to the single-subject requirement states that an "act should embrace some one general subject; and by this is meant, merely, that all matters treated of should fall under some one general idea, be so connected with or related to each other, either logically or in popular understanding, as to be parts of, or germane to, one general subject." Gellert v. State, 522 P.2d 1120, 1123 (Alaska 1974). The Alaska Supreme Court has held that the purpose of this constitutional provision is to guard against legislative log-rolling, "the practice of 'deliberately inserting in one bill several dissimilar or incongruous subjects in order to secure the necessary support for passage of the measure.'" Evans v. State, 56 P.3d 1046, 1069, quoting Gellert, supra at 1122.

Alaska's single-subject rule has been interpreted by the Alaska Supreme Court to permit very broad subject matter in a bill without violating the single-subject requirement. In construing the single-subject rule, the court will "resolve doubts in favor of validity." Also, "in order to warrant the setting aside of enactments for failure to comply, the violation must be substantial and plain." Suber v. Alaska State Bond Committee, 414 P.2d 546, 557 (Alaska 1966); see also Evans and Gellert, supra and Short v. State, 600

Representative Max Gruenberg

March 10, 2008

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P.2d 20 (Alaska 1970). Specifically, the court has held that bills relating to such broad themes as "civil actions", "taxation", "transportation", and "land" are acceptable.¹ Evans, 56 P.3d at 1070; North Slope Borough v. Sohio Petroleum, 585 P.2d 534, 545 (Alaska 1978); Yute Air Alaska, Inc. v. McAlpine, 698 P.2d 1173, 1181 (Alaska 1985); State v. First National Bank of Anchorage, 660 P.2d 406 (Alaska 1982).

If you have any questions, please do not hesitate to contact me.

TLAB:med

08-164.med

Enclosure

¹ The single-subject rule has been so broadly construed by the court, that the court itself has expressed misgivings. Yute Air Alaska, Inc., supra at 1180-1183; and First National Bank of Anchorage, supra at 414-415. However, without this broad construction, "statutes might be restricted unduly in scope and permissible subject matter, thereby multiplying and complicating the number of necessary enactments and their interrelationships." Gellert, supra at 1122, and quoted by Galbraith v. State, 693 P.2d 880, 886 (Alaska App. 1985). The court appears reluctant to impose a stricter standard. See Yute Air Alaska, Inc., supra at 1180-1181.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 402
 () Publish Date: _____

Identifier (file name): HB402-OOG-DOE-3-19-08
 Title: "An Act relating to elections, relating to the definition of political party'...."
 Sponsor: Representative Gruenberg
 Requester: House State Affairs
 Dept. Affected: OOG
 RDU: Elections
 Component: Elections
 Component Number: 21

Expenditures/Revenues (Thousands of Dollars)

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

| | Appropriation Required | Information | | | | | | |
|-------------------------------|---------------------------|-------------|------------|------------|------------|------------|------------|------------|
| | | FY 2009 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
| OPERATING EXPENDITURES | | | | | | | | |
| 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 | 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 Interagency Receipts | | | | | | | | |
| TOTAL | | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

| | | | | | | | | |
|-----------|--|--|--|--|--|--|--|--|
| Full-time | | | | | | | | |
| Part-time | | | | | | | | |
| Temporary | | | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This proposed legislation will have no fiscal impact on the Division of Elections.

Prepared by: Linda Perez, Administrative Director
 Division: Division of Administrative Services
 Approved by: Gail Fenumiai, Director
 Division: Division of Elections

Phone: 465-3876
 Date/Time: 3/19/08 10:55 AM
 Date: 3/19/2008

Nancy Manly

From: Deneen Tuck
Sent: Wednesday, March 19, 2008 4:56 PM
To: Nancy Manly
Subject: HB402

Nancy,

I just gave **Richard Winger** the 1-888-295-4546 phone number to testify on HB402, Thursday, March 27th. He lives in California.

The others I have asked to go to the Anchorage LJO and if they invite anyone to testify about this bill that they should also go to a local LJO for testimony. So far, as far as I am aware we will have possibly, **Jim Sykes** from Anchorage, **Scott Kolhause**, also from Anchorage, (the one who is traveling) for witnesses. I will not have Scott call in on the 1-888 number unless he is travelling outside. **Lynette Clark**, from Fairbanks and the Chair of the Alaska Independent Party, may also be on line for testimony. She called today, but I did not talk to her. She wanted to talk to Max and I just took the message. If I know of anyone else who is going to testify, I will let you know.

Is this a good way to let you know on witnesses? If not, let me know what I need to do.

Thank you so very much for all your help. You are amazing.

Deneen Tuck
Administrative Assistant/Chief of Staff
Representative Max Gruenberg
907-465-4941 phone
907-465-3740 fax
1-866-465-9000 Toll Free

Nancy Manly

From: housemajority_email@housemajority.org
Sent: Wednesday, March 19, 2008 4:26 PM
To: Rep. Bob Lynn
Subject: Email to Rep. Lynn

From: lclark@akip.org

To the Chair and Membership of the House State Affairs Committee regarding HB402, re: An act relating to...political parties.

I spoke with Rep. Coghill's office to relay my absolute opposition to HB 402's passage and the amendments contained therein. There's always talk about "special interests" in Juneau, and this bill is a prime example of just that.

The special interest in this case is one National, and one International, Political Party. I stand firmly opposed to any furtherence of their influence in Alaska for many reasons. Jim Skyes wrote me for my support of this Bill, and Libertarian leadership contacted me for the same. Mr. Skyes complains in his argument that it is difficult to get voers to register in a Political Party, and the "bar", so to speak, should be lowered. My response to them is do the work necessary to comply with what is required in AS 15.60.010 as it stands, instead of asking for some special changes or amendments.

Please, I ask you to deny this request for lowering the standards with these amendments. In the landmark law suit, Vogler v Miller 1982, the AIP and other third party Candidates and Partys', through the present Alaska Statute were given the standards and requirements to become a recognized political party in Alaska. What the Statues require is fair, just and equitable. I would like the State Affairs Committee to have this bill die in committee. I would suggest the two complaining Parties do as the Alaskan Independence Patry has done, that is work, get voters to register with their Party. As a member of AIP, I witnessed the loss of membership to our ranks after Mr Vogler was murdered. I worried then that we would be able to maintain our "recognized" status. We have, through tough times, because we did the work, and in the last two years have grown by 2,000 members. We applied "elbow grease" and went to work, we did not ask "things" (the Statutes) be made easier.

I have no fear of AIP's future ability to comply with what is "on the books" as is. I don't want this bill to pass out of this committee and/or pass out of the Judiciary Committee, should it go that far. Two persons, Joe Vogler and Al Vezey, are responsible for what is in place now. My preferences are the Statue remain as is, unamended by HB 402. I look forward to this committee rejecting this bill. It is an unnecessary change in what is the Law. Considering the time this 25th Legislature has remaining in session, you all, as Alaskas' representatives, can better busy yourselves with other issues. I thank you for your kind attention and pray you agree.

Lynette Clark, Chairman
Alaskan Independence Party.

- Lynette Clark, Chairman, Alaskan Independence Party Zip Code: 99712

DO NOT REPLY TO THIS EMAIL if you want to correspond with this author.
If suspected Spam please forward to: support@housemajority.org
