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Attorney for all Plaintiffs

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

SCOTT A. KOHLHAAS, THE ALASKAN
INDEPENDENCE PARTY, ROBERT M.
BIRD, and KENNETH P. JACOBUS,

Plaintiffs,

vs.

STATE OF ALASKA; STATE OF
ALASKA; DIVISION OF ELECTIONS;
LIEUTENANT GOVERNOR KEVIN
MEYER, in his official capacity as Supervisor
of Elections; and GAIL FENUMIAI, in her
official capacity of Director of the Division of
Elections;

Defendants.

COMPLAINT FOR DECLARATORY,
INJUNCTIVE, AND OTHER RELIEF

Case No. 3AN-20- 09532 CI

Plaintiffs, Scott A. Kohlhaas, The Alaskan Independence Party, Robert M. Bird, and
Kenneth P. Jacobus, by and through their attorneys of record, Kenneth P. Jacobus, P.C.,
complain against the defendants, State of Alaska; State of Alaska, Division of Elections;
Lieutenant Governor Kevin Meyer, in his official capacity of Supervisor of Elections, and
Gail Fenumiai, in her official capacity of Director of the Division of Elections, as follows:

1. This action deals with the validity, Constitutional and otherwise, of Proposition 2,
which was enacted by the voters of Alaska on November 3, 2020. This action is brought to
protect the rights of plaintiffs to free political association, free speech, right to petition, right

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1 to due process, and other rights guaranteed to them by the First and Fourteenth Amendments
2 to the United States Constitution and by Article One, Sections Two, Five, Six, Seven and
3 Twenty-two of the Alaska Constitution. This action also seeks an award of damages for
4 Constitutional and civil rights violations. This proceeding is litigation brought in the public
5 interest of the voters of the State of Alaska.

6 2. Scott A. Kohlhaas is a member and voter of the Libertarian Party of Alaska, and
7 ran as the Libertarian candidate in and for Alaska House District 16. Mr. Kohlhaas desires
8 to participate in his Party's candidate selection process to select the candidates to represent
9 him and his Party in a manner consistent with the rules of his Party. Proposition 2 does not
10 allow him to do so.

11 3. Robert M. Bird is the Chair and a registered voter of the Alaskan Independence
12 Party. Mr. Bird desires to participate in his Party's candidate selection process to select the
13 candidates to represent him and his Party in a manner consistent with the rules of his Party.
14 Proposition 2 does not allow him to do so.

15 4. Kenneth P. Jacobus is a registered Republican voter and a resident of Anchorage,
16 Alaska. He objects to persons other than registered Republican voters participating in
17 choosing Republican Party candidates for public office. He also objects to primary and
18 general elections being conducted in a manner contrary to the Rules of the Republican Party
19 of Alaska. Finally, he desires to participate in his Party's candidate selection process to
20 select the candidates to represent him and his Party in a manner consistent with the rules of
21 his Party. Proposition 2 does not allow him to do so.

22 5. The Alaska Libertarian Party is an affiliate state party of the national Libertarian
23 Party, which was formed in 1971 to promote the Libertarian political philosophy in American
24 society through the mechanism of electoral politics, and is composed of persons who have
25 joined together to advance their Constitutionally-protected political beliefs. The Alaska
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1 Libertarian Party supports the concept of minimizing government and maximizing the rights
2 of the individual. The Alaska Libertarian Party desires that each political party have the right
3 of self-control over the nomination of its candidates. Proposition 2, referenced in Paragraph
4 8 following, harms Mr. Kohlhaas because if he wants to participate in Alaska elections,
5 Proposition 2 requires him to participate in a process which violates his rights to free political
6 association. Proposition 2 does not allow him to participate in an organization which has any
7 control over the selection of Libertarian candidates for the Alaska primary and general
8 elections to represent Libertarian principles and policies. He also believes that the Alaska
9 Libertarian Party has the right to determine the manner of selection of its candidates to run
10 for office in Alaska elections.

11 6. The Republican Party of Alaska, Inc. is a political organization incorporated under
12 the laws of Alaska, whose headquarters is in Anchorage, Alaska. The Republican Party is
13 composed of persons who have joined together to advance their Constitutionally-protected
14 political beliefs. Proposition 2, referenced in Paragraph 8 following, harms Mr. Jacobus
15 because if he wants to participate in Alaska elections, Proposition 2 requires him to
16 participate in a process which violates his rights to free political association. Proposition 2
17 does not allow him to participate in an organization which has any control over the selection
18 of Republican candidates for the Alaska primary and general elections to represent
19 Republican principles and policies. Proposition 2 also requires that the election be conducted
20 in violation of the Rules of the Republican Party of Alaska.

21 7. The Alaskan Independence Party is an unincorporated political organization in the
22 State of Alaska, composed of persons who have joined together to advance their
23 Constitutionally-protected political beliefs. The Alaskan Independence Party stands on a
24 firm Constitutional foundation, and affirms that all political power is inherent in the people;
25 that all government originates with the people, is founded on their will alone, and is instituted
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1 to protect the rights of the individual; that all persons have a natural right to life, liberty, the
2 pursuit of happiness, and the enjoyment of the rewards of their own industry; and that all
3 persons are equal and entitled to equal protection under the laws. Some of the goals of the
4 Alaskan Independence Party are to support the liberalization of initiative, referendum and
5 recall procedures to hold legislatures accountable to the will of the people; to prohibit all
6 bureaucratic regulations and rulings purporting to have the effect of law, except those which
7 shall have been approved by the legislature; to provide for the direct election of the attorney
8 general, all judges and magistrates; to support the complete abolition of the concept of
9 sovereign or governmental immunity, so as to restore accountability for public servants; and
10 to strengthen the traditional family and support individual accountability without government
11 interference or regulation. The Alaskan Independence Party desires that it have the right of
12 self-control over the nomination of its candidates, and specifically desires to retain and
13 protect the right to nominate its candidates in accord with its party rules and principles.
14 Proposition 2 does not allow the Alaskan Independence Party to do so.

15
16 8. On November 3, 2020, the voters of Alaska enacted Proposition 2, a copy of which
17 is attached to this complaint as Exhibit A. The enactment was by a vote of 173,725 “yes”
18 votes (50.55%) to 169,918 “no” votes (49.4%). The results of the election of November 3,
19 2020, were certified by the State of Alaska on November 30, 2020.

20 9. The Lieutenant Governor of Alaska is responsible for the administration of State
21 of Alaska election laws, and controls and supervises the Alaska Division of Elections. The
22 Director of the Division of Elections acts for the Lieutenant Governor in the administration
23 of all elections conducted by the State of Alaska. The defendants, or those other persons
24 occupying these positions, supervise and administer elections of the State of Alaska,
25 including, but not limited to, the 2022 and future primary and general elections in the State
26 of Alaska. Future elections in Alaska will have to be conducted as required by Proposition
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2, unless Proposition 2 is modified as authorized by law.

10. All political parties may select their candidates in accord with the rules of each party. This right to do so is a right guaranteed to each party and its members by the First Amendment to the United States Constitution, applicable to the defendants through the Fourteenth Amendment, and the Constitution of the State of Alaska. This right of all political parties and their members has been confirmed by the Supreme Court of the United States in cases such as Tashjian v. Republican Party of Connecticut, 479 U.S. 208, 107 S.Ct. 544, 93 L.Ed.2d 514 (1986), the Ninth Circuit Case of San Francisco County Democratic Committee v. Eu, 792 F.2d 802 (9th Cir. 1986), *affd.*, 489 U.S. 214, 109 S.Ct. 1013, 103 L.Ed.2d 271 (1989), and California Democratic Party v. Jones, 530 U.S. 567, 120 S.Ct. 2402, 147 L.Ed.2d 502 (2000). This case at bench is controlled by the legal principle that the Alaska Constitution gives greater freedom of association to Alaskan political parties than does the Constitution of the United States, and that the political parties have a right under the United States and Alaska Constitutions to determine who may participate in choosing their candidates.

11. Proposition 2 violates the First and Fourteenth Amendments to the United States Constitution because it denies plaintiffs their rights of free political association, political expression, free speech, free assembly, and to petition the government for redress of grievances.

12. Proposition 2 violates Article One, Sections Two, Five, Six and Twenty-two of the Alaska Constitution because it withholds political power from the people, and denies plaintiffs the right to this political power, and to free speech, to assemble, to petition the government for redress of grievances, and to privacy.

13. The provisions of Proposition 2 which create a 4 winner non-party primary election violate, including but not limited to, the constitutional violations set forth in

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Paragraphs 11 and 12, above. In particular, but not limited to, by creating a non-partisan primary, Proposition 2 creates a system in which political parties are rendered irrelevant and are prevented from selecting their candidates and having their candidates meaningfully identified on the ballots which are provided to the voter.

14. The provisions of Proposition 2 which create a ranked-choice voting general election violate, including but not limited to, the constitutional violations set forth in Paragraphs 11 and 12, above. In addition, but not limited to, these provisions violate the principle of "one person, one vote" because the provisions (1) require the counting of votes of those who vote for the more popular candidates more than once in determining the final result, and force those voters who support and/or vote for only a single candidate to vote for someone the voters do not support or lose their right to vote when the voters' single votes are not counted in determining the final result, and (2) allow those voters whose second or lower level votes are assigned to another candidate because their first or other choice was dropped to cast a second or third vote for another candidate. In addition, a majority result cannot necessarily be obtained when votes are discarded because the voter has not made a second or third choice.

15. The effect of Proposition 2 on the minor Alaskan political parties is explained in Ballot Access News (December 1, 2020), attached as Exhibit B. In summary, based on past experience in Alaska, it is likely that the 4 winner primary will result in only Democrats and Republicans going forward to the general election, leaving no room for members of other parties.

16. Scott A. Kohlhaas, The Alaskan Independence Party members, Robert M. Bird, Kenneth P. Jacobus, and other members of all political parties and political groups, have the First Amendment associational right to nominate their candidates in accord with the rules of their respective political parties, to vote in primary elections conducted in accord with the

1 rules of their respective political parties (if the political party decides to participate in a
2 primary election) and to vote in primary elections to select their candidates where their votes
3 are not diluted by the votes of members of other political parties voting for candidates whose
4 political beliefs are not identified and for whom the political parties have no input:

5 17. Scott A. Kohlhaas, Robert M. Bird, Kenneth P. Jacobus, and other members of
6 all political parties or groups have the right not to be forced to vote in an election conducted
7 in a manner contrary to the rules of their respective political parties or groups as a condition
8 of having their chosen candidates placed on the Alaska general election ballot.

9 18. Proposition 2 violates the individual rights of the individual plaintiffs for the
10 reasons set forth in paragraphs eleven through sixteen above. It also violates the rights of
11 The Alaskan Independence Party for the same reasons.

12 19. Proposition 2 would disproportionately harm rural, particularly Alaskan native,
13 communities. See "Voting Initiative Would Harm Rural Communities, Anchorage Daily
14 News (October 8, 2020), attached as Exhibit C. Proposition 2 is invalid because of its
15 disparate impact on Alaska Natives and rural communities.

16 20. The Supreme Court of Alaska, in Meyer v. Alaskans for Better Elections, 465
17 P.3d 477 (Alaska 2020), upheld Proposition 2 against a challenge that it was a violation of
18 the single subject rule because it related to the general subject of "election reform." Thus,
19 the voters were forced to adopt or reject Proposition 2 as a single entity. Since Proposition
20 2 was presented to the voters and adopted as a single entity, its provisions are not separable,
21 notwithstanding the provisions of Section 73 of Proposition 2. In other words, if any part of
22 Proposition 2 is invalid, the entire Proposition is invalid. If the provisions were to be
23 separable, they should have been voted on separately, and probably would have reached
24 different results. For example, most people would have supported additional "dark money"
25 disclosure, while many would oppose either one or both the 4 winner primary or ranked
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choice voting.

21. The plaintiffs recognize the provisions of the Alaska Rule of Civil Procedure 24(a)(2), related to intervention of right, which allows intervention where a potential litigant claims an interest (such as in Proposition 2) and that disposing of that interest may impair or impede that potential litigant's ability to protect its interest, unless existing parties already to the case adequately represent that interest. This rule applies to this action. In the interests of avoiding duplicative litigation in both State and federal courts, the plaintiffs will not oppose intervention by any individual or organization that may and seeks to intervene under the provisions of Alaska Civil Rule 24(a) or (b). Plaintiffs further suggest that it in the interests of all potential parties to combine their lawsuits in this single proceeding.

22. Plaintiffs reserve the right to amend their pleadings as this case proceeds, and expect that it will be necessary as others intervene.

RELIEF REQUESTED

WHEREFORE, the plaintiffs request the following relief:

(a) A declaratory judgment that the political parties themselves, and not Proposition 2, have the right to determine how their candidates to appear on the general election ballot are to be selected, and that the State of Alaska may not require a political party to select its candidates for the general election ballot in the manner required by Proposition 2.

(b) A declaratory judgment invalidating all provisions of Proposition 2, and holding that they are of no further force or effect.

(c) A declaratory judgment that the 2022 and future primary and general elections for federal and/or state elective offices are to be conducted in accord with the rules of each particular party or group.

(d) A permanent injunction prohibiting defendants from conducting future primary or general elections in any manner other than in conformance with rules of the applicable

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political party or group.

(e) A mandatory injunction requiring that future primary and general elections be conducted by the defendants in conformance with the rules of the applicable political party or group, and in accordance with the law existing prior to the enactment of Proposition 2, unless prior law has been modified separately from Proposition 2,

(f) An award of such costs, damages, and attorney fees as may be appropriate under the circumstances of being required to protect their Constitutional rights against Proposition 2 in this public interest litigation, and

(g) Such and further relief as may be just and proper.

DATED this 1st day of December, 2020.

KENNETH P. JACOBUS, P.C.
Attorney for Plaintiffs

By 
Kenneth P. Jacobus

ALASKA'S BETTER ELECTIONS INITIATIVE

AN INITIATIVE TO:

PROHIBIT THE USE OF DARK MONEY BY INDEPENDENT EXPENDITURE GROUPS WORKING TO INFLUENCE CANDIDATE ELECTIONS IN ALASKA AND REQUIRE ADDITIONAL DISCLOSURES BY THESE GROUPS; ESTABLISH A NONPARTISAN AND OPEN TOP FOUR PRIMARY ELECTION SYSTEM; CHANGE APPOINTMENT PROCEDURES FOR CERTAIN ELECTION BOARDS AND WATCHERS AND THE ALASKA PUBLIC OFFICES COMMISSION; ESTABLISH A RANKED-CHOICE GENERAL ELECTION SYSTEM; SUPPORT AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO ALLOW CITIZENS TO REGULATE MONEY IN ELECTIONS; REPEAL SPECIAL RUNOFF ELECTIONS; REQUIRE CERTAIN NOTICES IN ELECTION PAMPHLETS AND POLLING PLACES; AND AMEND THE DEFINITION OF POLITICAL PARTY.

A BILL BY INITIATIVE For an Act Entitled

"An Act prohibiting the use of dark money by independent expenditure groups working to influence candidate elections in Alaska and requiring additional disclosures by these groups; establishing a nonpartisan and open top four primary election system for election to state executive and state and national legislative offices; changing appointment procedures relating to precinct watchers and members of precinct election boards, election district absentee and questioned ballot counting boards, and the Alaska Public Offices Commission; establishing a ranked-choice general election system; supporting an amendment to the United States Constitution to allow citizens to regulate money in Alaska elections; repealing the special runoff election for the office of United States Senator and United States Representative; requiring certain written notices to appear in election pamphlets and polling places; and amending the definition of 'political party'."

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ALASKA:

***Section 1.** The uncodified law of the State of Alaska is amended by adding a section to read: FINDINGS AND INTENT. The People of the State of Alaska find:

- (1) It is in the public interest of Alaska to improve the electoral process by increasing transparency, participation, access, and choice.
- (2) The people of Alaska hold that political power and influence should not be allocated based on wealth. Instead, reasonable limits on the role of money in elections are necessary to secure the equal rights of Alaskans and to protect the integrity of Alaska elections. Several rulings of the United States Supreme Court have erroneously changed the meaning of the First Amendment to the United States Constitution so as to empower unlimited spending as "free speech" without proper consideration of factors such as the danger of corruption and the undermining of self-governance in Alaska by the undue influence of wealth, including from outside the state. These mistaken Supreme Court decisions have invalidated longstanding anti-corruption laws in Alaska. Alaska shall now affirm the rights and powers of its citizens by prohibiting the use of

ALASKA'S BETTER ELECTIONS INITIATIVE

dark money in its candidate elections and by supporting an amendment to the United States Constitution allowing citizens to regulate the raising and spending of money in elections.

- (3) The people of Alaska have the right to know in a timely manner the source, quantity, timing, and nature of resources used to influence candidate elections in Alaska. This right requires the prompt, accessible, comprehensible, and public disclosure of the true and original sources of funds used to influence these elections, and is essential to the rights of free speech, assembly, and petition guaranteed by the First Amendment to the United States Constitution and shall be construed broadly.
- (4) It is in the public interest of Alaska to adopt a primary election system that is open and nonpartisan, which will generate more qualified and competitive candidates for elected office, boost voter turnout, better reflect the will of the electorate, reward cooperation, and reduce partisanship among elected officials.
- (5) It is in the public interest of Alaska to adopt a general election system that reflects the core democratic principle of majority rule. A ranked-choice voting system will help ensure that the values of elected officials more broadly reflect the values of the electorate, mitigate the likelihood that a candidate who is disapproved by a majority of voters will get elected, encourage candidates to appeal to a broader section of the electorate, allow Alaskans to vote for the candidates that most accurately reflect their values without risking the election of those candidates that least accurately reflect their values, encourage greater third-party and independent participation in elections, and provide a stronger mandate for winning candidates.

*Sec. 2. AS 15.10.120(c) is amended to read:

(c) An election supervisor shall appoint one nominee of the political party or political group with the largest number of registered voters at the time of the preceding gubernatorial election [OF WHICH THE GOVERNOR IS A MEMBER] and one nominee of the political party or political group with [THAT RECEIVED] the second largest number of registered voters at the time of [VOTES STATEWIDE IN] the preceding gubernatorial election. However, the election supervisor may appoint a qualified person registered as a member of a third political party or political group or as a nonpartisan or undeclared voter if [IF] a party district committee or state party central committee of the party or group with the largest number of registered voters [OF WHICH THE GOVERNOR IS A MEMBER] or the party or group with [THAT RECEIVED] the second largest number of registered voters at the time of [VOTES STATEWIDE IN] the preceding gubernatorial election fails to present the names prescribed by (b) of this section by April 15 of a regular election year or at least 60 days before a special primary election [, THE ELECTION SUPERVISOR MAY APPOINT ANY QUALIFIED INDIVIDUAL REGISTERED TO VOTE].

*Sec. 3. AS 15.10.170 is amended to read:

Sec. 15.10.170. Appointment and privileges of watchers. (a) The precinct party committee, where an organized precinct committee exists, or the party district committee where no organized precinct committee exists, or the state party chairperson where neither a precinct nor a party district committee exists, may appoint one or more persons as watchers in each precinct and counting center for any election. Each candidate [NOT REPRESENTING A POLITICAL PARTY] may appoint one or more watchers for each precinct or counting center in the

ALASKA'S BETTER ELECTIONS INITIATIVE

candidate's respective district or the state for any election. Any organization or organized group that sponsors or opposes an initiative, referendum, or recall may have one or more persons as watchers at the polls and counting centers after first obtaining authorization from the director. A state party chairperson, a precinct party committee, a party district committee, or a candidate [NOT REPRESENTING A POLITICAL PARTY OR ORGANIZATION OR ORGANIZED GROUP] may not have more than one watcher on duty at a time in any precinct or counting center. A watcher must be a United States citizen. The watcher may be present at a position inside the place of voting or counting that affords a full view of all action of the election officials taken from the time the polls are opened until the ballots are finally counted and the results certified by the election board or the data processing review board. The election board or the data processing review board may require each watcher to present written proof showing appointment by the precinct party committee, the party district committee, the organization or organized group, or the candidate the watcher represents [THAT IS SIGNED BY THE CHAIRPERSON OF THE PRECINCT PARTY COMMITTEE, THE PARTY DISTRICT COMMITTEE, THE STATE PARTY CHAIRPERSON, THE ORGANIZATION OR ORGANIZED GROUP, OR THE CANDIDATE REPRESENTING NO PARTY].

(b) In addition to the watchers appointed under (a) of this section, in a primary election or [,] special primary election or special election under AS 15.40.140, [OR SPECIAL RUNOFF ELECTION UNDER AS15.40.141,] each candidate may appoint one watcher in each precinct and counting center.

***Sec. 4.** AS 15.13.020(b) is amended to read:

(b) The governor shall appoint two members of each of the two political parties or political groups with the largest number of registered voters at the time of [WHOSE CANDIDATE FOR GOVERNOR RECEIVED THE HIGHEST NUMBER OF VOTES IN] the most recent preceding general election at which a governor was elected. The two appointees from each of these two parties or groups shall be chosen from a list of four names to be submitted by the central committee of each party or group.

***Sec. 5.** AS 15.13.020(d) is amended to read:

(d) Members of the commission serve staggered terms of five years, or until a successor is appointed and qualifies. The terms of no two members who are members of the same political party or political group may expire in consecutive years. A member may not serve more than one term. However, a person appointed to fill the unexpired term of a predecessor may be appointed to a successive full five-year term.

***Sec. 6.** AS 15.13.040(j)(3) is amended to read:

(3) for all contributions described in (2) of this subsection, the name, address, date, and amount contributed by each contributor, [AND] for all contributions described in (2) of this subsection in excess of \$250 in the aggregate during a calendar year, the principal occupation and employer of the contributor, and for all contributions described in (2) of this subsection in excess of \$2,000 in the aggregate during a calendar year, the true source of such contributions and all intermediaries, if any, who transferred such funds, and a certification from the treasurer that the report discloses all of the information required by this paragraph.

ALASKA'S BETTER ELECTIONS INITIATIVE

***Sec. 7.** AS 15.13.040 is amended by adding a new subsection to read:

(s) Every individual, person, nongroup entity, or group that contributes more than \$2,000 in the aggregate in a calendar year to an entity that made one or more independent expenditures in one or more candidate elections in the previous election cycle, that is making one or more independent expenditures in one or more candidate elections in the current election cycle, or that the contributor knows or has reason to know is likely to make independent expenditures in one or more candidate elections in the current election cycle shall report making the contribution or contributions on a form prescribed by the commission not later than 24 hours after the contribution that requires the contributor to report under this subsection is made. The report must include the name, address, principal occupation, and employer of the individual filing the report and the amount of the contribution, as well as the total amount of contributions made to that entity by that individual, person, nongroup entity, or group during the calendar year. For purposes of this subsection, the reporting contributor is required to report and certify the true sources of the contribution, and intermediaries, if any, as defined by AS 15.13.400(18). This contributor is also required to provide the identity of the true source to the recipient of the contribution simultaneously with providing the contribution itself.

***Sec. 8.** AS 15.13.070 is amended by adding a new subsection to read:

(g) Where contributions are made to a joint campaign for governor and lieutenant governor,

- (1) An individual may contribute not more than \$1,000 per year; and
- (2) A group may contribute not more than \$2,000 per year.

***Sec. 9.** AS 15.13.074(b) is amended to read:

(b) A person or group may not make a contribution anonymously, using a fictitious name, or using the name of another. Individuals, persons, nongroup entities, or groups subject to AS 15.13.040(s) may not contribute or accept \$2,000 or more of dark money as that term is defined in AS 15.13.400(17), and may not make a contribution while acting as an intermediary without disclosing the true source of the contribution as defined in AS 15.13.400(18).

***Sec. 10.** AS 15.13.074(c) is amended to read:

(c) A person or group may not make a contribution

- (1) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 when the office is to be filled at a general election before the date that is 18 months before the general election;
- (2) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 for an office that is to be filled at a special election or municipal election before the date that is 18 months before the date of the regular municipal election or that is before the date of the proclamation of the special election at which the candidate or individual seeks election to public office; or
- (3) to any candidate later than the 45th day

ALASKA'S BETTER ELECTIONS INITIATIVE

(A) after the date of the primary or special primary election if the candidate was [ON THE BALLOT AND WAS] not chosen to appear on the general or special election ballot [NOMINATED] at the primary or special primary election; or

(B) after the date of the general or special election, or after the date of a municipal or municipal runoff election.

***Sec. 11.** AS 15.13.090(c) is amended to read:

(c) To satisfy the requirements of (a)(1) of this section and, if applicable, (a)(2)(C) of this section, a communication that includes a print or video component must have the following statement or statements placed in the communication so as to be easily discernible, and in a broadcast, cable, satellite, internet or other digital communication the statement must remain onscreen throughout the entirety of the communication; the second statement is not required if the person paying for the communication has no contributors or is a political party:

This communication was paid for by (person's name and city and state of principal place of business). The top contributors of (person's name) are (the name and city and state of residence or principal place of business, as applicable, of the largest contributors to the person under AS 15.13.090(a)(2)(C)).

***Sec. 12.** AS 15.13.090 is amended by adding a new subsection to read:

(g) To satisfy the requirements of (a)(1) of this section and, if applicable, (a)(2)(C) of this section, a communication paid for by an outside-funded entity as that term is defined in AS 15.13.400(19) that includes a print or video component must have the following statement placed in the communication so as to be easily discernible, and in a broadcast, cable, satellite, internet or other digital communication the statement must remain onscreen throughout the entirety of the communication; the statement is not required if the outside entity paying for the communication has no contributors or is a political party: "A MAJORITY OF CONTRIBUTIONS TO (OUTSIDE-FUNDED ENTITY'S NAME) CAME FROM OUTSIDE THE STATE OF ALASKA."

***Sec. 13.** AS 15.13.110(f) is amended to read:

(f) During the year in which the election is scheduled, each of the following shall file the campaign disclosure reports in the manner and at the times required by this section:

(1) a person who, under the regulations adopted by the commission to implement AS 15.13.100, indicates an intention to become a candidate for elective state executive or legislative office;

(2) [A PERSON WHO HAS FILED A NOMINATING PETITION UNDER AS 15.25.140 - 15.25.200 TO BECOME A CANDIDATE AT THE GENERAL ELECTION FOR ELECTIVE STATE EXECUTIVE OR LEGISLATIVE OFFICE;

(3)] a person who campaigns as a write-in candidate for elective state executive or legislative office at the general election; and

~~(3)~~ [(4)] a group or nongroup entity that receives contributions or makes expenditures on behalf of or in opposition to a person described in (1) or (2) [(1) - (3)] of this subsection, except as provided for certain independent expenditures by nongroup entities in AS 15.13.135(a).

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*Sec. 14. AS 15.13.110 is amended by adding a new subsection to read:

(k) Once contributions from an individual, person, nongroup entity, or group to an entity that made one or more independent expenditures in one or more candidate elections in the previous election cycle, that is making one or more independent expenditures in one or more candidate elections in the current election cycle, or that the contributor knows or has reason to know is likely to make independent expenditures in one or more candidate elections in the current election cycle exceed \$2,000 in a single year, that entity shall report that contribution, and all subsequent contributions, not later than 24 hours after receipt. For purposes of this subsection, the entity is required to certify and report the true source, and all intermediaries if any, of the contribution as defined by AS 15.13.400(18).

*Sec. 15. AS 15.13.390(a) is amended to read:

(1) A person who fails to register when required by AS 15.13.050(a) or who fails to file a properly completed and certified report within the time required by AS 15.13.040, 15.13.060(b) — (d), 15.13.110(a)(1), (3), or (4), (e), or (f) is subject to a civil penalty of not more than \$50 a day for each day the delinquency continues as determined by the commission subject to right of appeal to the superior court. A person who fails to file a properly completed and certified report within the time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a civil penalty of not more than \$500 a day for each day the delinquency continues as determined by the commission subject to right of appeal to the superior court;

(2) A person who, whether as a contributor or intermediary, delays in reporting a contribution as required by AS 15.13.040(s) is subject to a civil penalty of not more than \$1,000 a day for each day the delinquency continues as determined by the commission subject to right of appeal to the superior court;

(3) A person who, whether as a contributor or intermediary, misreports or fails to disclose the true source of a contribution in violation of AS 15.13.040(s) or AS 15.13.074(b) is subject to a civil penalty of not more than the amount of the contribution that is the subject of the misreporting or failure to disclose. Upon a showing that the violation was intentional, a civil penalty of not more than three times the amount of the contribution in violation may be imposed. These penalties as determined by the commission are subject to right of appeal to the superior court;

(4) A person who violates a provision of this chapter, except [A PROVISION REQUIRING REGISTRATION OR FILING OF A REPORT WITHIN A TIME REQUIRED] as otherwise specified in this section, is subject to a civil penalty of not more than \$50 a day for each day the violation continues as determined by the commission, subject to right of appeal to the superior court[.]; and

(5) An affidavit stating facts in mitigation may be submitted to the commission by a person against whom a civil penalty is assessed. However, the imposition of the penalties prescribed in this section or in AS 15.13.380 does not excuse that person from registering or filing reports required by this chapter.

*Sec. 16. AS 15.13.400(4) is amended to read:

(4) "contribution"

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(A) means a purchase, payment, promise or obligation to pay, loan or loan guarantee, deposit or gift of money, goods, or services for which charge is ordinarily made, and includes the payment by a person other than a candidate or political party, or compensation for the personal services of another person, that is rendered to the candidate or political party, and that is made for the purpose of

(i) influencing the nomination or election of a candidate;

(ii) influencing a ballot proposition or question; or

(iii) supporting or opposing an initiative proposal application filed with the lieutenant governor under AS 15.45.020;

(B) does not include

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political party, candidate, or ballot proposition or question;

(ii) ordinary hospitality in a home;

(iii) two or fewer mass mailings before each election by each political party describing members of the party running as candidates for public office in that election [THE PARTY'S SLATE OF CANDIDATES FOR ELECTION], which may include photographs, biographies, and information about the [PARTY'S] candidates;

(iv) the results of a poll limited to issues and not mentioning any candidate, unless the poll was requested by or designed primarily to benefit the candidate;

(v) any communication in the form of a newsletter from a legislator to the legislator's constituents, except a communication expressly advocating the election or defeat of a candidate or a newsletter or material in a newsletter that is clearly only for the private benefit of a legislator or a legislative employee;

(vi) a fundraising list provided without compensation by one candidate or political party to a candidate or political party; or

(vii) an opportunity to participate in a candidate forum provided to a candidate without compensation to the candidate by another person and for which a candidate is not ordinarily charged;

***Sec. 17.** AS 15.13.400 is amended by adding a new paragraph to read:

(17) "dark money" means a contribution whose source or sources, whether from wages, investment income, inheritance, or revenue generated from selling goods or services, is not disclosed to the public. Notwithstanding the foregoing, to the extent a membership organization receives dues or contributions of less than \$2,000 per person per year, the organization itself shall be considered the true source.

***Sec. 18.** AS 15.13.400 is amended by adding a new paragraph to read:

(18) "true source" means the person or legal entity whose contribution is funded from wages, investment income, inheritance, or revenue generated from selling goods or services. A person or legal entity who derived funds via contributions, donations, dues, or gifts is not the true source, but rather an intermediary for the true source. Notwithstanding the foregoing, to

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the extent a membership organization receives dues or contributions of less than \$2,000 per person per year, the organization itself shall be considered the true source.

*Sec. 19. AS 15.13.400 is amended by adding a new paragraph to read:

(19) "outside-funded entity" means an entity that makes one or more independent expenditures in one or more candidate elections and that, during the previous 12-month period, received more than 50 percent of its aggregate contributions from true sources, or their equivalents, who, at the time of the contribution, resided or had their principal place of business outside Alaska.

*Sec. 20. AS 15.15 is amended by adding a new section to read:

Sec. 15.15.005. Top four nonpartisan open primary. A voter qualified under AS 15.05 may cast a vote for any candidate for each elective state executive and state and national legislative office, without limitations based on the political party or political group affiliation of either the voter or the candidate.

*Sec. 21. AS 15.15.030(5) is amended to read:

(5) The names of the candidates [AND THEIR PARTY DESIGNATIONS] shall be placed in separate sections on the state general election ballot under the office designation to which they were nominated. If a candidate is registered as affiliated with a political party or political group, the [THE] party affiliation, if any, may [SHALL] be designated after the name of the candidate, upon request of the candidate. If a candidate has requested designation as nonpartisan or undeclared, that designation shall be placed after the name of the candidate. If a candidate is not registered as affiliated with a political party or political group and has not requested to be designated as nonpartisan or undeclared, the candidate shall be designated as undeclared. The lieutenant governor and the governor shall be included under the same section. Provision shall be made for voting for write-in [AND NO-PARTY] candidates within each section. Paper ballots for the state general election shall be printed on white paper.

*Sec. 22. AS 15.15.030 is amended by adding new paragraphs to read:

(14) The director shall include the following statement on the ballot:

A candidate's designated affiliation does not imply that the candidate is nominated or endorsed by the political party or group or that the party or group approves of or associates with that candidate, but only that the candidate is registered as affiliated with the political party or political group.

(15) Instead of the statement provided by (14) of this section, when candidates for President and Vice-President of the United States appear on a general election ballot, the director shall include the following statement on the ballot:

A candidate's designated affiliation does not imply that the candidate is nominated or endorsed by the political party or political group or that the political party or political group approves of or associates with that candidate, but only that the candidate is registered as affiliated with the party or group. The election for President and Vice-President of the United States is different. Some candidates for President and Vice-President are the official nominees of their political party.

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(16) The director shall design the general election ballots so that the candidates are selected by ranked-choice voting.

(17) The director shall design the general election ballot to direct the voter to mark candidates in order of preference and to mark as many choices as the voter wishes, but not to assign the same ranking to more than one candidate for the same office.

***Sec. 23.** AS 15.15.060 is amended by adding a new subsection to read:

(e) In each polling place, the director shall require to be posted, in a location conspicuous to a person who will be voting, the following notice, written in bold:

A candidate's designated affiliation does not imply that the candidate is nominated or endorsed by the political party or group or that the party or group approves of or associates with that candidate, but only that the candidate is registered as affiliated with the party or group.

***Sec. 24.** AS 15.15.350 is amended by adding new subsections to read:

(c) All general elections shall be conducted by ranked-choice voting.

(d) When counting ballots in a general election, the election board shall initially tabulate each validly cast ballot as one vote for the highest-ranked continuing candidate on that ballot or as an inactive ballot. If a candidate is highest-ranked on more than one-half of the active ballots, that candidate is elected and the tabulation is complete. Otherwise, tabulation proceeds in sequential rounds as follows:

(1) if two or fewer continuing candidates remain, the candidate with the greatest number of votes is elected and the tabulation is complete; otherwise, the tabulation continues under (2) of this subsection;

(2) the candidate with the fewest votes is defeated, votes cast for the defeated candidate shall cease counting for the defeated candidate and shall be added to the totals of each ballot's next-highest-ranked continuing candidate or considered an inactive ballot under (g)(2) of this section, and a new round begins under (1) of this subsection.

(e) When counting general election ballots,

(1) a ballot containing an overvote shall be considered an inactive ballot once the overvote is encountered at the highest ranking for a continuing candidate;

(2) if a ballot skips a ranking, then the election board shall count the next ranking. If the next ranking is another skipped ranking, the ballot shall be considered an inactive ballot once the second skipped ranking is encountered; and

(3) In the event of a tie between the final two continuing candidates, the procedures in AS 15.15.460 and AS 15.20.430 - 15.20.530 shall apply to determine the winner of the general election. In the event of a tie between two candidates with the fewest votes, the tie shall be resolved by lot to determine which candidate is defeated.

(f) The election board may not count an inactive ballot for any candidate.

(g) In this section,

(1) "continuing candidate" means a candidate who has not been defeated;

(2) "inactive ballot" means a ballot that is no longer tabulated, either in whole or in part, by the division because it does not rank any continuing candidate, contains an

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overvote at the highest continuing ranking, or contains two or more sequential skipped rankings before its highest continuing ranking;

(3) "overvote" means an instance where a voter has assigned the same ranking to more than one candidate;

(4) "ranking" or "ranked" means the number assigned by a voter to a candidate to express the voter's choice for that candidate; a ranking of "1" is the highest ranking, followed by "2," and then "3," and so on;

(5) "round" means an instance of the sequence of voting tabulation in a general election;

(6) "skipped ranking" means a blank ranking on a ballot on which a voter has ranked another candidate at a subsequent ranking.

***Sec. 25.** AS 15.15.360(a) is amended to read:

(a) The election board shall count ballots according to the following rules:

(1) A voter may mark a ballot only by filling in, making "X" marks, diagonal, horizontal, or vertical marks, solid marks, stars, circles, asterisks, checks, or plus signs that are clearly spaced in the oval opposite the name of the candidate, proposition, or question that the voter desires to designate. In a general election, a voter may mark a ballot that requires the voter to vote for candidates in order of ranked preference by the use of numerals that are clearly spaced in one of the ovals opposite the name of the candidate that the voter desires to designate.

(2) A failure to properly mark a ballot as to one or more candidates does not itself invalidate the entire ballot.

(3) [IF A VOTER MARKS FEWER NAMES THAN THERE ARE PERSONS TO BE ELECTED TO THE OFFICE, A VOTE SHALL BE COUNTED FOR EACH CANDIDATE PROPERLY MARKED.

~~(4)~~ [(5)] The mark specified in (1) of this subsection shall be counted only if it is substantially inside the oval provided, or touching the oval so as to indicate clearly that the voter intended the particular oval to be designated.

~~(5)~~ [(6)] Improper marks on the ballot may not be counted and do not invalidate marks for candidates properly made.

~~(6)~~ [(7)] An erasure or correction invalidates only that section of the ballot in which it appears.

~~(7)~~ [(8)] A vote marked for the candidate for President or Vice-President of the United States is considered and counted as a vote for the election of the presidential electors.

(9) [REPEALED]

(10) [REPEALED]

(11) [REPEALED]

(12) [REPEALED]

***Sec. 26.** AS 15.15.370 is amended to read:

Sec. 15.15.370. Completion of ballot count; certificate. When the count of ballots is completed, and in no event later than the day after the election, the election board shall make a certificate in duplicate of the results. The certificate includes the number of votes cast for

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each candidate, including, for a candidate in a general election, the number of votes at each round of the ranked-choice tabulation process under AS 15.15.350, and the number of votes for and against each proposition, yes or no on each question, and any additional information prescribed by the director. The election board shall, immediately upon completion of the certificate or as soon thereafter as the local mail service permits, send in one sealed package to the director one copy of the certificate and the register. In addition, all ballots properly cast shall be mailed to the director in a separate, sealed package. Both packages, in addition to an address on the outside, shall clearly indicate the precinct from which they come. Each board shall, immediately upon completion of the certification and as soon thereafter as the local mail service permits, send the duplicate certificate to the respective election supervisor. The director may authorize election boards in precincts in those areas of the state where distance and weather make mail communication unreliable to forward their election results by telephone, telegram, or radio. The director may authorize the unofficial totaling of votes on a regional basis by election supervisors, tallying the votes as indicated on duplicate certificates. To ensure [ASSURE] adequate protection, the director shall prescribe the manner in which the ballots, registers, and all other election records and materials are thereafter preserved, transferred, and destroyed.

*Sec. 27. AS 15.15.450 is amended to read:

Sec. 15.15.450. Certification of state ballot counting review. Upon completion of the state ballot counting review, the director shall certify the person receiving the largest number of votes for the office for which that person was nominated or elected, as applicable. [A CANDIDATE AS ELECTED TO THAT OFFICE] and shall certify the approval of a justice or judge not rejected by a majority of the voters voting on the question. The director shall issue to the elected candidates and approved justices and judges a certificate of their election or approval. The director shall also certify the results of a proposition and other question except that the lieutenant governor shall certify the results of an initiative, referendum, or constitutional amendment.

* Sec. 28. AS 15.20.081(a) is amended to read:

(a) A qualified voter may apply in person, by mail, or by facsimile, scanning, or other electronic transmission to the director for an absentee ballot under this section. Another individual may apply for an absentee ballot on behalf of a qualified voter if that individual is designated to act on behalf of the voter in a written general power of attorney or a written special power of attorney that authorizes the other individual to apply for an absentee ballot on behalf of the voter. The application must include the address or, if the application requests delivery of an absentee ballot by electronic transmission, the telephone electronic transmission number, to which the absentee ballot is to be returned, the applicant's full Alaska residence address, and the applicant's signature. However, a person residing outside the United States and applying to vote absentee in federal elections in accordance with AS 15.05.011 need not include an Alaska residence address in the application. A person may supply to a voter an absentee ballot application form with a political party or group affiliation indicated only if the voter is already registered as affiliated with the political party or group indicated. [ONLY THE VOTER OR THE INDIVIDUAL DESIGNATED BY THE VOTER IN A WRITTEN POWER OF ATTORNEY UNDER THIS SUBSECTION MAY MARK THE VOTER'S CHOICE OF PRIMARY BALLOT ON AN

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APPLICATION. A PERSON SUPPLYING AN ABSENTEE BALLOT APPLICATION FORM MAY NOT DESIGN OR MARK THE APPLICATION IN A MANNER THAT SUGGESTS CHOICE OF ONE BALLOT OVER ANOTHER, EXCEPT THAT BALLOT CHOICES MAY BE LISTED ON AN APPLICATION AS AUTHORIZED BY THE DIVISION.] The application must be made on a form prescribed or approved by the director. The voter or registration official shall submit the application directly to the division of elections. For purposes of this subsection, "directly to the division of elections" means that an application may not be submitted to any intermediary that could control or delay the submission of the application to the division or gather data on the applicant from the application form. However, nothing in this subsection is intended to prohibit a voter from giving a completed absentee ballot application to a friend, relative, or associate for transfer to the United States Postal Service or a private commercial delivery service for delivery to the division.

***Sec. 29.** AS 15.20.081(h) is amended to read:

(h) Except as provided in AS 15.20.480, an absentee ballot returned by mail from outside the United States or from an overseas voter qualifying under AS 15.05.011 that has been marked and mailed not later than election day may not be counted unless the ballot is received by the election supervisor not later than the close of business on the

(1) 10th day following a primary election or special primary election under AS 15.40.140; or

(2) 15th day following a general election [, SPECIAL RUNOFF ELECTION,] or special election, other than a special primary election described in (1) of this subsection.

***Sec. 30.** AS 15.20.190(a) is amended to read:

(a) Thirty days before the date of an election, the election supervisors shall appoint, in the same manner provided for the appointment of election officials prescribed in AS 15.10, district absentee ballot counting boards and district questioned ballot counting boards, each composed of at least four members. At least one member of each board must be a member of the same political party or political group with the largest number of registered voters at the time of the preceding gubernatorial election [OF WHICH THE GOVERNOR IS A MEMBER], and at least one member of each board must be a member of the political party or political group with the second largest number of registered voters at the time of [WHOSE CANDIDATE FOR GOVERNOR RECEIVED THE SECOND LARGEST NUMBER OF VOTES IN] the preceding gubernatorial election. The district boards shall assist the election supervisors in counting the absentee and questioned ballots and shall receive the same compensation paid election officials under AS 15.15.380.

***Sec. 31.** AS 15.20.203(i) is amended to read:

(i) The director shall mail the materials described in (h) of this section to the voter not later than

(1) 10 days after completion of the review of ballots by the state review board for a primary election [,] or [FOR] a special primary election under AS 15.40.140 [THAT IS FOLLOWED BY A SPECIAL RUNOFF ELECTION];

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(2) 60 days after certification of the results of a general election [,SPECIAL RUNOFF ELECTION,] or special election other than a special primary election described in (1) of this subsection.

***Sec. 32.** AS 15.20.203(j) is amended to read:

(j) The director shall make available through a free access system to each absentee voter a system to check to see whether the voter's ballot was counted and, if not counted, the reason why the ballot was not counted. The director shall make this information available through the free access system not less than

(1) 10 days after certification of the results of a primary election [,] or a special primary election under AS 15.40.140 [THAT IS FOLLOWED BY A SPECIAL RUNOFF ELECTION]; and

(2) 30 days after certification of the results of a general or special election, other than a special primary election described in (1) of this subsection.

***Sec. 33.** AS 15.20.207(i) is amended to read:

(i) The director shall mail the materials described in (h) of this section to the voter not later than

(1) 10 days after completion of the review of ballots by the state review board for a primary election [,] or [FOR] a special primary election under AS 15.40.140 [THAT IS FOLLOWED BY A SPECIAL RUNOFF ELECTION];

(2) 60 days after certification of the results of a general or special election, other than a special primary election described in (1) of this subsection.

***Sec. 34.** AS 15.20.207(k) is amended to read:

(k) The director shall make available through a free access system to each voter voting a questioned ballot a system to check to see whether the voter's ballot was counted and, if not counted, the reason why the ballot was not counted. The director shall make this information available through the free access system not less than

(1) 10 days after certification of the results of a primary election [,] or a special primary election under AS 15.40.140 [THAT IS FOLLOWED BY A SPECIAL RUNOFF ELECTION]; and

(2) 30 days after [THE] certification of the results of a general or special election, other than a special primary election described in (1) of this subsection.

***Sec. 35.** AS 15.20.211(d) is amended to read:

(d) The director shall mail the materials described in (c) of this section to the voter not later than

(1) 10 days after completion of the review of ballots by the state review board for a primary election [,] or [FOR] a special primary election under AS 15.40.140 [THAT IS FOLLOWED BY A SPECIAL RUNOFF ELECTION];

(2) 60 days after certification of the results of a general or special election, other than a special primary election described in (1) of this subsection.

***Sec. 36.** AS 15.20.211(f) is amended to read:

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(f) The director shall make available through a free access system to each voter whose ballot was subject to partial counting under this section a system to check to see whether the voter's ballot was partially counted and, if not counted, the reason why the ballot was not counted. The director shall make this information available through the free access system not less than

(1) 10 days after certification of the results of a primary election [,] or a special primary election under AS 15.40.140 [THAT IS FOLLOWED BY A SPECIAL RUNOFF ELECTION]; and

(2) 30 days after [THE] certification of the results of a general or special election, other than a special primary election described in (1) of this subsection.

***Sec. 37.** AS 15.25.010 is amended to read:

Sec. 15.25.010. Provision for primary election. Candidates for the elective state executive and state and national legislative offices shall be nominated in a primary election by direct vote of the people in the manner prescribed by this chapter. The primary election does not serve to determine the nominee of a political party or political group but serves only to narrow the number of candidates whose names will appear on the ballot at the general election. Except as provided in AS 15.25.100(d), only the four candidates who receive the greatest number of votes for any office shall advance to the general election [THE DIRECTOR SHALL PREPARE AND PROVIDE A PRIMARY ELECTION BALLOT FOR EACH POLITICAL PARTY. A VOTER REGISTERED AS AFFILIATED WITH A POLITICAL PARTY MAY VOTE THAT PARTY'S BALLOT. A VOTER REGISTERED AS NONPARTISAN OR UNDECLARED RATHER THAN AS AFFILIATED WITH A PARTICULAR POLITICAL PARTY MAY VOTE THE POLITICAL PARTY BALLOT OF THE VOTER'S CHOICE UNLESS PROHIBITED FROM DOING SO UNDER AS 15.25.014. A VOTER REGISTERED AS AFFILIATED WITH A POLITICAL PARTY MAY NOT VOTE THE BALLOT OF A DIFFERENT POLITICAL PARTY UNLESS PERMITTED TO DO SO UNDER AS 15.25.014].

***Sec. 38.** AS 15.25.030(a) is amended to read:

(a) A person [MEMBER OF A POLITICAL PARTY] who seeks to become a candidate [OF THE PARTY] in the primary election or a special primary election shall execute and file a declaration of candidacy. The declaration shall be executed under oath before an officer authorized to take acknowledgments and must state in substance

(1) the full name of the candidate;

(2) the full mailing address of the candidate;

(3) if the candidacy is for the office of state senator or state representative, the house or senate district of which the candidate is a resident;

(4) the office for which the candidate seeks nomination;

(5) the [NAME OF THE] political party or political group with whom the candidate is registered as affiliated, or whether the candidate would prefer a nonpartisan or undeclared designation placed after the candidate's name on the ballot [OF WHICH THE PERSON IS A CANDIDATE FOR NOMINATION];

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

(7) the date of the primary election or special primary election at which the candidate seeks nomination;

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- (8) the length of residency in the state and in the district of the candidate;
- (9) that the candidate will meet the specific citizenship requirements of the office for which the person is a candidate;
- (10) that the candidate is a qualified voter as required by law;
- (11) that the candidate will meet the specific age requirements of the office for which the person is a candidate; if the candidacy is for the office of state representative, that the candidate will be at least 21 years of age on the first scheduled day of the first regular session of the legislature convened after the election; if the candidacy is for the office of state senator, that the candidate will be at least 25 years of age on the first scheduled day of the first regular session of the legislature convened after the election; if the candidacy is for the office of governor or lieutenant governor, that the candidate will be at least 30 years of age on the first Monday in December following election or, if the office is to be filled by special election under AS 15.40.230 - 15.40.310, that the candidate will be at least 30 years of age on the date of certification of the results of the special election; or, for any other office, by the time that the candidate, if elected, is sworn into office;
- (12) that the candidate requests that the candidate's name be placed on the primary or special primary election ballot;
- (13) that the required fee accompanies the declaration;
- (14) that the person is not a candidate for any other office to be voted on at the primary or general election and that the person is not a candidate for this office under any other declaration of candidacy or nominating petition;
- (15) the manner in which the candidate wishes the candidate's name to appear on the ballot;
- (16) if the candidacy is for the office of the governor, the name of the candidate for lieutenant governor running jointly with the candidate for governor; and
- (17) if the candidacy is for the office of lieutenant governor, the name of the candidate for governor running jointly with the candidate for lieutenant governor.
- [(16) THAT THE CANDIDATE IS REGISTERED TO VOTE AS A MEMBER OF THE POLITICAL PARTY WHOSE NOMINATION IS BEING SOUGHT].

***Sec. 39.** AS 15.25.060 is repealed and reenacted to read:

Sec. 15.25.060. Preparation and distribution of ballots. The primary election ballots shall be prepared and distributed by the director in the manner prescribed for general election ballots except as specifically provided otherwise for the primary election. The director shall prepare and provide a primary election ballot that contains all of the candidates for elective state executive and state and national legislative offices and all of the ballot titles and propositions required to appear on the ballot at the primary election. 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.

***Sec. 40.** AS 15.25.100 is repealed and reenacted to read:

Sec. 15.25.100. Placement of candidates on general election ballot. (a) Except as provided in (b)-(g) of this section, of the names of candidates that appear on the primary

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election ballot under AS 15.25.010, the director shall place on the general election ballot only the names of the four candidates receiving the greatest number of votes for an office. For purposes of this subsection and (b) of this section, candidates for lieutenant governor and governor are treated as a single paired unit.

(b) If two candidates tie in having the fourth greatest number of votes for an office in the primary election, the director shall determine under (g) of this section which candidate's name shall appear on the general election ballot.

(c) Except as otherwise provided in (d) of this section, if a candidate nominated at the primary election dies, withdraws, resigns, becomes disqualified from holding office for which the candidate is nominated, or is certified as being incapacitated in the manner prescribed by this section after the primary election and 64 days or more before the general election, the vacancy shall be filled by the director by replacing the withdrawn candidate with the candidate who received the fifth most votes in the primary election.

(d) If the withdrawn, resigned, deceased, disqualified, or incapacitated candidate was a candidate for governor or lieutenant governor, the replacement candidate is selected by the following process:

(1) if the withdrawn, resigned, deceased, disqualified, or incapacitated candidate was the candidate for governor, that candidate's lieutenant governor running mate becomes the candidate for governor, thereby creating a vacancy for the lieutenant governor candidate;

(2) when any vacancy for the lieutenant governor candidate occurs, the candidate for governor shall select a qualified running mate to be the lieutenant governor candidate and notify the director of that decision.

(e) The director shall place the name of the persons selected through this process as candidates for governor and lieutenant governor on the general election ballot.

(f) For a candidate to be certified as incapacitated under (c) of this section, a panel of three licensed physicians, not more than two of whom may be of the same party, shall provide the director with a sworn statement that the candidate is physically or mentally incapacitated to an extent that would, in the panel's judgment, prevent the candidate from active service during the term of office if elected.

(g) If the director is unable to make a determination under this section because the candidates received an equal number of votes, the determination may be made by lot under AS 15.20.530.

***Sec. 41.** AS 15.25.105(a) is amended to read:

(a) If a candidate does not appear on the primary election ballot or is not successful in advancing to the general election and wishes to be a candidate in the general election, the candidate may file as a write-in candidate. Votes for a write-in candidate may not be counted unless that candidate has filed a letter of intent with the director stating

(1) the full name of the candidate;

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

(3) the full mailing address of the candidate;

(4) the [NAME OF THE] political party or political group with whom the candidate is registered as affiliated, or whether the candidate would prefer a

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nonpartisan or undeclared designation. [OF WHICH THE CANDIDATE IS A MEMBER, IF ANY];

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

(6) the office that the candidate seeks;

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

(8) the length of residency in the state and in the house district of the

candidate;

(9) the name of the candidate as the candidate wishes it to be written on the

ballot

by the voter;

(10) that the candidate meets the specific citizenship requirements of the office

for

which the person is a candidate;

(11) that the candidate will meet the specific age requirements of the office for which the person is a candidate; if the candidacy is for the office of state representative, that the candidate will be at least 21 years of age on the first scheduled day of the first regular session of the legislature convened after the election; if the candidacy is for the office of state senator, that the candidate will be at least 25 years of age on the first scheduled day of the first regular session of the legislature convened after the election; if the candidacy is for the office of governor or lieutenant governor, that the candidate will be at least 30 years of age on the first Monday in December following election or, if the office is to be filled by special election under AS 15.40.230 - 15.40.310, that the candidate will be at least 30 years of age on the date of certification of the results of the special election; or, for any other office, by the time that the candidate, if elected, is sworn into office;

(12) that the candidate is a qualified voter as required by law; and

(13) that the candidate is not a candidate for any other office to be voted on at the general election and that the candidate is not a candidate for this office under any other nominating petition or declaration of candidacy.

*Sec. 42. AS 15.25.105(b) is amended to read:

(b) If a write-in candidate is running for the office of governor, the candidate must file a joint letter of intent together with a candidate for lieutenant governor. [BOTH CANDIDATES MUST BE OF THE SAME POLITICAL PARTY OR GROUP.]

*Sec. 43. AS 15.30.010 is amended to read:

Sec. 15.30.010. Provision for selection of electors. Electors of President and Vice President of the United States are selected by election at the general election in presidential election years[.] , in the manner and as determined by the ranked-choice method of tabulating votes described in AS 15.15.350—15.15.370.

*Sec. 44. AS 15.40.140 is amended to read:

Sec. 15.40.140. Condition of calling special primary election and special election. When a vacancy occurs in the office of United States senator or United States representative, the governor shall, by proclamation, call a special primary election to be held on a date not less

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than 60, nor more than 90, days after the date the vacancy occurs, to be followed by a special election on the first Tuesday that is not a state holiday occurring not less than 60 days after the special primary election [UNDER AS 15.40.142(a)]. However, in an election year in which a candidate for that office is not regularly elected, if the vacancy occurs on a date that is not less than 60, nor more than 90, days before [OR IS ON OR AFTER] the date of

(1) the primary election, the [IN THE GENERAL ELECTION YEAR DURING WHICH A CANDIDATE TO FILL THE OFFICE IS REGULARLY ELECTED, THE GOVERNOR MAY NOT CALL A] special primary election shall be held on the date of the primary election with the subsequent special election to be held on the date of the general election; or

(2) the general election, the special primary election shall be held on the date of the general election with the subsequent special election to be held on the first Tuesday that is not a state holiday occurring not less than 60 days after the special primary and general election.

*Sec. 45. AS 15.40.160 is amended to read:

Sec. 15.40.160. Proclamation. The governor shall issue the proclamation calling the special primary election and special election at least 50 days before the

- [(1)] special primary election [; AND
- (2) IF A SPECIAL RUNOFF ELECTION IS REQUIRED UNDER AS 15.40.141(a), SPECIAL RUNOFF ELECTION].

*Sec. 46. AS 15.40.165 is amended to read:

Sec. 15.40.165. Term of elected senator. At the special election, [OR, AS PROVIDED BY AS 15.40.141, AT THE SPECIAL RUNOFF ELECTION,] a United States senator shall be elected to fill the remainder of the unexpired term. The person elected shall take office on the date the United States Senate meets, convenes, or reconvenes following the certification of the results of the special election [OR SPECIAL RUNOFF ELECTION] by the director.

*Sec. 47. AS 15.40.170 is amended to read:

Sec. 15.40.170. Term of elected representative. At the special election, [OR, AS PROVIDED BY AS 15.40.141, AT THE SPECIAL RUNOFF ELECTION,] a United States representative shall be elected to fill the remainder of the unexpired term. The person elected shall take office on the date the United States house of representatives meets, convenes, or reconvenes following the certification of the results of the special election [OR SPECIAL RUNOFF ELECTION] by the director.

*Sec. 48. AS 15.40.190 is amended to read:

Sec. 15.40.190. Requirements of petition for [NO-PARTY] candidates. Petitions for the nomination of candidates must be executed under oath, [NOT REPRESENTING A POLITICAL PARTY SHALL BE SIGNED BY QUALIFIED VOTERS OF THE STATE EQUAL IN NUMBER TO AT LEAST ONE PERCENT OF THE NUMBER OF VOTERS WHO CAST BALLOTS IN THE PRECEDING GENERAL ELECTION AND SHALL] state in substance that which is required for a declaration of candidacy

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under AS 15.25.030, and include the fee required under AS 15.25.050(a) [NOMINATION PETITIONS BY AS 15.25.180].

*Sec. 49. AS 15.40.220 is amended to read:

Sec. 15.40.220. General provisions for conduct of the special primary election and special [RUNOFF] election. Unless specifically provided otherwise, all provisions regarding the conduct of the primary election and general election shall govern the conduct of the special primary election and [THE] special [RUNOFF] election of the United States senator or United States representative, including provisions concerning voter qualifications; provisions regarding the duties, powers, rights, and obligations of the director, of other election officials, and of municipalities; provision for notification of the election; provision for payment of election expenses; provisions regarding employees being allowed time from work to vote; provisions for the counting, reviewing, and certification of returns; [PROVISION FOR RUNNING AS, VOTING FOR, AND COUNTING BALLOTS FOR A WRITE-IN CANDIDATE;] provisions for the determination of the votes and of recounts, contests, and appeal; and provision for absentee voting.

*Sec. 50. AS 15.40.230 is amended to read:

Sec. 15.40.230. Condition and time of calling special primary election and special election. When a person appointed to succeed to the office of lieutenant governor succeeds to the office of acting governor, the acting governor shall, by proclamation, call a special primary election to be held on a date not less than 60, nor more than 90, days after the date the vacancy in the office of the governor occurred and a subsequent special election to be held on the first Tuesday that is not a state holiday occurring not less than 60 days after the special primary election. However, if the vacancy occurs on a date that is less than 60 days before or is on or after the date of the primary election in years in which a governor is regularly elected, the acting governor shall serve the remainder of the unexpired term and may not call a special election.

*Sec. 51. AS 15.40.240 is amended to read:

Sec. 15.40.240. Conditions for holding special primary election and special election with primary or general election. If the vacancy occurs on a date not less than 60, nor more than 90, days before the date of the primary election in an election year in which a governor is not regularly elected, the acting governor shall, by proclamation, call the special primary election to be held on the date of the primary election and the special election to be held on the date of the general election, [IN YEARS IN WHICH A GOVERNOR IS REGULARLY ELECTED] or, if the vacancy occurs on a date not less than 60, nor more than 90, days before the date of the [PRIMARY ELECTION OR] general election in election years in which a governor is not regularly elected, the acting governor shall, by proclamation, call the special primary election to be held on the date of the [PRIMARY ELECTION OR] general election with the subsequent special election to be held on the first Tuesday that is not a state holiday occurring not less than 60 days after the special primary and general election.

*Sec. 52. AS 15.40.250 is amended to read:

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Sec. 15.40.250. Proclamation of special primary election and special election. The acting governor shall issue the proclamation calling the special primary election and special election at least 50 days before the special primary election.

*Sec. 53. AS 15.40.280 is amended to read:

Sec. 15.40.280. Requirements of petition for [NO-PARTY] candidates. Petitions for the nomination of candidates must be executed under oath, [NOT REPRESENTING A POLITICAL PARTY SHALL BE SIGNED BY QUALIFIED VOTERS OF THE STATE EQUAL IN NUMBER TO AT LEAST ONE PERCENT OF THE NUMBER OF VOTERS WHO CAST BALLOTS IN THE PRECEDING GENERAL ELECTION, SHALL INCLUDE NOMINEES FOR THE OFFICE OF GOVERNOR AND LIEUTENANT GOVERNOR, AND SHALL] state in substance that which is required for a declaration of candidacy under AS 15.25.030, and include the fee required under AS 15.25.050(a) [NOMINATION PETITIONS BY AS 15.25.180].

*Sec. 54. AS 15.40.310 is amended to read:

Sec. 15.40.310. General provisions for conduct of the special primary election and special election. Unless specifically provided otherwise, all provisions regarding the conduct of the primary and general election shall govern the conduct of the special primary election and special election of the governor and lieutenant governor, including provisions concerning voter qualifications; provisions regarding the duties, powers, rights, and obligations of the director, of other election officials, and of municipalities; provision for notification of the election; provision for payment of election expenses; provisions regarding employees being allowed time from work to vote; provisions for the counting, reviewing, and certification of returns; provisions for the determination of the votes and of recounts, contests, and appeal; and provision for absentee voting.

*Sec. 55. AS 15.40.330 is amended to read:

Sec. 15.40.330. Qualification and confirmation of appointee. (a) The appointee shall meet the qualifications of a member of the legislature as prescribed in Sec. 2, art. II, of the state constitution, and, if the predecessor in office was a member of a political party or political group at the time of the vacancy, (1) shall be a member of the same political party or political group as [THAT WHICH NOMINATED] the predecessor in office; [,] and (2) shall be subject to confirmation by a majority of the members of the legislature who are members of the same political party or political group as [WHICH NOMINATED] the predecessor in office and of the same house as was the predecessor in office. If the predecessor in office was not a member of [NOMINATED BY] a political party or political group at the time of the vacancy or, if no other member of the predecessor's political party or political group is a member of the predecessor's house of the legislature, the governor may appoint any qualified person. If the appointee is not a member of a political party or political group, as provided in (b) of this section, the appointment is not subject to confirmation. If the appointee is a member of a political party or political group, the appointment is subject to confirmation as provided by (b) of this section for the confirmation of political party or political group appointees.

(b) A member of a political party or political group is a person who supports the political program of a political party or political group. The absence of a political party or political group designation after a candidate's name on an election ballot [FILING FOR OFFICE OF A

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CANDIDATE AS AN INDEPENDENT OR NO-PARTY CANDIDATE] does not preclude a candidate from being a member of a political party or political group. Recognition of a [AN INDEPENDENT OR NO-PARTY] candidate as a member of a political party or political group caucus of members of the legislature at the legislative session following the election of the [INDEPENDENT OR NO-PARTY] candidate is recognition of that person's political party or political group membership for the purposes of confirmation under this section [AT THE TIME FILINGS WERE MADE BY PARTY CANDIDATES FOR THE PRECEDING GENERAL ELECTION].

*Sec. 56. AS 15.40.380 is amended to read:

Sec. 15.40.380. Conditions for part-term senate appointment and special election. If the vacancy is for an unexpired senate term of more than two years and five full calendar months, the governor shall call a special primary election and a special election by proclamation, and the appointment shall expire on the date the state senate first convenes or reconvenes following the certification of the results of the special election by the director.

*Sec. 57. AS 15.40.390 is amended to read:

Sec. 15.40.390. Date of special primary election and special election. The special primary election to fill a vacancy in the state senate shall be held on the date of the first primary [GENERAL] election held more than 60 days [THREE FULL CALENDAR MONTHS] after the senate vacancy occurs, and the special election shall be held on the date of the first general election thereafter.

*Sec. 58. AS 15.40.400 is amended to read:

Sec. 15.40.400. Proclamation of special primary election and special election. The governor shall issue the proclamation calling the special primary election and special election at least 50 days before the special primary election.

*Sec. 59. AS 15.40.440 is amended to read:

Sec. 15.40.440. Requirements of petition for [NO-PARTY] candidates. Petitions for the nomination of candidates [NOT REPRESENTING A POLITICAL PARTY SHALL BE SIGNED BY QUALIFIED VOTERS EQUAL IN NUMBER TO AT LEAST ONE PERCENT OF THE NUMBER OF VOTERS WHO CAST BALLOTS IN THE PROPOSED NOMINEE'S RESPECTIVE HOUSE OR SENATE DISTRICT IN THE PRECEDING GENERAL ELECTION. A NOMINATING PETITION MAY NOT CONTAIN LESS THAN 50 SIGNATURES FOR ANY DISTRICT, AND] must be executed under oath, state in substance that which is required in a declaration of candidacy under AS 15.25.030, and include the fee required under AS 15.25.050(a) [PETITIONS FOR NOMINATION BY AS 15.25.180].

*Sec. 60. AS 15.40.470 is amended to read:

Sec. 15.40.470. General provision for conduct of the special primary election and special election. Unless specifically provided otherwise, all provisions regarding the conduct of the primary election and general election shall govern the conduct of the special primary election and special election of state senators, including provisions concerning voter qualifications; provisions regarding the duties, powers, rights, and obligations of the director, of other election officials, and of municipalities; provision for notification of the election; provision for payment of election expenses; provisions regarding employees being allowed time from

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work to vote; provisions for the counting, reviewing, and certification of returns; provisions for the determination of the votes and of recounts, contests, and appeal; and provision for absentee voting.

***Sec. 61.** AS 15.45.190 is amended to read:

Sec. 15.45.190. Placing proposition on ballot. The lieutenant governor shall direct the director to place the ballot title and proposition on the election ballot of the first statewide general, special, special **primary** [RUNOFF], or primary election that is held after

- (1) the petition has been filed;
- (2) a legislative session has convened and adjourned; and
- (3) a period of 120 days has expired since the adjournment of the legislative session.

***Sec. 62.** AS 15.45.420 is amended to read:

Sec. 15.45.420. Placing proposition on ballot. The lieutenant governor shall direct the director to place the ballot title and proposition on the election ballot for the first statewide general, special, special **primary** [RUNOFF], or primary election held more than 180 days after adjournment of the legislative session at which the act was passed.

***Sec. 63.** AS 15.58.010 is amended to read:

Sec. 15.58.010. Election pamphlet. Before each state general election, and before each state primary, special, or special **primary** [RUNOFF] election at which a ballot proposition is scheduled to appear on the ballot, the lieutenant governor shall prepare, publish, and mail at least one election pamphlet to each household identified from the official registration list. The pamphlet shall be prepared on a regional basis as determined by the lieutenant governor.

***Sec. 64.** AS 15.58.020(a) is amended by adding a new paragraph to read:

- (13) the following statement written in bold in a conspicuous location:

Each candidate may designate the political party or political group that the candidate is registered as affiliated with. A candidate's political party or political group designation on a ballot does not imply that the candidate is nominated or endorsed by the party or political group or that the party or group approves of or associates with that candidate.

In each race, you may vote for any candidate listed. If a primary election was held for a state office, United States senator, or United States representative, the four candidates who received the most votes for the office in the primary election advanced to the general election. However, if one of the four candidates who received the most votes for an office at the primary election died, withdrew, resigned, was disqualified, or was certified as incapacitated 64 days or more before the general election, the candidate who received the fifth most votes for the office advanced to the general election.

At the general election, each candidate will be selected through a ranked-choice voting process and the candidate with the greatest number of votes will be

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elected. For a general election, you must rank the candidates in the numerical order of your preference, ranking as many candidates as you wish. Your second, third, and subsequent ranked choices will be counted only if the candidate you ranked first does not receive enough votes to continue on to the next round of counting, so ranking a second, third, or subsequent choice will not hurt your first-choice candidate. Your ballot will be counted regardless of whether you choose to rank one, two, or more candidates for each office, but it will not be counted if you assign the same ranking to more than one candidate for the same office.

***Sec. 65.** AS 15.58.020(b) is amended to read:

(b) Each primary, special, or special **primary** [RUNOFF] election pamphlet shall contain only the information specified in (a)(6) and (a)(9) of this section for each ballot measure scheduled to appear on the primary, special, or special **primary** [RUNOFF] election ballot.

***Sec. 66.** AS 15.58.020 is amended by adding a new subsection to read:

(c) Notwithstanding (a) of this section, if a pamphlet is prepared and published under AS 15.58.010 for a

(1) primary election, the pamphlet must contain the following statement written in bold in a conspicuous location, instead of the statement provided by (a)(13) of this section:

In each race, you may vote for any candidate listed. The four candidates who receive the most votes for a state office, United States senator, or United States representative will advance to the general election. However, if, after the primary election and 64 days or more before the general election, one of the four candidates who received the most votes for an office at the primary election dies, withdraws, resigns, is disqualified, or is certified as incapacitated, the candidate who received the fifth most votes for the office will advance to the general election.

Each candidate may designate the political party or political group that the candidate is registered as affiliated with. A candidate's political party or political group designation on a ballot does not imply that the candidate is nominated or endorsed by the party or group or that the party or group approves of or associates with that candidate;

(2) a special primary election, the pamphlet must contain the following statement written in bold in a conspicuous location, instead of the statement provided by (a)(13) of this section:

In each race, you may vote for any candidate listed. The four candidates who receive the most votes for a state office or United States senator will advance to the special election. However, if, after the special primary election and 64 days or more before the special election, one of the four candidates who received the most votes for a state office or United States senator at the primary election dies, withdraws, resigns, is disqualified, or is certified as incapacitated, the

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candidate who received the fifth most votes for the office will advance to the general election. Each candidate may designate the political party or political group that the candidate is registered as affiliated with. A candidate's political party or political group designation on a ballot does not imply that the candidate is nominated or endorsed by the party or group or that the party or group approves of or associates with that candidate.

***Sec. 67.** AS 15.58.030(b) is amended to read:

(b) Not [NO] later than July 22 of a year in which a state general election will be held, an individual who becomes a candidate for the office of United States senator, United States representative, governor, lieutenant governor, state senator, or state representative under AS 15.25.030 [OR 15.25.180] may file with the lieutenant governor a photograph and a statement advocating the candidacy. [AN INDIVIDUAL WHO BECOMES A CANDIDATE FOR THE OFFICE OF UNITED STATES SENATOR, UNITED STATES REPRESENTATIVE, GOVERNOR, LIEUTENANT GOVERNOR, STATE SENATOR, OR STATE REPRESENTATIVE BY PARTY PETITION FILED UNDER AS 15.25.110 MAY FILE WITH THE LIEUTENANT GOVERNOR A PHOTOGRAPH AND A STATEMENT ADVOCATING THE CANDIDACY WITHIN 10 DAYS OF BECOMING A CANDIDATE.]

***Sec. 68.** AS 15.80.010(9) is amended to read:

(9) "federal election" means a general, special, special primary [RUNOFF], or primary election held solely or in part for the purpose of selecting, nominating, or electing a candidate for the office of President, Vice-President, presidential elector, United States senator, or United States representative;

***Sec. 69.** AS 15.80.010(27) is amended to read:

(27) "political party" means an organized group of voters that represents a political program and

(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 UNITED STATES SENATOR WHO RECEIVED AT LEAST 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 STATES 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;

***Sec. 70.** AS 15.80.010 is amended by adding a new paragraph to read:

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(46) "ranked-choice voting" means, in a general election, the method of casting and tabulating votes in which voters rank candidates in order of preference and in which tabulation proceeds in sequential rounds in which (a) a candidate with a majority in the first round wins outright, or (b) last-place candidates are defeated until there are two candidates remaining, at which point the candidate with the greatest number of votes is declared the winner of the election.

***Sec. 71.** AS 39.50.020(b) is amended to read:

(b) A public official or former public official other than an elected or appointed municipal officer shall file the statement with the Alaska Public Offices Commission. Candidates for the office of governor and lieutenant governor and, if the candidate is not subject to AS 24.60, the legislature shall file the statement under AS 15.25.030 [OR 15.25.180]. Municipal officers, former municipal officers, and candidates for elective municipal office, shall file with the municipal clerk or other municipal official designated to receive their filing for office. All statements required to be filed under this chapter are public records.

***Sec. 72.** AS 15.25.014, 15.25.056, 15.25.110, 15.25.120, 15.25.130, 15.25.140, 15.25.150, 15.25.160, 15.25.170, 15.25.180, 15.25.185, 15.25.190, 15.25.200; AS 15.40.141, 15.40.142, 15.40.150, 15.40.200, 15.40.210, 15.40.290, 15.40.300, 15.40.450, and 15.40.460 are repealed.

***Sec. 73.** The provisions of this act are independent and severable. If any provision of this act, or the applicability of any provision to any person or circumstance, shall be held to be invalid by a court of competent jurisdiction, the remainder of this act shall not be affected and shall be given effect to the fullest extent possible.

***Sec. 74.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION; VOTER EDUCATION AS TO CHANGES MADE TO STATE ELECTION SYSTEMS
THROUGH ADOPTION OF A RANKED-CHOICE VOTING SYSTEM.

For a period of not less than two calendar years immediately following the effective date of this Act, the director of elections shall, in a manner reasonably calculated to educate the public, inform voters of the changes made to the state's election systems in this Act.

BALLOT ACCESS NEWS

ALASKA VOTERS PASS RANKED CHOICE VOTING BUT SIMULTANEOUSLY INJURE BALLOT ACCESS

On November 3, Alaska voters passed Measure Two with 50.55% of the vote. It converts elections for partisan office, including president, to ranked choice voting. Unfortunately it also vastly stiffens the definition of a "qualified party". And it restricts the November ballot for congress and partisan state office to only the top four vote-getters in the primary. Past election returns indicate that for elections for Governor and Congress, this will mean only Republicans and Democrats qualify for the November ballot.

Political Party Definition

The old Alaska law lets a group become a qualified party, or keep its party status, two ways. Measure two eliminates the easier way.

The old law's easier method for qualifying a party was a vote test of 3%, which only applied to Governor in gubernatorial years. In presidential years, it only applied to U.S. Senate. If there was no U.S. Senate race, then it applied to U.S. House. Although this was a difficult test, the Libertarian Party and the Green Party had each polled 3%, for one of those offices, seven times in the past.

The Libertarian Party polled over 3% for Governor in 1982 and 2014; for U.S. Senate in 2014 and 2016; for U.S. House in 2012, 2014, and 2016. The Green Party polled over 3% for Governor in 1998; for U.S. Senate in 1996, 1998, and 2002; and for U.S. House in 2000, 2002, and 2004.

The other way to qualify was to have registration membership of at least 3% of the last vote cast, which is approximately 2% of the registration total. That method is so difficult, there is no party in any state in the U.S. that meets it, except for Democratic and Republican Parties, and parties that have "Independent" or "Independence" in their names.

Yet that is the only remaining method for a party to have qualified status.

Qualified status is important, because (1) it allows a party to be on the ballot for President with no petition; (2) it allows the party to be listed on the voter registration as a choice.

It is a paradox that the Libertarian Party polled a higher percentage of the vote in Alaska than in any other state in 2020, and yet Alaska is one of the 19 states in which the party is not ballot-qualified for any office.

Alaska does have a separate category of qualified party, a "Limited Political Party", which is only ballot-qualified for president. Measure Two did not affect that. But the "Limited Political Party" law is deeply flawed. The Libertarian Party polled 6.05% for President in 2016, yet that showing did not give the party status as a "Limited Political Party" for 2020, because of the peculiar way in which it is written.

Top-Four Exclusionary Effect

Measure Two also injures ballot access for minor parties by providing no means for a candidate to be on the ballot for Congress or partisan state office unless the candidate places in the top four in the primary. The primary does not use ranked choice voting.

For Governor and Congress, invariably there are at least four candidates running in the major party primaries. One must go all the way back to 2002 to find any Alaska primary for statewide office with fewer than four candidates seeking the Democratic or Republican nomination. Assuming that holds true in the future, it is likely that all four of the general election candidates will be Republicans and Democrats, leaving no room for members of other parties.

Here are the number of candidates seeking the Republican and Democratic nominations for statewide office in past primaries, back to 1996:

YEAR	OFFICE	REP	DEM
2020	Senate	1	3
2020	House	3	3
2018	Governor	7	1
2018	House	3	4
2016	Senate	4	2
2016	House	4	3
2014	Governor	4	2
2014	Senate	4	2
2014	House	4	2
2012	House	3	6
2010	Governor	6	2
2010	Senate	2	3
2010	House	3	1
2008	Senate	7	3
2008	House	3	2
2006	Governor	5	3
2006	House	1	4
2004	Senate	4	3
2004	House	1	3
2002	Governor	4	3
2002	Senate	2	2
2002	House	1	2
2000	House	1	3
1998	Governor	3	3
1998	Senate	2	2
1998	House	2	2
1996	Senate	3	7
1996	House	3	1

(con't.)

Efforts will be made to persuade the legislature to alter the definition of a qualified political party. The organizations that backed Measure Two may assist. They did not intend to make the definition of a party more difficult; they were just thoughtless when they drafted the measure.

MASSACHUSETTS RANKED CHOICE VOTING LOSES

Massachusetts Question Two, for ranked choice voting for congress and state office, lost 45.2%-54.8%. The measure might have passed without the health crisis. It was difficult to organize a campaign when large public meetings, and door-to-door canvassing, were impossible.

Also, voters are most interested in RCV when there have been recent instances of no one receiving at least 50% of the vote for an important office. Maine voters enacted RCV in 2016 after having seen no one win a majority for Governor in each of the two preceding gubernatorial elections. But nothing like that had happened in Massachusetts since the 2014 gubernatorial election, six years ago.

One-third of all U.S. House elections in Massachusetts in the past fifty years have had only one candidate on the ballot; and about three-fourths of all legislative elections only have one candidate on the ballot. It would have been better if the restrictive ballot access laws of Massachusetts had been eased before an RCV initiative was attempted.

PUERTO RICO

On November 3, Puerto Rico voters voted on statehood. The vote was: yes 536,556 (52.29%); no 489,677 (47.71%). Congress could admit Puerto Rico with a bill, which would only need a majority in each house of Congress.

The turnout in the election was 51%. The same ballot also had gubernatorial and legislative elections.

BOOK REVIEW: *THE BEST CANDIDATE*

The Best Candidate: Presidential Nomination in Polarized Times, edited by Eugene D. Mazo and Michael R. Dimino. 408 pages, 2020, Cambridge University Press.

Law professors and others each contributed a chapter about the U.S. presidential nomination process. The resulting seventeen chapters provide a wealth of detail about the flaws, problems and controversies concerned with the process.

Many of the characteristics of the system were not planned by anyone. The emergence of presidential primaries in almost every state, starting in 1972, is often attributed to the McGovern-Fraser Commission, set up by the Democratic National Committee. But the book reveals that the Commission never intended to replace caucuses with primaries. It only wanted to make the caucuses more democratic. But it was deemed so complicated to do that, that state legislatures and party leaders threw up their hands and switched to primaries. By 2020, there were only four states with old-fashioned caucuses.

It is also an accident that Iowa and New Hampshire ended up being first on the calendar. One of the chapters gives the story of how that happened, and discusses the injustice that the voters of two states have such power.

One of the chapters, "Constitutional Law and the Presidential Nomination Process" gives a very useful account of all the U.S. Supreme Court's decisions about the extent to which parties have a right to set the rules for their own nominations.

Two chapters cover the strange history of public funding for presidential primaries, or other aspects of federal campaign finance law. Another chapter covers the issue of whether there should be a single presidential primary day for the entire nation. Yet another chapter discusses the issue of whether state laws should give parties complete control over which candidates qualify for presidential primary ballots.

A chapter discusses the extent to which delegates should be bound. One chapter covers debates. Yet another chapter traces how new technology has altered campaigns. If you are interested in these topics, this book belongs on your bookshelf.

FLORIDA TOP-TWO INITIATIVE LOSES

Florida voters defeated the top-two initiative, Amendment Three. Florida initiatives can't pass unless they receive 60%. The "yes" vote was 57.03%. There were six initiatives on the ballot, and only two of them failed to pass.

This is the fifth time a statewide top-two measure has failed to pass. The others were California 2004, Arizona 2012, South Dakota 2016, and twice in Oregon, 2014 and 2008. Top-two has won twice, in California in 2010 and Washington in 2004.

The League of Women Voters deserves credit for helping to defeat the Florida measure. Although the League had endorsed open primaries in 2019, at the time it determined that a traditional open primary is superior to top-two. In a traditional open primary, parties have nominees and their own primary ballots, but any voter is free to choose any party's primary ballot. The League still endorsed Amendment Three, but in August 2020 it changed its mind and urged that it be defeated.

COLORADO NATIONAL POPULAR VOTE

Colorado voters were asked if they want to repeal their state's support for the National Popular Vote Compact. The results: 52.33% voted to keep Colorado in the compact.

MAINE RANKED CHOICE

Maine was the first state to use ranked choice voting for president in a general election this year. Oddly, though, President Trump got over 50% in the northern district, and Joe Biden got over 50% in the southern district, so Maine didn't need to count second-choice votes.

COMMENTARY

Voting initiative would harm rural communities

Cynthia Erickson, Thomas Baker, and Dana Leask-Ruaro

This election season, we are strongly urging our fellow Alaskans to vote no on Ballot Measure 2.

This initiative would get rid of our simple one-person, one-vote system and replace it with a 25-page mess written and funded by billionaires in the Lower 48.

Ballot Measure 2 did not come from folks in our communities; it did not come from within. In fact, more than 99% of its funding is coming from wealthy people in New York and California — people who have never been to Alaska. So far, they have spent more than \$5 million to buy our support and trick us into voting for something no one has read or understands.

They want to experiment on

us with a version of what is called “ranked-choice voting,” a version that has never been tried anywhere else in the United States. Alaskans should not risk our right to vote on a confusing experiment that has not worked anywhere else.

When the state of Maine adopted a similar scheme four years ago, they had to produce 19 pages of instructions on how to vote. How will this affect voter turnout among the elderly, the disabled and those with language difficulties? We need to increase turnout in rural Alaska, not make voting harder and more confusing.

We have read this 25-page initiative and we still do not fully understand it. Most of the people supporting this initiative also do

not understand it. Many Alaskans may not even realize that under this initiative, third-place candidates could actually win and be elected. What sense does that make? The initiative seems like an attempt to confuse and misdirect rural voters. We are happy with the system of voting for the candidates we support and do not want to change.

Our current system for voting works, it is fair and it is easy to understand. Voters know who they are voting for and can be confident in the knowledge that their votes will be counted. Nothing good will come if we replace that with an experiment that is bureaucratic, complicated, and designed by Outside billionaires who do not understand life in Alaska.

If we change our voting system, that change should come from within our communities, not from folks in the Lower 48 meddling in our business and trying to tell us what to do. They should experiment on their own states before trying to change what is working just fine here in Alaska. We do not want to be the first in line to try this risky scheme.

Please join us and vote no on Ballot Measure 2.

Cynthia Erickson is the founder of My Grandma's House, 'Setsoo Yehi,' a safe haven for youth in her community. Dana Leask-Ruaro is a lifelong Alaskan, Alaska Native, and Native and rural activist. Thomas Baker is vice-mayor of the city of Kotzebue.