

SECTIONAL SUMMARY OF 19AKBE

***Section 1 adds a statement of findings and intent to the uncodified law of the State of Alaska** that increased election transparency, participation, access, and choice is in the public interest, as is transparency in campaign contributions; and that it is in the public interest and more democratic to adopt an open nonpartisan primary election and a ranked-choice general election system.

¹§ 1(2) of the statement of findings and intent finds political power and influence should not be based wealth; that rulings by the US Supreme court have “erroneously changed the meaning of the First Amendment” to “allow unlimited speeding as free speech”. These Supreme court rulings have mistakenly “invalidated long standing anti-corruption laws”. Alaska seeks to prohibit “dark money² in candidate elections”, and supports an amendment of the US Constitution allowing regulation of raising and spending money in elections

§ 1(3) finds the people need to know the source of resources used in candidate elections.

§ 1(4) finds the public interest is to have open and nonpartisan primaries.

§1(5) finds in the public interest for a “general election system reflect core democratic principle of majority rule”.

These findings state the US Supreme court erroneously decided Citizens United and regardless that controlling precedent the State of Alaska is establishing its own system regarding campaign contributions and elections.

In §(5) referring to the “general election system”: AS 15.80.010(10) defines the general election as the “election held on the Tuesday after the first Monday in November of even-numbered years.

The findings prohibit dark money in candidate elections but is silent regarding noncandidate elections such as initiatives, referendum, recall, advisory questions, judicial retention, or bonds.

¹ The sectional analysis (in ***bold**, roman) provided by the supporters of the initiative has been annotated by this writer, Gayle L. Garrigues, Esq. The present statute is summarized in **black italic**; Gayle’s interpretation and comments regarding the proposed amendments are in **blue italic**. Quotations are directly from the text of the initiative.

² Dark money is defined in §17, 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.

***Section 2 amends existing AS 15.10.120(c) (Appointment of election board)** to de-politicize appointees to the election board in each precinct by allowing election supervisors to appoint nominees from political groups with the largest number of registered voters at the time of the preceding gubernatorial election as well as qualified persons registered as nonpartisan, undeclared, or a third party in some circumstances.

AS 15.10.120 provides for the appointment of the election board.

§ (a) provides appointment by the election supervisor of three voters in every precinct as an election board for their precinct;

§ (b) provides each political party may nominate two persons to serve on the precinct election board;

§ (c) provides the election supervisor is to appoint to the election board one nominee from the present governor's party, and one from the political party³ or political group⁴ which received the second most votes in the preceding gubernatorial election.

The amendment removes the required appointment to the election board from the governor's party and substitutes appointment from the party or group with the greatest number of registered votes at the preceding gubernatorial election.

***Section 3 amends existing AS 15.10.170 (Appointment and privileges of watchers)** to broaden the pool of poll watchers that candidates may appoint, by removing certain party affiliation requirements and approvals by party leadership. The section also makes harmonizing changes regarding reference to primary and special elections and removes references to special runoff elections.

AS 15.15.270(a) provides for appointment of poll watchers by the party, as well as appointment by candidates with no party affiliation, and establishes qualifications, duties of, and standards for poll watchers.

The amendment eliminates requirements for verification of the poll watcher's status by a candidate or party.

§(b) provides for appointment of poll watchers in primary or special elections.

The amendment inserts special elections to the scheme for poll watchers.

³ "Political party" is an organized group of voters who represent a political program and nominated a candidate for governor or US Senator, who received 3% of votes cast in preceding election. AS 15.80.010(25).

⁴ "Political group" is a group of organized voters which does not qualify as a party. AS 15.80.010 (24)

***Section 4 amends existing AS 15.13.020(b) (Alaska Public Offices Commission) (APOC)** by changing who the governor may appoint to APOC. Instead of appointing two members of each of the two political parties whose candidate for governor received the highest number of votes in the preceding general gubernatorial election, the governor would now appoint two members of each of the two political parties or political groups with the largest number of voters at the time of that election.

AS 15.13.020(b) provides the governor shall appoint to APOC two persons from the two parties whose candidates received the two highest number of votes in the last gubernatorial election.

The amendment inserts political groups, that is the governor is to appoint from the political parties or political groups which were the top two vote recipients.

***Section 5 amends existing AS 15.13.020(d) (Alaska Public Offices Commission)** by adding a reference to “political groups” with respect to potential APOC members and their terms.

AS 15.13.020(d) provides staggered five year terms for APOC members, and prohibits the expiration of appointments of members of the same party occur in consecutive years.

The amendment adds political groups to the entities from which the governor may appoint for terms and expiration.

***Section 6 amends existing AS 15.13.040(j)(3) (Contributions, expenditures, and supplying of services to be reported)** by requiring each “nongroup entity” to make additional disclosures to APOC. Specifically, such entities must disclose all contributions over \$2,000 aggregate per calendar year made to the entity for the purpose of influencing the outcome of an election and the true source of such contributions and all intermediaries and their transfers, if any.

AS 15.13.040(j)(3) establishes disclosure requirements for “a nongroup entity”. (j)(3) requires disclosure of the name, address, date, and amount by each contributor. When the amount exceeds \$250 in the yearly aggregate, the contributor’s occupation and employer is to be disclosed.

The amendment adds a clause which provides when contributions exceed, in the aggregate, \$2,000, the “true source” of the contributions must be disclosed and certified by the campaign treasurer⁵.

⁵ “True Source is defined in § 18, 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 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.

***Section 7 amends existing AS 15.13.040 (Contributions, expenditures, and supplying of services to be reported)** by inserting a new subsection to that statute requiring a detailed report to APOC from every individual, person, group, or nongroup entity that contributes more than \$2,000 aggregate per calendar year to an entity that made one or more independent expenditures in one or more candidate elections in the current election cycle, or that will do so. The report would be required within 24 hours of the contribution.

*This amendment imposes upon the person, group, or nongroup entity who contributes in excess of \$2,000 to a “entity” to file a written report to APOC within 24 hours of the contribution.*⁶

***Section 8 amends existing AS 15.13.070 (Limitations on amount of political contributions)** by adding a new subsection to that statute to place an individual cap of \$1,000 per year and a group cap of \$2,000 per year on contributions made to a joint campaign for governor and lieutenant governor⁷.

AS 15.13.070 imposes limits on political contributions. Different limits exist for an individual, a group, political party, or nongroup entity.

The amendment adds contribution limits to “joint campaign for governor and lieutenant governor”.

***Section 9 amends existing 15.13.074(b) (Prohibited contributions)** by prohibiting individuals, persons, nongroup entities, or groups required to file a report under the new subsection required by Section 7 from contributing or accepting more than \$2,000 of “dark money” and requiring them to disclose the true source of a contribution if they make the contribution while acting as an intermediary.

AS 15.13.07 (b) prohibits contributions anonymously, under a fictitious or name of another.

The amendment adds a \$2,000 limit of “dark money” to those prohibitions.

***Section 10 amends existing 15.13.074(c) (Prohibited contributions)** by adding references to special primary and special general elections and making other harmonizing changes consistent with a top four nonpartisan open primary.

This is an accurate description.

⁶ AS 15.13.400(13) defines, “nongroup entity” as a person, including a labor union, group, or nongroup entity for which the major purpose is to influence the outcome of the election. AS 01.10.060 defines “person” as a corporation, company, partnership, firm, association, organization, business trust, society or natural person. AS 15.13.400(16) defines “publicity funded entity as a person who receives ½ or more of its money from a government. As there is no specific definition for “entity” the common dictionary definition is used, “a thing with its own distinct existence.”

⁷ Section 38 amends AS 15.25.030(a) and provides for joint campaigns in the primary.

***Section 11 amends existing AS 15.13.090(c) (Identification of communication)** by increasing the exposure of the communication disclaimer required for campaign contributors. Specifically, contributors would be required to keep the disclaimer onscreen throughout the whole communication.

AS 15.13.090(c) provides campaign communications must identify who paid for the communication including the name, address, and who approved the communication. The amendment imposes identification requirements for electronic communication, and further requires the disclosure statement to remain on the screen throughout the communication.

***Section 12 amends existing AS 15.13.090 (Identification of communication)** by adding a new subsection requiring, under some circumstances and for some campaign contributions, a special disclaimer for print, video, and digital communications that are paid for by outside-Alaska-funded entities.

This new subsection requires the communications disclaimer to include a statement when the majority of contributions are from outside the State of Alaska. The disclaimer is not required when the outside entity is a political party or an entity with no contributors.

***Section 13 amends existing AS 15.13.110(f) (Filing of reports)** by removing from the list of persons required to file campaign disclosure reports with APOC persons who have filed nominating petitions to become a candidate at the general election, consistent with a top four nonpartisan open primary.

AS 15.13.110 provides when APOC reports are to be filed (for example, within 30 days before the election); the nature of reports, what the reports must contain, as well as retention and public inspection of the reports. Subsection (f) directs persons who make an independent contribution for communication must comply with the identification requirement.

This amendment deletes the requirement that persons who become candidates at the general election through a nominating petition must file an APOC report.

***Section 14 amends existing AS 15.13.110 (Filing of reports)** by adding a subsection requiring certain independent expenditure campaign contributions over \$2,000 to be reported to APOC within 24 hours of receipt. The receiving entity is also required to identify the true source and intermediaries of the contribution.

This adds a new subsection to the section requiring the required filing of APOC reports. Contributions exceeding \$2,000 to an entity must be reported by the entity within 24 hours of receipt.

***Section 15 amends existing AS 15.13.390(a) (Civil penalty; late filing of required reports)** by imposing fines on campaign contributors or intermediaries who delay reports to APOC and who misreport or fail to disclose the true source of contributions. Contributors have a right of appeal to superior court from APOC determinations made under this section.

The amendment provides for fines for failing to file timely filing of the 24-hour reports, as well as penalties for failing to disclose the “true source” of the contributions.

***Section 16 amends existing AS 15.13.400(4)(B)(iii) (Definitions)** by changing part of the definition of “contribution” to exclude certain mailings by political parties describing “members of the party running as candidates for public office in that election” instead of “the party’s slate of candidates for election”, consistent with a top four nonpartisan open primary.

The description of what is and is not a contribution is quite long. One of the exclusions is when a party sends two or fewer mass mailings describing the party’s slate of candidates. The proposed amendment deletes the phrase “the party’s slate of candidates” and substitutes “describing members of the party running as candidates.” It is not clear what this amendment seeks to improve.

***Section 17 amends existing AS 15.13.400 (Definitions)** to define “dark money.”

“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.

***Section 18 amends existing AS 15.13.400 (Definitions)** to define “true source.”

“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 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.

***Section 19 amends existing AS 15.13.400 (Definitions)** to define “outside-funded entity.”

“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.

***Section 20 amends AS 15.15 (Elections and Ballots)** by adding a new statute, AS 15.15.005, to create a top four nonpartisan open primary for each elective state executive and state and national legislative office.

The amendment provides a voter may vote for any candidate for each elective office without limitations based upon membership of a political party or political group.

***Section 21 amends existing AS 15.15.030(5) (Preparation of official ballot)** by removing mandatory party designations on the ballot for candidates and permitting candidates to list their party affiliations or be listed as nonpartisan or undeclared, and requiring candidates to be listed as undeclared under certain circumstances.

AS 15.15.030 describes how an official ballot for the general election ballot is prepared, how it is to appear, and what the ballot is to contain. §(5) directs the names of the candidates and their party be listed.

The amendment of §5 makes the party designation optional rather than mandatory. It further provides candidates may request listing as nonpartisan, or undeclared.

***Section 22 amends existing AS 15.15.030 (Preparation of official ballot)** by requiring certain disclaimers on the ballot regarding a candidate's listed party affiliation, if any. The section also requires the elections director to design the general election ballot so that candidates are selected by ranked-choice voting, and explain to voters how to vote by ranked choice.

AS 15.15.030 describes how an official ballot for the general election ballot is prepared, shall appear, and what the ballot is to contain. The proposed amendment adds four new subsections to the requirements regarding the content of the ballot. The first new subsection requires the election director to place a disclaimer on the ballot to the effect that a listing of a party or group beside the candidate's name does not imply the candidate is nominated, endorsed, or approved by that party, but only that the candidate is registered or affiliated with that party or group.

The second addition to the ballot is regarding the listing of candidates for President and Vice-President of the United States. The disclaimer noted above is required with the additional statement that the election for President and Vice-President is different as some of the Presidential/Vice-Presidential candidates are official nominees of their party.

The third addition requires the general election ballot be designed so candidates are selected by ranked choice voting.

The fourth addition requires the election director to design the election ballot so that when ranking candidates for an office that no candidates for an office are assigned the same rank.

***Section 23 amends existing AS 15.15.060(e) (Polling places, voting booths, and supplies)** by requiring the elections director to place in each polling place a conspicuous disclaimer about the meaning of a candidate's designated party affiliation.

AS 15.15.060 governs polling places, voting booths and supplies.

The amendment directs at each polling place there be posted a disclaimer stating the listing of a party or group beside the candidate's name does not imply the candidate is nominated, endorsed, or approved by that party or group, but only that the candidate is registered or affiliated with that party or group

***Section 24 amends existing AS 15.15.350 (General procedure for ballot count)** by adding new subsections requiring all general elections to be conducted by ranked-choice voting, describing in detail the method by which the division of elections will count ranked-choice ballots, and defining certain terms related to ranked-choice voting.

AS 15.15.350 provides the election director may adopt regulations describing the procedure for counting ballots.

The amendment requires ranked choice voting (RCV) in the general election. It establishes the procedure for counting ballots using the ranked choice system. For a candidate to win, s/he must receive 50%+1 of all votes. If no candidate receives the required majority outright, then the second choice on the ballots of the candidate placing fourth are considered and redistributed.

When a ballot skips a ranking, the election board is to move to the next choice. If there is no next choice, the ballot is considered inactive (not further tabulated).

***Section 25 amends existing AS 15.15.360(a) (Rules for counting ballots)** by setting forth further rules by which the election board will count ranked-choice ballots in a general election and makes a harmonizing repeal.

AS 15.15.360(a) provides the rules for counting ballots, including the appropriate marks, including when the ballot is improperly or overmarked, erased, or contains write-ins.

The amendment establishes rules for RCV. It repeals subsection 3 of the present statute regarding the counting of ballots when the voter casts votes for fewer than the allotted positions, that is, when multiple seats are contested, such as three, and the voter only votes for two candidates. In that case, if a third round occurs, the voter's ballot would be "inactive".

***Section 26 amends existing AS 15.15.370 (Completion of ballot count; certificate)** by requiring the certificate of general election results to include the number of votes for each candidate at each round of the ranked-choice tabulation process.

AS 15.15.370 provides the procedure for certifying the election results.

The amendment provides the board is to describe the number of ballots received during each round of the RCV process.

***Section 27 amends existing AS 15.15.450 (Certification of state ballot counting review)** by making certain non-substantive technical changes to the statutory language.

AS 15.15.420-.440 provides the election director has the duty to review the counting of ballots, including the scope and timing of the review. AS 15.15.450 provides the election director is to notify the winner(s).

[The amendment appears to clarify the process.](#)

***Section 28 amends existing AS 15.20.081(a) (Absentee voting in general; applying for absentee ballot by mail or electronic transmission)** by removing references to multiple primary ballot options, consistent with a top four nonpartisan open primary.

AS 15.20.081(a) provides the procedure and rules for absentee voting as well as the procedure to apply for absentee ballot via email or electronic transmission.

[The amendment eliminates the requirement that a voter may make multiple marks on the primary ballot, thus, provides for RCV.](#)

***Section 29 amends existing AS 15.20.081(h) (Absentee voting in general; applying for absentee ballot by mail or electronic transmission)** by inserting references to a special primary election and removing references to a special runoff election.

[This description captures the effect of the amendment.](#)

***Section 30 amends existing AS 15.20.190(a) (Appointment, duties, and compensation of district counting boards)** by changing who election supervisors may appoint to district absentee ballot counting boards and district questioned ballot counting boards, to be consistent with a top four nonpartisan open primary.

AS 15.20.090(a) provides for appointment of district absentee ballot counting boards of at least four members, with at least one member of the party of which the governor is a member, and a second member from the party whose candidate for governor received the second largest number of candidates in the preceding election .

[The amendment eliminates the appointment to the board of at least one person from the governor's party, and substitutes a requirement that at least one person on the board be from the political party or group with the largest number of voters in the preceding election, with the second appointment from the second largest voting bloc.](#)

***Section 31 amends existing AS 15.20.203(i) (Procedure for district absentee ballot counting review)** by inserting references to special primary elections and removing references to special runoff elections.

AS 15.20.203 provides the procedure for the examination and counting of absentee ballots.

[This description captures the effect of the amendment](#)

***Section 32 amends existing AS 15.20.203(j) (Procedure for district absentee ballot counting review)** by inserting references to special primary elections and removing references to special runoff elections.

AS 15.20.203 provides the procedure for the examination and counting of absentee ballots.

[This description captures the effect of the amendment.](#)

***Section 33 amends existing AS 15.207(i) (Procedure for district questioned ballot review)** by inserting references to special primary elections and removing references to special runoff elections.

AS 15.20.207 directs how questioned ballots are to be reviewed.

[This description captures the effect of the amendment.](#)

***Section 34 amends existing AS 15.207(k) (Procedure for district questioned ballot review)** by inserting references to special primary elections and removing references to special runoff elections.

AS 15.20.207 directs a voter shall have the means to confirm their ballot was counted, and the reasons if it was not counted.

[This description captures the effect of the amendment.](#)

***Section 35 amends existing AS 15.20.211(d) (Counting cross-district and certain write-in votes)** by inserting references to special primary elections and removing references to special runoff elections.

AS 15.20.211 directs how ballots cast in the incorrect house district and write in votes are to be reviewed. §(d) provides the election director is to mail notice to the voter a summary describing why the vote was just partially or not counted.

[This description captures the effect of the amendment.](#)

***Section 36 amends existing AS 15.20.211(f) (Counting cross-district and certain write-in votes)** by inserting references to special primary elections and removing references to special runoff elections.

AS 15.20.211 directs how ballots cast in the incorrect house district and write in votes are to be reviewed. §(f) provides the election director is to provide a free access system to review whether cross district and write in votes are counted.

[This description captures the effect of the amendment.](#)

***Section 37 amends existing AS 15.20.010 (Provision for primary election)** by creating a top four nonpartisan open primary election.

AS 15.25.010⁸ provides candidates for office are to be nominated in a primary election. It directs the election director as to prepare, if necessary, multiple primary ballots (i.e. for each party) and determine which voters are eligible to vote what ballot. (AS 15.25.014 provides a process where parties can close their primaries.)

The amended statute eliminates the primary as a winnowing process for the parties but provides the top four vote getters, regardless of party or group affiliation, will advance to the general election. The amendment deletes the sentences regarding the preparation of the primary ballot and inserts: “The primary election does not serve to determine the nominee of a political party political group but serves only to narrow the number of candidates whose names will appear on the ballot at the general election. Except 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”.

***Section 38 amends existing AS 15.25.030(a) (Declaration of candidacy)** by inserting references to special primary elections, removing references to special runoff elections, and making changes to requirements for the declaration of candidacy consistent with a top four nonpartisan open primary. The section also conjoins the races of lieutenant governor and governor, and requires that pairing to be stated on the declaration of candidacy.

AS 15.25.030 describes how a person seeking to be a candidate must file declaration of candidacy and lists the information the declaration is to contain.

The amendment states “the primary election does not serve to determine the nominee of a political party political group but serves only to narrow the number of candidates whose names will appear on the ballot at the general election”. The amendment repeals the requirement the election director prepare a ballot specific to a party.

Additionally, the amendment substitutes section 16 and adds a subsection 17 to AS 15.25.030(a).

Specifically, the substitute 16 will state: “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 the inserted subsection 17 would state: “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.

This provision, which falls within article 25 of Title 15 regarding primary elections, significantly alters how the governor and lieutenant governor are nominated and elected. At present candidates for governor and lieutenant governor run independently in the primary. The top vote getters for each office from each party are paired to run jointly as a party team in the general election. The amendment would provide the candidates for the office of governor and lieutenant governor to run as teams as a joint campaign in the primary.

⁸ From a review of the contents of the body of the initiative it appears the reference to AS 15.20.010 is in error and the intention is the amendment to AS 12.25.010.

***Section 39 repeals and reenacts AS 15.25.060 (Preparation of ballots)** to tell the elections director how to prepare and distribute primary election ballots consistent with a top four nonpartisan open primary.

AS 15.25.060 directs how primary ballots are to be prepared and distributed. It includes provision for primary ballots.

The amendment alters the provisions directing the preparation and distribution of primary ballots to permit RCV.

***Section 40 repeals and reenacts AS 15.25.100 (Placement of nominees on general election ballot)** to tell the election director how to prepare and distribute general election ballots consistent with the results of a top four nonpartisan open primary, including provisions for replacing candidates in the event of the withdrawal, death, resignation, disqualification, or incapacitation of a candidate nominated in that primary.

AS 15.25.100 directs the election director to place on the general election ballot those candidates receiving the highest number of votes by political party.

The amendment repeals 15.25.100 and replaces it with provisions providing the top four candidates in the primary are placed on the general election ballot.

Subsection (d) provides in the event the candidate for governor, dies, withdraws, is disqualified, or is incapacitated, the gubernatorial candidate will be replaced by that candidate's running mate for lieutenant governor. It further provides that in the event the candidate for lieutenant governor dies, withdraws, is disqualified, or is incapacitated, the lieutenant gubernatorial candidate will be replaced by a candidate selected by the candidate for governor.

***Section 41 amends existing AS 15.25.105(a) (Write-in candidates in the general election)** by changing the requirements for a letter of intent to run as a write-in candidate on the general election to be consistent with a top four nonpartisan open primary.

AS 15.25.105(a) provides a write-in candidate must, at least five days before the general election, file a letter of intent with the election director.⁹ Among the items the letter is to contain is the political party or group, if any, the write-in candidate is a member. Failure to file the letter of intent will result no count of the write-in votes cast.

The amendment provides the notation of the political party or group affiliation on the letter of intent is optional.

⁹ Write in candidates are prohibited in primary elections. AS 15.25.070.

***Section 42 amends existing AS 15.25.105(b) (Write-in candidates in general election)** to remove the requirement that general election write-in candidates for the office of governor and lieutenant governor must be of the same political party or political group.

AS 15.25.105(b) provides 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. The statute requires the candidates be of the same party.

The amendment removes the requirement that the write-in candidates for governor and lieutenant governor be of the same party.

***Section 43 amends existing AS 15.30.010 (Provision for selection of electors)** to require that electors for President and Vice-President of the United States be selected by ranked-choice voting.

AS 15.30.010 provides the electors for President and Vice-president are elected at the general election.

The amendment imposes RCV on the election of electors.

***Section 44 amends existing AS 15.40.140 (Condition of calling special primary election and special election)** to add special primary elections for a United States senator or United States representative, and the timing for such elections to occur.

AS 15.40.140 provides when there is a vacancy in the office of US Senator or US Representative the governor, through proclamation, shall call a special election.

The amendment calls for special primary election to be followed by a special election.

Under some circumstances these special elections may coincide with the regular primary and general elections.

***Section 45 amends existing AS 15.40.160 (Proclamation)** to add special primary election and special election, and remove special runoff elections, from the governor's proclamation issued for certain elections.

The governor must proclaim the Senate or Representative seat is vacant and call for a special election.

This description captures the effect of the amendment.

***Section 46 amends existing AS 15.40.165 (Term of elected senator)** to remove references to special runoff elections for United States senator.

This description captures the effect of the amendment.

***Section 47 amends existing AS 15.40.170 (Term of elected representative)** to remove references to special runoff elections for United States representative.

This description captures the effect of the amendment.

***Section 48 amends existing AS 15.40.190 (Requirements of petition for candidates)** by removing references to political parties in nominations for candidacy, consistent with a top four nonpartisan open primary.

Regarding the offices of US senator or representative AS 15.40.190 provides petitions for no party candidates must be signed by one percent of the votes cast in the previous general election.

The amendment removes the requirement the nominating petition be under oath. The requirement the petition be signed by one per cent of the voters is eliminated.

***Section 49 amends existing AS 15.40.220 (General provisions for conduct of the special primary election and special election)** to remove references to special runoff elections and add references to special primary elections for elections for United States senator or United States representative.

This description captures the effect of the amendment.

***Section 50 amends existing AS 15.40.230 (Condition and time of calling special primary election and special election)** by providing for special primary elections, and subsequent special elections, proclaimed by an acting governor in the event of a gubernatorial vacancy, and the timing of such elections.

AS 15.40.230 provides when a lieutenant governor succeeds a governor, and there is at least a certain length of the gubernatorial term remaining, the acting governor must call a special election within specific periods.

The amendment provides for as special primary election in addition to the special election.

***Section 51 amends existing AS 15.40.240 (Conditions for holding special primary election and special election with primary or general election)** by providing for special primary elections, and subsequent special elections, proclaimed by an acting governor in the event of a gubernatorial vacancy, and the timing of such elections, including when they are held in conjunction with a regular primary or general election.

AS 15.40.240 applies to the election of the governor and lieutenant governor.

This description captures the effect of the amendment.

***Section 52 amends existing AS 15.40.250 (Proclamation of special primary election and special election)** by adding references to special primary elections regarding the acting governor's proclamations for certain elections to fill a gubernatorial vacancy.

This description captures the effect of the amendment.

***Section 53 amends existing AS 15.40.280 (Requirements of petition for candidates)** by removing references to political parties for candidates for lieutenant governor or governor nominated by petition, consistent with a top four nonpartisan open primary.

AS 15.40.280 provides a no-party candidate for governor or lieutenant governor may be nominated by petition signed by one per cent of the voters in the previous general election.

This amendment removes the reference to no-party as well as the requirement for nomination by petition with of the voters and replaces it with a requirement that the petition be under oath.

***Section 54 amends existing AS 15.40.310 (General provisions for conduct of the special primary election and special election)** by adding special primary elections to provisions governing the overall conduct of special elections, providing that they be conducted in the same manner as the regular primary and general elections.

This description captures the effect of the amendment

***Section 55 amends existing AS 15.40.330 (Qualification and confirmation of appointee)** by changing party affiliation requirements for appointees to the state legislature, consistent with a top four nonpartisan open primary.

AS 15.40.330 governs how a vacancy in the legislature (between general elections) is filled. The governor is to appoint a person of the same party as the predecessor, subject to confirmation by the members of the legislature of that party.

Subsection (b) defines a person of the same party as one who supports the political program of the party.¹⁰

The amendment does not change this basic process but inserts references to political groups as an affiliation body from the governor is to select from. If there are no other members in the legislature (to confirm the appointment) as the predecessor legislator, the governor may appoint any qualified person. This person is not subject to confirmation.

***Section 56 amends existing AS 15.40.380 (Conditions for part-term senate appointment and special election)** by adding a special primary election to precede the special election by proclamation to fill a vacancy in the state senate.

AS 15.40.380 provides when there is more than 29 months left in the state senate seat. In that the governor is to call a special election.

The amendment directs the governor to call both a special primary election as well as a special election.

¹⁰ AS 15.80.010(25) also defines political party.

***Section 57 amends existing AS 15.40.390 (Date of special primary election and special election)** by adding special primary elections to fill state senate vacancies, requiring both special primary elections and special elections to be held at particular times, depending on the timing of the vacancy and the dates of the upcoming regular primary and general elections.

This amendment establishes the timing of the special primary election and special election. The two must be at least 50 days apart.

***Section 58 amends existing AS 15.40.400 (Proclamation of special primary election and special election)** by adding special primary elections to the elections subject to the governor's proclamation for an election to a vacant state senate seat.

The amended statute adds to the proclamation of a special election to fill the state senate seat the requirement of a special primary election.

***Section 59 amends existing AS 15.40.440 (Requirements of petition for candidates)** by removing party affiliation requirements for candidates nominated by petition to the state legislature.

AS 15.40.440 provides for a no-party candidate for the legislature be nominated by petition signed by one per cent of the voters in the previous general election.

This amendment removes the reference to no-party as well as the requirement for nomination by petition with one per cent of the voters and replaces it with a requirement that the petition be under oath.

While this appears to be the same changes to the process as found in AS 15.40.280, the two statutes are distinguishable as .280 is applicable for petitions for governor and lieutenant governor. This statute (.440) applies to petitions for the legislature.

***Section 60 amends existing AS 15.40.470 (General provision for conduct of the special primary election and special election)** by adding special primary elections, and prescribing their conduct, for elections to the state senate, requiring that they be conducted in the same manner as regular primary and general elections.

AS 15.40.470 governs the conduct of the special election for state senate (when filling the seat left by a vacancy (as described in AS 15.380 & 400).

The amendment adds to the requirement of a special election, a special primary election.

***Section 61 amends existing AS 15.45.190 (Placing proposition on the ballot)** by adding special primary elections, and removing special runoff elections, from the list of elections at which ballot measures may appear on the ballot.

AS 15.45.190 concerns the timing of an election to consider a ballot proposition.

The amendment renames the runoff election as a special primary election.

***Section 62 amends existing AS 15.45.420 (Placing proposition on the ballot)** by adding special primary elections, and removing runoff elections, from the list of elections at which voter referenda may appear on the ballot.

AS 15.45.190 concerns the timing of an election to consider a ballot proposition.

The amendment renames the runoff election as a special primary election.

This appears to be the same statute as 15.45.190. However, .190 controls the elections regarding an initiative. This section (.420) controls an election regarding a referendum.¹¹

***Section 63 amends existing AS 15.58.010 (Election pamphlet)** by adding special primary elections with ballot measures, and removing special runoff elections, from the list of elections before which the division of elections must send each household an election pamphlet.

This description captures the effect of the amendment.

***Section 64 amends existing AS 15.58.020(a) (Contents of pamphlet)** by requiring the election pamphlet to contain a conspicuous disclaimer/statement regarding candidate affiliation in a nonpartisan open primary; how the top-four nonpartisan open primary works; how to cast a vote in the ranked-choice general election; and how general election ranked-choice votes will be counted.

This description captures the effect of the amendment.

***Section 65 amends existing AS 15.58.020(b) (Contents of pamphlet)** by adding special primary elections, and removing special runoff elections, from the list of elections with ballot measures requiring an election pamphlet to be prepared and mailed to households before the election. Under existing law, the election pamphlet must be sent, and certain information included, where a ballot measure is scheduled to appear on the ballot at such an election.

This description captures the effect of the amendment.

***Section 66 amends existing AS 15.58.020 (Contents of pamphlet)** by adding a new subsection requiring election pamphlets for primary elections and special primary elections to contain a conspicuous statement with instructions to voters regarding the top four non-partisan open primary.

This description captures the effect of the amendment.

¹¹ An initiative is when the people make law in the legislature's stead. AS 15.45.010.
A referendum is when the people approve or reject acts of the legislature. AS 15.45.250.

***Section 67 amends existing AS 15.58.030(b) (Material to be filed by candidate)** by removing references to candidates nominated by party petition, consistent with a top 4 nonpartisan open primary.

AS 15.58.030(b) describes when and how a candidate, including those candidates nominated by party petition, provides information to be published in the election pamphlet.

The amendment removes the references to nomination by party petition.

***Section 68 amends existing AS 15.80.010(9) (Definitions)** by redefining “federal election” to include a “special primary election” and remove “special runoff election.”

This description captures the effect of the amendment.

***Section 69 amends existing AS 15.80.010(27) (Definitions)** by redefining “political party” by removing references inconsistent with a top four nonpartisan open primary.

AS 15.80.010(27) defines a political party as an organized group of voters representing a political program that has registered voters equal to at least three per cent of the total votes cast for governor in the preceding election.

The amendment removes the three percent requirement.

***Section 70 amends existing AS 15.80.010 (Definitions)** to define “ranked-choice voting.”

The amendment inserts and defines: "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.

***Section 71 amends existing AS 39.50.020(b) (Report of financial and business interests)** to remove reference to a statute repealed by the initiative bill, within an existing statute dealing with financial disclosures required of some public officials.

AS 39.50.020 directs financial disclosures by public officials.

The amendment removes the reference to AS 15.25.180.¹²

¹² AS 15.25.180 provides for nomination of no-party candidates to office by petition. Section 72 repeals this statute.

*Section 72 repeals numerous statutes from the Election Code that are rendered obsolete or irrelevant by the remainder of the bill.

*The following statutes are **repealed by the initiative**. The titles of the statutes are noted by the corresponding statute number, with some clarifying comments in parentheses. Titles of statutes are not considered a part of the actual statute*

*15.25.014 - Participation in Primary Selection of a Political Party's Candidates.
This requires the party to notify the election director whether it desires a closed primary.*

15.25.056 – Nomination by Party Petition where an Incumbent Dies or is Disqualified or Incapacitated.

15.25.110 – Filing of Vacancies by Party Petition. (In cases when the candidate dies, withdraws, becomes disqualified or incapacitated between the primary and general elections).

15.25.120 – Requirements of Party Petition. (for nominations when the candidate dies, withdraws, becomes disqualified or incapacitated between the primary and general elections).

15.25.130 – Selection of Nominees for Party Petition. (by the party)

15.25.140 –Candidates Not Representing a Party may be Nominated by Petition.

*15.25.150 - Date for Filing Petition
(for no-party nominations)*

*15.25.160 – Required Number of Signatures
(one percent of votes in last election) for a no-party nomination for statewide offices of governor, lieutenant governor, US senator and representative.*

*15.25.170 – Required number of Signatures
(one percent of votes in the legislative district in last election) for a no-party nomination for offices of state senator and representative.*

15.25.180 - Requirements for Nominating Petition.

*15.25.185 - Eligibility of Candidate
(for questions regarding residency of candidate).*

*15.25.190 – Placement of Names on the General Election Ballot.
(to include party or political affiliation when nominated by petition).*

15.25.200 – Withdrawal of Candidate’s Name.

(from the ballot when a candidate nominated by petition dies or withdraws after the primary and before the general election).

15.40.141 – Condition of Calling a Special Runoff Election.

(for US senator and representative if no candidate receives 50 percent of votes cast).

15.40.142 - Time of Calling the Special Election and Special Runoff Election.

(for US senator and representative).

15.40.150 – Condition for Holding Special Election With Primary.

(when the US senate and/or representative office is vacated near the date of the primary).

15.40.200 – Requirements of party petition

(for nomination of US senator or representative in special election).

15.40.210 – Selection of Party Nominees

(for the offices of US senator and representative may be selected at state convention or other party procedure).

15.40.290 – Requirements of Party Nomination.

(regarding the nomination of the governor or lieutenant governor).

15.40.300 – Selection of Party Nominees

(for governor or lieutenant governor may be selected at state convention or other party procedure).

15.40.450 – Requirements of Party Petition

(for nomination of for governor or lieutenant governor).

15.40.460- Selection of Party Nominees

(for the for governor or lieutenant governor. may be selected at state convention or other party procedure).

***Section 73 is a standard severability clause** providing that if any provision of the bill is held invalid, the remainder will has full force and effect.

This is a typical severability clause.

***Section 74 amends the uncodified law of the State of Alaska to** require the division of elections to educate the public on the changes to the election system made by this bill for two years after the bill’s effective date.

In the event the initiative passes it would take effect in 2022 election cycle.