

ALASKA STATE LEGISLATURE

Interim – May-December:
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Session – January-April:
State Capitol, Rm. 216
Juneau, AK 99801

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Representative Gabrielle LeDoux

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SPONSOR STATEMENT

HB 200- TOP TWO NONPARTISAN PRIMARY ELECTION

House Bill 200 would establish a nonpartisan primary election in Alaska. Under this system, voters could cast their ballots for any candidate running for office in a primary election, and the top two vote-getters, regardless of party, would advance to the general election. HB 200 would give voters more freedom at the ballot box since their voices will not be restricted by party affiliation. Voters could cast their ballots in support of the best, most qualified candidate, not just those that identify with a particular political party.

Since the United States Supreme Court struck down the California open primary law and then the Alaska Supreme Court struck down Alaska's open primary law, Alaska has operated under a two primary system. In California Democratic Party v. Jones, the US Supreme Court ruled that a parties could not be forced to have their nominees selected by non-party members. Currently in Alaska, the Republican primary has a closed primary where members of other political parties do not get to participate in the election. The Democratic primary is an open primary where anyone, regardless of party affiliation can participate.

However, the right Alaskans had previously enjoyed for approximately 40 years—to vote for candidates of their choice for any elective office in the primary election—is no longer available. Countless Alaskans have approached legislators pleading for a return to an open primary election system, where they could vote for the candidate of their choice in a primary election, regardless of party. Voters have demanded that they continue to be allowed to vote for a republican for one office, and a democrat for another office, a green for another office, and so on. So have voters in other states. The “nonpartisan primary” election system was previously in force in Washington and California, as well as Alaska. Several years ago in an initiative and in response to language in the US Supreme Court decision striking down the open primary,¹ an initiative passed in Washington and California allowing voters to cast a ballot in the open nonpartisan primary.

HB 200 is legislation taken from the Washington state law and incorporates suggestions made by the United States Supreme Court in the Washington State Grange opinion. Briefly provides that candidates of all political parties and independents may run for office in a single primary election. They may self-designate their political parties if they wish. However, the state must make it clear, in the Official Election Pamphlet (OEP), on ballot materials, and at polling places, that any such designations are self-designations only and do not imply endorsement by any political party. HB 200 will remove the state of Alaska from the business of conducting “nominations” on the behalf of private parties and instead will advance the top two vote receivers. I urge swift passage of HB 200.

¹ California Democratic Party v Jones, 530 U.S. 442 (2008).