

July 7, 2019

Gail Fenumiai
Director of Elections
Alaska Division of Elections
240 Main Street, 4th Floor
Juneau, AK 99801

Re: Alaska Libertarian Party Limited Party Status

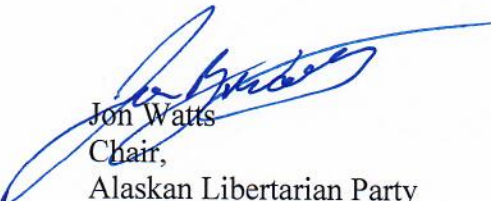
We are pleased to forward this request for reinstatement of Limited Party Status for the Alaska Libertarian Party, based on the established Alaska Attorney General and Division of Elections decision dated December 9, 1987 (which is attached).

The basis of this precedent was, and still is based on an established "modicum of support" that has been continuous through the most current presidential and statewide office bids, reliably exceeding that required by statute for a limited party in Alaska.

A copy of this correspondence has also been forwarded by mail to your office. We thank you for your consideration and are happy to answer any questions you might have.

Please contact me at (907) 687-4884 if I can assist further in any way.

Sincerely,



Jon Watts
Chair,
Alaskan Libertarian Party
2866 Circle Loop Road,
North Pole Alaska 99705
(907) 687-4884

Attachments:
Alaska Attorney General decision dated 12/9/87
Limited Party Status application

MEMORANDUM

State of Alaska

TO: Sandra J. Stout, Director
Division of Elections

DATE: December 9, 1987

FILE NO: 663-88-0157

TELEPHONE NO: 465-3600

THRU:

SUBJECT: Status of Libertarian
Party as limited political party

FROM:

Virginia B. Ragle
Virginia B. Ragle
Assistant Attorney General
Governmental Affairs-Juneau

You have requested that we reconsider our informal opinion of May 27, 1987 (our file 663-87-0563), in which we advised that the Libertarian Party should not be recognized as a limited political party under AS 15.30.025 for presidential elections. Upon reconsideration of that opinion, and based upon consideration of additional facts, we conclude that the Libertarian Party should be recognized as a limited political party.

"Limited political party" is defined by statute as meaning "a political group which organizes for the purpose of selecting candidates for electors for President and Vice-President." AS 15.60.010(12). A limited political party is organized by filing of a petition that is signed by a number of qualified voters equal to one percent of the number of voters who cast ballots for president in the last presidential election and that meets the other requirements of AS 15.30.025(a). */ Under AS 15.30.025(c), "[a] limited political party organized under this section ceases to be a limited political party if its presidential candidate fails to receive at least three percent of the number of voters who cast ballots for the office of President at a presidential election."

"Political party" is defined by statute as "an organized group of voters that represents a political program and that nominated a candidate for governor who received at least three percent of the total votes cast at the preceding general election for governor." AS 15.60.010(20). Until it qualifies as a political party under this definition, a political group may field candidates for statewide and district-wide offices only by filing nomination petitions as required by AS 15.25.140 -- 15.25.180 or AS 15.40. After a group qualifies as a political party, members

*/ Percentage requirements set out in this memorandum have varied over the past several years.

of the party may run for state executive and state and national legislative offices by filing declarations of candidacy under AS 15.25.030 -- 15.25.050.

The Libertarian Party achieved limited political party status and fielded a candidate for the 1976 presidential election. That candidate received 5.5 percent of the vote for president. In 1980, the Libertarian presidential candidate received 11.7 percent of the vote for president, and in 1984 the Libertarian presidential candidate received 3.07 percent of the vote for president.

In 1982, the Libertarian Party qualified as a political party, when it nominated a candidate for governor who drew 14.9 percent of the vote. However, the Libertarian Party lost its status as a political party when the 1986 candidate for governor failed to receive three percent of the votes cast for governor.

In our previous opinion, we did not consider the facts that the Libertarian Party achieved limited party status in 1976, and that its presidential candidates have drawn at least three percent of the votes cast for president in Alaska in each presidential election since 1976. The statutory condition that would cause the cessation of limited political party status -- failure to receive three percent of the votes cast for President at a presidential election -- has not occurred.

The Alaska Supreme Court adheres to the view that restrictions on ballot access implicate the fundamental rights of freedom of speech and association, infringements of which must be justified by compelling government interests. Vogler v. Miller, 651 P.2d 1 (Alaska 1982) and 660 P.2d 1192 (Alaska 1983). The court also accepts the view that the state has an interest in "restricting the ballot to those able to muster a 'significant modicum of support'." Vogler v. Miller, 651 P.2d at 4 (citations omitted). The failure of the Libertarian Party gubernatorial candidate to draw three percent of the votes cast for governor in 1986 suggests that the party does not have that modicum of support, at least with regard to that statewide office. Nevertheless, AS 15.30.025(c) specifically provides for the one condition that will abrogate a party's status as a limited political party. Nothing in the statutes indicates that either attainment of political party status or failure to retain political party status is an additional condition that results in cessation of limited political party status. Absent specific statutory authority, we doubt that the Alaska Supreme Court would infer the existence of an additional condition further limiting access to the ballot.

Sandra J. Stout, Director
Division of Elections
663-88-0157

December 9, 1987
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Therefore, it is our opinion that the Libertarian Party remains a limited political party.

The advice given in this memorandum supercedes our previous advice in this matter. Please let us know if you need further assistance.

VBR/pjg

**STATE OF ALASKA
APPLICATION FOR LIMITED POLITICAL PARTY**

Return this application and the signature pages to:

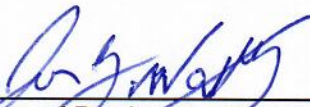
**Division of Elections
PO Box 110017
Juneau, AK 99811-0017**

We, the attached named qualified voters of the State of Alaska, hereby petition to become a Limited Political Party for the purpose of selecting candidates for electors of President and Vice President of the United States at the next presidential election under AS 15.30.025. Our Limited Political Party shall be known as:

Alaska Libertarian Party

NOTE: Party name or an abbreviation of the party name will appear on the ballot following the candidate's name. The group may not assume a name which is so similar to an existing political party as to confuse or mislead the voters.

	CONTACT PERSON:	ALTERNATE CONTACT PERSON:
NAME:	<u>Jon Watts</u>	<u>Jon Corbett</u>
ADDRESS:	<u>2866 Circle Loop Road</u> <u>North Pole, AK 99705</u>	<u>P.O. Box 1216</u> <u>Dillingham AK, 99576</u>
PHONE #:	<u>(907) 687-4884</u>	<u>(907) 842-1205</u>


Signature of Designated Contact Person
Representing the Limited Political Party

7/7/19
Date