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STATE OF ALASKA
Division of Elections
Office of the Lieutenant Governor

August 1, 2019

Jon Watts, Chair
Alaska Libertarian Party
2866 Circle Loop Road
North Pole, Alaska 99705

Dear Mr. Watts:

This letter responds to your request dated July 7, 2019 to reinstate limited political party status for the Alaska Libertarian Party (ALP). Our records show that ALP lost its limited political party status after the 1992 presidential election and has not re-applied for limited political party status since then. As further explained below, ALP's status as a limited political party can only be reinstated by submitting "a petition signed by qualified voters of the state equaling in number at least one percent of the number of voters who cast ballots for President at the last presidential election" and meeting the other requirements under AS 15.30.025(a).

There are two separate legal paths that allow a political group to organize for the purpose of selecting candidates for electors of President and Vice-President: (1) recognition as a political party, or (2) recognition as a limited political party.

The first legal path—recognition as a political party—is governed by AS 15.80.008 (setting forth the application process) and AS 15.80.010(27) (defining "political party"). Once a political group meets the requirements of AS 15.80.008 and is recognized as a political party, the party then meets the requirement in AS 15.30.020 for purposes of the presidential election. Once political party status is achieved, it is lost under AS 15.80.008(e) once the three percent threshold in any statewide general election is not met.

The second legal path—recognition as a limited political party—allows a group to organize just for the purpose of selecting candidates for electors in the presidential election, and is governed by AS 15.30.025(a). This is a separate and distinct process from being recognized as a political party. To achieve limited political party status, a group must file a petition at least 90 days before a presidential general election "signed by qualified voters of the state equaling in number at least one percent of the number of voters who cast ballots for President at the last presidential election."¹ Once limited political party status is achieved, it is lost "if [the limited political party's] 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."²

¹ AS 15.30.025(a).

² AS 15.30.025(c).

A political group can achieve recognition under both statutes simultaneously, as ALP did in 1982. But the application process and the requirements are separate, and status can be lost under one statute while retained under another.

According to our records, ALP operated as a recognized political party under AS 15.80.008 in the 2016 presidential election, but it lost its recognized political status by failing to attain the three percent threshold in the statewide general election for 2018, as required by AS 15.80.008(e).

As for limited political party recognition under AS 15.30.025(a), ALP lost that status in the early 1990s and has never reapplied for it. In a letter dated March 26, 1993, DOE notified ALP that it no longer qualified as a limited political party under AS 15.30.025(c). In all of the presidential general elections after 1996 where ALP appeared on the ballot, including the presidential general election in 2016, our records indicate ALP ran as a recognized political party. Because limited political party status was lost in the mid-90's and ALP has not provided a new petition meeting the requirements of AS 15.30.025(a), ALP has not achieved limited political party status for the 2020 presidential general election.³

If you have any further questions, please feel free to contact me.

Sincerely,



Gail Fenumiai
Director
Division of Elections

cc: The Honorable Kevin Meyer, Lieutenant Governor
Cori Mills, Assistant Attorney General, Department of Law

³ This differs from the facts on which the December 9, 1987 Attorney General memorandum that you cite was based. In that memorandum, the Attorney General's office changed its opinion because it discovered ALP had achieved limited political party status in 1976 and had maintained the required percentage of votes in the subsequent presidential general elections. In this case, it is clear that ALP lost its limited political party status in the '90's and has not submitted a new petition.