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Attorneys for Plaintiff

**IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
FIRST JUDICIAL DISTRICT AT JUNEAU**

ALASKA DEMOCRATIC PARTY,

Plaintiff,

vs.

STATE OF ALASKA,

Defendant.

Case No. 1JU-17-563 CI  
Judge: Philip M. Pallenberg

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**THE ALASKA DEMOCRATIC PARTY'S REPLY IN SUPPORT OF ITS  
MOTION FOR SUMMARY JUDGMENT**

(Dated: September 14, 2017)

In attempting to justify AS 15.25.030(a)(16)'s burden on the ADP's associational rights, the State has defended the requirement that a candidate be "registered to vote as a member of the political party whose nomination is being sought" as an ideological litmus test upon which the fate of Alaska's political system rests. The State warns of dire consequences if a political party is allowed to associate through its primary election with a candidate who has not registered to vote as a member of that party. Without the requirement, candidates who utterly reject the party's beliefs will make it on to the primary ballot. Those candidates will lack a connection to the party's level of popular support.

They will exploit the party's recognized status to secure a position on the general election ballot. Therefore, the State reasons, the requirement that a candidate be registered to vote as a member of the political party whose nomination is sought is the very "foundation of the State's party system" and "plays a central role in ensuring that candidates have the requisite modicum of public support to obtain access to the general election ballot."<sup>1</sup>

The State's exaggeration of the utility and importance of the requirement is unsupportable. Relative to the operation of the primary election itself, the requirement that a candidate be registered to vote as a member of the party whose nomination is sought provides neither protection from ideological renegades, nor any additional assurance that a candidate enjoys a modicum of public support. There is nothing printed on a primary ballot that distinguishes the beliefs of candidate A, a registered member of the ADP, from the beliefs of candidate B, also a registered member, even if their beliefs are diametrically opposed.<sup>2</sup> Yet, Alaska has relied on primary election voters to distinguish and decide between those two candidates, and accepts their decision as demonstrative of a "modicum of public support" regardless of the total number of votes cast. Indeed, in order for a "modicum of public support" to mean anything in the primary election context, it must relate to victory at the ballot box, not the voter registration of the candidate. The former requires actually winning some amount of support, the latter requires none. The legitimacy

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<sup>1</sup> See SOA's Opposition to the ADP's Motion for Summary Judgment, 1-2.

<sup>2</sup> See, e.g., sample ADP 2016 Primary Election and General Election ballots for House Districts 3, 26, and 40 are attached as Exhibits 1 (Primary) and 2 (General) to this Reply. These ballots, and sample ballots for all other districts are available at [http://www.elections.alaska.gov/Core/Archive/SampleBallot\\_2016\\_Primary.php](http://www.elections.alaska.gov/Core/Archive/SampleBallot_2016_Primary.php), and <http://www.elections.alaska.gov/Core/SampleBallotLanguages.php?year=2016&cbxElection=General&cbxLanguage=English>.

of the resulting general election candidacy flows from victory in the primary election, not from the label next to the name.

In the framework of interests that the State has identified as being central to the requirement's function—ensuring that a candidate who makes it to the general election represents the ideology of a party's members and demonstrates a modicum of public support—it is the primary election itself, not the registered-to-vote-as-a-member requirement, that is the true foundation of Alaska's political party system. It is at the primary election that voters decide who the party will support in the general election. In doing so, they necessarily pass judgment on which candidate's ideology best represents the party. The winning number of votes show that the candidate has the requisite modicum of support. While it is true that a party can make efforts to endorse a candidate outside of the primary election, such decisions lack the input and demonstration of support that comes from the selection of a candidate by the broader pool primary election voters. A candidate chosen through the primary election is more valuable to the party: he or she has been chosen by a competitive process, reflects a broader base of support, and is thus more likely to be elected and advance the party's political goals.

In limiting the ADP's ability to have its primary voters give their input on candidates who have not registered to vote as a member of a political party, the State has drawn an ideological border around the ADP across which no candidate can pass without registering to vote as a member of the ADP, and thus satisfy the State that the candidate's beliefs are reflective of the ADP's. Unlike other candidate qualifications, AS 15.25.030(a)(16) is unique in that the State's asserted interest in the requirement is that it

gauges whether the candidate is sufficiently *ideologically* representative of a political party to be qualified to run to be that party's nominee.

In the State's view, either a candidate is willing to register to vote as a member of the ADP, or that candidate is unwilling to associate with the party. In the latter case, the State contends that there is no association. This is a false dichotomy. The State incorrectly assumes that political association is linear, and that voter registration is a necessary prerequisite to substantial association. The law says otherwise. The Supreme Court has recognized that "the act of formal enrollment or public affiliation with the Party is merely one element in the continuum of participation in Party affairs, and need not be in any sense the most important."<sup>3</sup> The choice to run in the ADP primary is a choice to participate in the ADP's affairs. It is a form of association. In many ways, it is a more intense and more involved form of association than registering to vote as a member.

The ADP has chosen to define its associational boundaries to recognize the value in this form of association. It has changed its rules to encourage and allow candidates who are not registered to vote as members of any political party, but choose to associate with the ADP by competing for its nomination to elected office. This association requires commitment from both sides. The ADP is committing to support the unregistered candidate over candidates who are registered to vote as members of the ADP should the candidate win the primary. The candidate is committing to the primary election as her only route, other than a write-in campaign, to the general election ballot. And, to make it to that general election, she will have to convince the ADP's primary voters to choose her over

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<sup>3</sup> See *Tashjian v. Republican Party of Conn.*, 479 U.S. 208, 215 (1986).

other unregistered candidates, and candidates who are registered to vote as members of the ADP. If she is able to do so, it will be because the ADP's primary voters determine that she "best represents their ideologies and preferences,"<sup>4</sup> and she will have necessarily demonstrated a modicum of public support for her candidacy.

In defending AS 15.25.030(a)(16), the State has asserted that it may mandate that only candidates who register to vote as a member of the ADP can best represent the ideologies and preferences of the ADP and its primary voters. By imposing this ideological test on the ADP, in direct conflict with the ADP's rules, the State has restricted the ADP's associational rights at the critical juncture of the primary election. The primary is the process through which the ADP identifies the candidates that best represent the ideologies and preferences of the voters in its primary election. The candidates identified through this process are those most likely to succeed in advancing those ideologies and preferences in the general election. The State's intrusion in this domain severely burdens the ADP's associational rights. The government dictating acceptable ideology to a political association is antithetical to the rights guaranteed by the First Amendment and Alaska Constitution Article I, sections 5 and 6.

By contrast, the registered-to-vote-as-a-member does nothing to advance the interests the State has identified. It comes nowhere near proving itself as the "foundation" of Alaska's party system. There is no logical basis for its supposed "central role" in ensuring that a candidate has a "modicum of public support" relative to the primary election itself. The State has no valid interest in interfering with the ADP's ideological

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<sup>4</sup> See *State v. Green Party of Alaska*, 118 P.3d 1054, 1066 (Alaska 2005).

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boundaries, and any valid interests it has are not served by AS 15.25.030(a)(16) as applied to the ADP. Accordingly, the ADP's Motion for Summary Judgment should be granted.

DATED: Thursday, September 14, 2017 at Brooklyn, New York.

CHOATE LAW FIRM LLC  
Attorneys for Plaintiff

By:   
Mark Choate, 8011070  
Jon Choate, 1311093

Certificate of Service

I certify that a copy of the foregoing was served on the undersigned counsel of record on this 14<sup>th</sup> day of Sept, 2017 via  
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[ ] Courtbox

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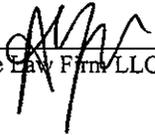
  
Choate Law Firm LLC

Exhibit 1  
Sample 2016 Primary Election Ballots

**CHOATE LAW FIRM LLC**  
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ADP'S REPLY IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT  
*Alaska Democratic Party v. State*, 1JU-17-563 CI  
Exhibit 1

# SAMPLE BALLOT

**INSTRUCTIONS TO VOTER:** To vote for the issue/candidate of your choice, fill in the oval next to the issue/candidate you want to vote for. Place your ballot inside the secrecy sleeve and then take your ballot to the ballot box.

If you make a mistake while voting, return the ballot to the election official for a new one.  
**A vote which has been erased or changed will not be counted.**



**State of Alaska Official Ballot**  
**Primary Election, August 16, 2016**

HD 3

Alaska Democratic Party  
Alaska Libertarian Party  
Alaskan Independence Party

**Instructions:** To vote, completely fill in the oval next to your choice, like this: ●

<b>United States Senator</b> (vote for one)	
<input type="radio"/> Stevens, Cean	Libertarian
<input type="radio"/> Blatchford, Edgar	Democrat
<input type="radio"/> Metcalfe, Ray	Democrat
<b>United States Representative</b> (vote for one)	
<input type="radio"/> Lindbeck, Steve	Democrat
<input type="radio"/> McDermott, Jim C.	Libertarian
<input type="radio"/> Watts, Jon B.	Libertarian
<input type="radio"/> Hibler, William D. "Bill"	Democrat
<input type="radio"/> Hinz, Lynette "Moreno"	Democrat
<b>State Senator District B</b> (vote for one)	
<input type="radio"/> Hopkins, Luke	Democrat
<b>State Representative District 3</b> (vote for one)	
<input type="radio"/> Sinclair, Christina M.	Democrat

# SAMPLE BALLOT

**INSTRUCTIONS TO VOTER:** To vote for the issue/candidate of your choice, fill in the oval next to the issue/candidate you want to vote for. Place your ballot inside the secrecy sleeve and then take your ballot to the ballot box.

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**State of Alaska Official Ballot  
Primary Election, August 16, 2016**

HD 26

Alaska Democratic Party  
Alaska Libertarian Party  
Alaskan Independence Party

**Instructions:** To vote, completely fill in the oval next to your choice, like this: ●

<b>United States Senator</b> (vote for one)	
<input type="radio"/> Metcalfe, Ray	Democrat
<input type="radio"/> Stevens, Cean	Libertarian
<input type="radio"/> Blatchford, Edgar	Democrat
<b>United States Representative</b> (vote for one)	
<input type="radio"/> Hieber, William D. "Bill"	Democrat
<input type="radio"/> Hinz, Lynette "Moreno"	Democrat
<input type="radio"/> Lindbeck, Steve	Democrat
<input type="radio"/> McDermott, Jim C.	Libertarian
<input type="radio"/> Watts, Jon B.	Libertarian
<b>State Representative District 26</b> (vote for one)	
<input type="radio"/> Goodell, Bill	Democrat

# SAMPLE BALLOT

**INSTRUCTIONS TO VOTER:** To vote for the issue/candidate of your choice, fill in the oval next to the issue/candidate you want to vote for. Place your ballot inside the secrecy sleeve and then take your ballot to the ballot box.

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## State of Alaska Official Ballot Primary Election, August 16, 2016

HD 40

Alaska Democratic Party  
Alaska Libertarian Party  
Alaskan Independence Party

**Instructions:** To vote, completely fill in the oval next to your choice, like this: ●

<b>United States Senator</b> (vote for one)	
<input type="radio"/> Blatchford, Edgar	Democrat
<input type="radio"/> Metcalfe, Ray	Democrat
<input type="radio"/> Stevens, Cean	Libertarian
<b>United States Representative</b> (vote for one)	
<input type="radio"/> Watts, Jon B.	Libertarian
<input type="radio"/> Hibler, William D. "Bill"	Democrat
<input type="radio"/> Hinz, Lynette "Moreno"	Democrat
<input type="radio"/> Lindbeck, Steve	Democrat
<input type="radio"/> McDermott, Jim C.	Libertarian
<b>State Senator District T</b> (vote for one)	
<input type="radio"/> Olson, Donald C. "Donny"	Democrat
<b>State Representative District 40</b> (vote for one)	
<input type="radio"/> Westlake, Dean	Democrat
<input type="radio"/> Nageak, Benjamin P. "Piniqluk"	Democrat

Exhibit 2  
Sample 2016 General Election Ballots

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ADP'S REPLY IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT  
*Alaska Democratic Party v. State*, 1JU-17-563 CI  
Exhibit 2

# SAMPLE BALLOT FRONT

**INSTRUCTIONS TO VOTER:** To vote for the issue/candidate of your choice, fill in the oval next to the issue/candidate you want to vote for. Place your ballot inside the secrecy sleeve and then take your ballot to the ballot box.

If you make a mistake while voting, return the ballot to the election official for a new one. A vote which has been erased or changed will not be counted.



**State of Alaska Official Ballot  
General Election  
November 8, 2016**

HD3-JD4

**Instructions:** To vote, completely fill in the oval next to your choice, like this:  Please be sure to vote both sides of the ballot

<p><b>United States President Vice President</b> (vote for one)</p> <p><input type="radio"/> Castle, Darrell L. Bradley, Scott N. Alaska Constitution</p> <p><input type="radio"/> Clinton, Hillary Kaine, Tim Democrat</p> <p><input type="radio"/> De La Fuente, Roque "Rocky" Steinberg, Michael Non Affiliated</p> <p><input type="radio"/> Johnson, Gary Weld, Bill Libertarian</p> <p><input type="radio"/> Stein, Jill Baraka, Ajamu Green</p> <p><input type="radio"/> Trump, Donald J. Pence, Michael R. Republican</p> <p><input type="radio"/> Write-in</p>	<p><b>State Representative District 3</b> (vote for one)</p> <p><input type="radio"/> Sinclair, Christina M. Democrat</p> <p><input type="radio"/> Wilson, Tammie Republican</p> <p><input type="radio"/> Olson, Jeanne L. Non Affiliated</p> <p><input type="radio"/> Write-in</p>
<p><b>United States Senator</b> (vote for one)</p> <p><input type="radio"/> Metcalfe, Ray Democrat</p> <p><input type="radio"/> Miller, Joe Libertarian</p> <p><input type="radio"/> Murkowski, Lisa Republican</p> <p><input type="radio"/> Stock, Margaret Non Affiliated</p> <p><input type="radio"/> Craig, Breck A. Non Affiliated</p> <p><input type="radio"/> Gianoutsos, Ted Non Affiliated</p> <p><input type="radio"/> Write-in</p>	<p><b>Ballot Measure No. 1- 15PFVR</b> <b>An Act Allowing Qualified Individuals to Register to Vote When Applying for a Permanent Fund Dividend</b></p> <p><b>Ballot Measure No. 1</b></p> <p>This act would instruct the Division of Elections to register a qualified Alaskan to vote when applying for the permanent fund dividend (PFD). If a person registers to vote for the first time through a PFD application, the Division of Elections would compare the person's information to state records to ensure that the person is an eligible voter. The Division of Elections would let the citizen know if he or she has been added to the state registration list, or if the person's current voting address does not match the one provided on the PFD form. In that case, the person could change their voter registration address. The notice also would allow an applicant to request removal from the registration list. Thus, using the data from the PFD form, the Division of Elections would register a qualified Alaskan to vote unless he or she opts out. The notice would also allow a person to register with a political party. Voter information is already confidential under existing state law.</p> <p>Should this initiative become law? <input type="radio"/> YES <input type="radio"/> NO</p>
<p><b>United States Representative</b> (vote for one)</p> <p><input type="radio"/> Souphanavong, Bernie Non Affiliated</p> <p><input type="radio"/> Young, Don Republican</p> <p><input type="radio"/> Lindbeck, Steve Democrat</p> <p><input type="radio"/> McDermott, Jim C. Libertarian</p> <p><input type="radio"/> Write-in</p>	<p><b>Ballot Measure No. 2</b> <b>Allow Debt for Postsecondary Student Loans</b> <b>Senate Joint Resolution No. 2</b></p> <p><b>Ballot Measure No. 2</b></p> <p>This amendment to Article IX, section 8 of the Alaska Constitution would expand the State's authority to incur debt by letting the State issue general obligation bonds backed by the state for postsecondary student loans.</p> <p>Should this constitutional amendment be adopted? <input type="radio"/> YES <input type="radio"/> NO</p>
<p><b>State Senator District B</b> (vote for one)</p> <p><input type="radio"/> Hopkins, Luke Democrat</p> <p><input type="radio"/> Coghill, John B. Jr. Republican</p> <p><input type="radio"/> Write-in</p>	<p><b>Supreme Court</b></p> <p>Justice Bolger Shall Joel H. Bolger be retained as justice of the supreme court for ten years? <input type="radio"/> YES <input type="radio"/> NO</p> <p>Justice Maassen Shall Peter J. Maassen be retained as justice of the supreme court for ten years? <input type="radio"/> YES <input type="radio"/> NO</p>

Continue Voting on Next Side

ADP's Reply in Support of Motion for Summary Judgment, Exhibit 2, Page 1 of 6

# SAMPLE BALLOT BACK

**INSTRUCTIONS TO VOTER:** To vote for the issue/candidate of your choice, fill in the oval next to the issue/candidate you want to vote for. Place your ballot inside the secrecy sleeve and then take your ballot to the ballot box.

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**Instructions:** To vote, completely fill in the oval next to your choice, like this:   
Please be sure to vote both sides of the ballot

Court of Appeals	
Judge Allard Shall Marjorie K. Allard be retained as judge of the court of appeals for eight years?	<input type="radio"/> YES <input type="radio"/> NO
Fourth Judicial District Superior Court	
Judge Blankenship Shall Douglas L. Blankenship be retained as judge of the superior court for six years?	<input type="radio"/> YES <input type="radio"/> NO
Judge Harblison Shall Bethany S. Harblison be retained as judge of the superior court for six years?	<input type="radio"/> YES <input type="radio"/> NO
Judge Kauvar Shall Jane F. Kauvar be retained as judge of the superior court for six years?	<input type="radio"/> YES <input type="radio"/> NO
Judge MacDonald Shall Michael A. MacDonald be retained as judge of the superior court for six years?	<input type="radio"/> YES <input type="radio"/> NO
Judge McConnell Shall Dwayne W. McConnell be retained as judge of the superior court for six years?	<input type="radio"/> YES <input type="radio"/> NO
Fourth Judicial District District Court	
Judge Christian Shall Matthew C. Christian be retained as judge of the district court for four years?	<input type="radio"/> YES <input type="radio"/> NO
Judge Hammers Shall Patrick S. Hammers be retained as judge of the district court for four years?	<input type="radio"/> YES <input type="radio"/> NO
Judge Peters Shall Nathaniel Peters be retained as judge of the district court for four years?	<input type="radio"/> YES <input type="radio"/> NO

# SAMPLE BALLOT FRONT

**INSTRUCTIONS TO VOTER:** To vote for the issue/candidate of your choice, fill in the oval next to the issue/candidate you want to vote for. Place your ballot inside the secrecy sleeve and then take your ballot to the ballot box.

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**State of Alaska Official Ballot**  
**General Election**  
**November 8, 2016**

HD26-JD3

**Instructions:** To vote, completely fill in the oval next to your choice, like this:   
Please be sure to vote both sides of the ballot

<p><b>United States President Vice President</b> (vote for one)</p> <p><input type="radio"/> Castle, Darrell L. Bradley, Scott N. Alaska Constitution</p> <p><input type="radio"/> Clinton, Hillary Kaine, Tim Democrat</p> <p><input type="radio"/> De La Fuente, Roque "Rocky" Steinberg, Michael Non Affiliated</p> <p><input type="radio"/> Johnson, Gary Weld, Bill Libertarian</p> <p><input type="radio"/> Stein, Jill Baraka, Ajamu Green</p> <p><input type="radio"/> Trump, Donald J. Pence, Michael R. Republican</p> <p><input type="radio"/> Write-in</p>	<p><b>Ballot Measure No. 1- 15PFVR</b> <b>An Act Allowing Qualified Individuals to Register to Vote When Applying for a Permanent Fund Dividend</b></p> <p><b>Ballot Measure No. 1</b></p> <p>This act would instruct the Division of Elections to register a qualified Alaskan to vote when applying for the permanent fund dividend (PFD). If a person registers to vote for the first time through a PFD application, the Division of Elections would compare the person's information to state records to ensure that the person is an eligible voter. The Division of Elections would let the citizen know if he or she has been added to the state registration list, or if the person's current voting address does not match the one provided on the PFD form. In that case, the person could change their voter registration address. The notice also would allow an applicant to request removal from the registration list. Thus, using the data from the PFD form, the Division of Elections would register a qualified Alaskan to vote unless he or she opts out. The notice would also allow a person to register with a political party. Voter information is already confidential under existing state law.</p> <p>Should this initiative become law?</p> <p><input type="radio"/> YES <input type="radio"/> NO</p>
<p><b>United States Senator</b> (vote for one)</p> <p><input type="radio"/> Gianoutsos, Ted Non Affiliated</p> <p><input type="radio"/> Metcalfe, Ray Democrat</p> <p><input type="radio"/> Miller, Joe Libertarian</p> <p><input type="radio"/> Murkowski, Lisa Republican</p> <p><input type="radio"/> Stock, Margaret Non Affiliated</p> <p><input type="radio"/> Craig, Breck A. Non Affiliated</p> <p><input type="radio"/> Write-in</p>	<p><b>Ballot Measure No. 2</b> <b>Allow Debt for Postsecondary Student Loans</b> <b>Senate Joint Resolution No. 2</b></p> <p><b>Ballot Measure No. 2</b></p> <p>This amendment to Article IX, section 8 of the Alaska Constitution would expand the State's authority to incur debt by letting the State issue general obligation bonds backed by the state for postsecondary student loans.</p> <p>Should this constitutional amendment be adopted?</p> <p><input type="radio"/> YES <input type="radio"/> NO</p>
<p><b>United States Representative</b> (vote for one)</p> <p><input type="radio"/> McDermott, Jim C. Libertarian</p> <p><input type="radio"/> Souphanavong, Bernie Non Affiliated</p> <p><input type="radio"/> Young, Don Republican</p> <p><input type="radio"/> Lindbeck, Steve Democrat</p> <p><input type="radio"/> Write-in</p>	<p><b>Supreme Court</b></p> <p><b>Justice Bolger</b></p> <p>Shall Joel H. Bolger be retained as justice of the supreme court for ten years?</p> <p><input type="radio"/> YES <input type="radio"/> NO</p> <p><b>Justice Maassen</b></p> <p>Shall Peter J. Maassen be retained as justice of the supreme court for ten years?</p> <p><input type="radio"/> YES <input type="radio"/> NO</p>
<p><b>State Representative</b> <b>District 26</b> (vote for one)</p> <p><input type="radio"/> Birch, Chris Republican</p> <p><input type="radio"/> Gillespie, David M. Democrat</p> <p><input type="radio"/> Write-in</p>	<p><b>Court of Appeals</b></p> <p><b>Judge Allard</b></p> <p>Shall Marjorie K. Allard be retained as judge of the court of appeals for eight years?</p> <p><input type="radio"/> YES <input type="radio"/> NO</p>

Continue Voting on Next Side

ADP's Reply in Support of Motion for Summary Judgment, Exhibit 2, Page 3 of 6

# SAMPLE BALLOT BACK

**INSTRUCTIONS TO VOTER:** To vote for the issue/candidate of your choice, fill in the oval next to the issue/candidate you want to vote for. Place your ballot inside the secrecy sleeve and then take your ballot to the ballot box.

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**A vote which has been erased or changed will not be counted.**

**Instructions:** To vote, completely fill in the oval next to your choice, like this:   
**Please be sure to vote both sides of the ballot**

Third Judicial District Superior Court	
Judge Wallace Shall David R. Wallace be retained as judge of the district court for four years?	<input type="radio"/> YES <input type="radio"/> NO
Judge Aarseth Shall Eric A. Aarseth be retained as judge of the superior court for six years?	<input type="radio"/> YES <input type="radio"/> NO
Judge Washington Shall Pamela S. Washington be retained as judge of the district court for four years?	<input type="radio"/> YES <input type="radio"/> NO
Judge Easter Shall Catherine M. Easter be retained as judge of the superior court for six years?	<input type="radio"/> YES <input type="radio"/> NO
Judge Zwink Shall David L. Zwink be retained as judge of the district court for four years?	<input type="radio"/> YES <input type="radio"/> NO
Judge Kristiansen Shall Kari Kristiansen be retained as judge of the superior court for six years?	<input type="radio"/> YES <input type="radio"/> NO
Judge Marston Shall Erin B. Marston be retained as judge of the superior court for six years?	<input type="radio"/> YES <input type="radio"/> NO
Judge Moran Shall Anna M. Moran be retained as judge of the superior court for six years?	<input type="radio"/> YES <input type="radio"/> NO
Judge Rindner Shall Mark Rindner be retained as judge of the superior court for six years?	<input type="radio"/> YES <input type="radio"/> NO
Judge Saxby Shall Kevin M. Saxby be retained as judge of the superior court for six years?	<input type="radio"/> YES <input type="radio"/> NO
Judge Smith Shall Jack W. Smith be retained as judge of the superior court for six years?	<input type="radio"/> YES <input type="radio"/> NO
Judge White Shall Vanessa H. White be retained as judge of the superior court for six years?	<input type="radio"/> YES <input type="radio"/> NO
Third Judicial District District Court	
Judge Dickson Shall Leslie Dickson be retained as judge of the district court for four years?	<input type="radio"/> YES <input type="radio"/> NO
Judge Hanley Shall J. Patrick Hanley be retained as judge of the district court for four years?	<input type="radio"/> YES <input type="radio"/> NO
Judge Henderson Shall Jennifer S. Henderson be retained as judge of the district court for four years?	<input type="radio"/> YES <input type="radio"/> NO
Judge Murphy Shall Margaret L. Murphy be retained as judge of the district court for four years?	<input type="radio"/> YES <input type="radio"/> NO
Judge Schally Shall Daniel Schally be retained as judge of the district court for four years?	<input type="radio"/> YES <input type="radio"/> NO
Judge Swiderski Shall Alex M. Swiderski be retained as judge of the district court for four years?	<input type="radio"/> YES <input type="radio"/> NO

ADP's Reply in Support of Motion for Summary Judgment, Exhibit 2, Page 4 of 6

# SAMPLE BALLOT FRONT

**INSTRUCTIONS TO VOTER:** To vote for the issue/candidate of your choice, fill in the oval next to the issue/candidate you want to vote for. Place your ballot inside the secrecy sleeve and then take your ballot to the ballot box.

If you make a mistake while voting, return the ballot to the election official for a new one.  
**A vote which has been erased or changed will not be counted.**



**State of Alaska Official Ballot**  
**General Election**  
**November 8, 2016**

HD40-JD2

**Instructions:** To vote, completely fill in the oval next to your choice, like this:   
**Please be sure to vote both sides of the ballot**

<b>United States President Vice President</b> (vote for one)	<b>State Representative District 40</b> (vote for one)
<input type="radio"/> Castle, Darrell L. Bradley, Scott N. Alaska Constitution	<input type="radio"/> Westlake, Dean Democrat <input type="radio"/> Write-in
<input type="radio"/> Clinton, Hillary Kaine, Tim Democrat	<b>Ballot Measure No. 1- 15PFVR</b> <b>An Act Allowing Qualified Individuals to Register to Vote When Applying for a Permanent Fund Dividend</b>
<input type="radio"/> De La Fuente, Roque "Rocky" Steinberg, Michael Non Affiliated	<b>Ballot Measure No. 1</b>
<input type="radio"/> Johnson, Gary Weld, Bill Libertarian	This act would instruct the Division of Elections to register a qualified Alaskan to vote when applying for the permanent fund dividend (PFD). If a person registers to vote for the first time through a PFD application, the Division of Elections would compare the person's information to state records to ensure that the person is an eligible voter. The Division of Elections would let the citizen know if he or she has been added to the state registration list, or if the person's current voting address does not match the one provided on the PFD form. In that case, the person could change their voter registration address. The notice also would allow an applicant to request removal from the registration list. Thus, using the data from the PFD form, the Division of Elections would register a qualified Alaskan to vote unless he or she opts out. The notice would also allow a person to register with a political party. Voter information is already confidential under existing state law.
<input type="radio"/> Stein, Jill Baraka, Ajamu Green	
<input type="radio"/> Trump, Donald J. Pence, Michael R. Republican	
<input type="radio"/> Write-in	
<b>United States Senator</b> (vote for one)	Should this initiative become law? <input type="radio"/> YES <input type="radio"/> NO
<input type="radio"/> Miller, Joe Libertarian	<b>Ballot Measure No. 2</b> <b>Allow Debt for Postsecondary Student Loans</b> <b>Senate Joint Resolution No. 2</b>
<input type="radio"/> Murkowski, Lisa Republican	<b>Ballot Measure No. 2</b>
<input type="radio"/> Stock, Margaret Non Affiliated	This amendment to Article IX, section 8 of the Alaska Constitution would expand the State's authority to incur debt by letting the State issue general obligation bonds backed by the state for postsecondary student loans.  Should this constitutional amendment be adopted? <input type="radio"/> YES <input type="radio"/> NO
<input type="radio"/> Craig, Breck A. Non Affiliated	
<input type="radio"/> Gianoutsos, Ted Non Affiliated	
<input type="radio"/> Metcalfe, Ray Democrat	
<input type="radio"/> Write-in	<b>Supreme Court</b>
<b>United States Representative</b> (vote for one)	Justice Bolger Shall Joel H. Bolger be retained as justice of the supreme court for ten years? <input type="radio"/> YES <input type="radio"/> NO
<input type="radio"/> Young, Don Republican	Justice Maassen Shall Peter J. Maassen be retained as justice of the supreme court for ten years? <input type="radio"/> YES <input type="radio"/> NO
<input type="radio"/> Lindbeck, Steve Democrat	
<input type="radio"/> McDermott, Jim C. Libertarian	
<input type="radio"/> Souphanavong, Bernie Non Affiliated	
<input type="radio"/> Write-in	
<b>State Senator District T</b> (vote for one)	
<input type="radio"/> Olson, Donald C. "Donny" Democrat	
<input type="radio"/> Write-in	

Continue Voting on Next Side

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# SAMPLE BALLOT BACK

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Please be sure to vote both sides of the ballot

Court of Appeals	
Judge Allard	
Shall Marjorie K. Allard be retained as judge of the court of appeals for eight years?	
<input type="radio"/> YES	<input type="radio"/> NO