

location or locations within the boundaries of the proposed sub-district; to fix the boundaries of any sub-districts so created; to supervise the election of, prescribe the duties of, and install a governing body of 5 land occupiers to be known as District Supervisors for each sub-district created; and to delegate to the District Supervisors such of the district's powers, as set out in this section, as the Commissioner deems necessary to accomplish the purposes of this Act within the sub-district boundaries.

Definitions. For the purposes of this Act, the term "land occupier" or "occu-

pier of land" means any person, firm or corporation who shall hold title to, or shall be in possession of, three or more acres of land in the State, whether as owner, lessee, renter, tenant, or otherwise.

Sec. 4. The provisions of this Act are supplementary to the State Organization Act of 1959 and modify it solely with respect to the establishment of the Alaska Soil Conservation Board.

Sec. 5. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 6, 1960

Alaska Election Code

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CHAPTER 83

AN ACT

To codify and revise the law relating to state elections; to provide a comprehensive election code; and to provide for an effective date.

(C.S.H.B. 252)

Be it enacted by the Legislature of the State of Alaska:

Article I

Qualification of Voters

Section 1.01. Voter Qualification. Any person who has the following qualifications may vote at any election and party nomination:

- (1) A citizen of the United States,
- (2) At least 19 years of age,
- (3) A resident of the state for at least one year immediately preceding the election,
- (4) A resident of the election district in which he seeks to vote for at least 30 days immediately preceding the election, and
- (5) An ability to read or speak the English language unless prevented by physical disability, or who legally voted in the general election of November 4, 1924.

Sec. 1.02. Rules for Determining Residence of Voter. For the purpose of determining residence for voting, the place of residence of any person is governed by the following rules:

- (1) The residence of a person is that place in which his habitation is fixed, and to which, whenever he is absent, he has the intention to return.
- (2) The place where a man's family resides is presumed to be his place of residence, but any man who takes up or continues his abode with the intention of remaining at a place other than where his family resides is a resident where he abides.
- (3) A change of residence is made only by the act of removal joined with the intent to remain in another place. There can only be one residence.
- (4) A person does not gain or lose a residence solely by reason of his presence or absence while employed in the service of the United States or of this

state, or while a student of any institution of learning, or while kept in any institution or asylum at public expense, or while confined in any public prison or while residing upon any Indian or military reservation.

(5) No member of the armed forces of the United States is a resident of this state solely by reason of being stationed within the state.

(6) A person does not lose his residence if he leaves his home and goes to another country, state, or place within this state for temporary purposes only and with the intention of returning.

(7) A person does not gain a residence in a place to which he comes for temporary purposes only.

(8) A person loses his residence in this state if he votes in an election held in another state, and has not upon his return regained his residence in Alaska under the provisions of this code.

(9) The term of residence is computed by including the day on which the person's residence commences and by excluding the day of election .

Sec. 1.03. Voter Disqualification for Felony Conviction. No person may vote who has been convicted either by the state courts of Alaska, by the courts of any other state or by the federal courts, of a felony under Alaska law involving moral turpitude under Alaska law unless his civil rights have been restored by law or by the proper authority in the jurisdiction in which the person was convicted. Felonies involving moral turpitude include, but are not limited to, the crimes of murder, abortion, rape, robbery, kidnapping, burglary, incest, and other crimes which are punishable by imprisonment in the penitentiary under Alaska law and which involve conduct contrary to justice, honesty, modesty, or good morals.

Sec. 1.04. Voter Disqualification for Unsound Mind. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed.

Article II

Election Districts and Officials

Sec. 2.01. Precinct Boundaries Initially

Established. The state is divided into the election precincts as established for the general election of October, 1958, or as subsequently amended as prescribed by law, and shall remain so divided until the precinct boundaries are modified, or the precinct is abolished or a precinct is established as required by the provisions of this code.

Sec. 2.02. Precinct Boundaries and Polling Places Modified by Secretary of State. The secretary of state shall have the exclusive power to modify the boundary of any precinct and to establish or abolish any precinct and polling place in the state by rules adopted pursuant to the Administrative Procedure Act.

Sec. 2.03. Uniform Precinct Boundaries and Polling Places Required for State and Local Elections. The precinct boundaries and polling places established by the secretary of state shall be the polling places and boundaries for both state and local elections. The secretary of state by regulation pursuant to the provisions of the Administrative Procedure Act may authorize the combining, consolidation, or altering of precinct boundaries and polling places for local elections.

Sec. 2.04. Restriction on Precinct Boundary Modification. No precinct may include territory lying within more than one election district.

Sec. 2.05. General Duty and Standards for Precinct Boundary Modification. The secretary of state shall modify the boundary of any precinct, and shall establish or abolish any precinct if the action serves the convenience of the voters and assures the efficient administration of election laws.

Sec. 2.06. Specific Duty and Standard for Precinct Boundary Modification. If at any election or party primary nomination more than 500 voters cast paper ballots or more than 700 voters cast voting machine ballots in one precinct, the secretary of state shall modify the boundary of the precinct to prevent the casting of paper ballots by more than 500 voters or the casting of voting machine ballots by more than 700 voters in the precinct at the next election or party primary nomination.

Sec. 2.07. Precinct Boundary Identification. Each precinct shall be given an

appropriate name or number and be clearly defined so the boundaries can be readily determined.

Sec. 2.08. Dates for Designating Precinct Boundary. The secretary of state shall designate the boundaries of all precincts for the primary nomination and general election between April 1 and May 1 of each general election year, and for every special election held at a time other than with a primary nomination or general election, on a date not more than 40 days prior to the date of the special election.

Sec. 2.09. Notice of Precinct Boundary Designation and Modification. The secretary of state shall give full public notice when precinct boundaries are designated and when the boundaries of any precinct are modified or when a precinct is established or abolished. Public notice shall include, but is not limited to, the publication on three different days in a daily newspaper of general circulation, if such a newspaper is published in the election district wherein the precinct is located, and by posting written notice in three conspicuous places in the designated precinct.

Sec. 2.10. Judicial Review of Precinct Boundary. Any person aggrieved by any determination of precinct boundaries by the secretary of state may bring a civil action to have the determination reviewed in the superior court. If the action receives final determination within 15 days before the primary nomination or election, the secretary of state shall not make any required modification in precinct boundaries until immediately after the primary nomination or election.

Sec. 2.11. Appointment of Election Supervisors. The secretary of state shall appoint an election supervisor for each of the four major senate districts, described in Sec. 2, Article XIV of the state constitution to assist in the administration of elections within their respective senate districts. The secretary of state may appoint as an election supervisor any person who is a qualified voter of the respective senate district and who does not hold an office in a political party. Election supervisors shall be appointed to serve for a term to begin not more than 90 days prior to the date of

the primary nomination or special election and to end not more than 10 days after the date of the general or special election. Election supervisors shall receive compensation in an amount that is comparable to that received for similar type state employment as determined by the secretary of state. Executive department employees shall be appointed election supervisors whenever feasible and shall serve without additional compensation.

Sec. 2.12. Appointment of Election Board. The election supervisors for each senate district shall appoint within their district an election board, composed of three judges, for each precinct from among the qualified voters of each of the precincts for which they are appointed. One judge shall be designated chairman and be primarily responsible for the administration of the election in the precinct. If no clerks are appointed for the precinct, the other two judges shall perform the duties of clerks of the election. No more than two judges may be of the same political party. At the time of making the appointments, the election supervisor shall notify the secretary of state of the name and full local mailing address of the designated chairman and other judges of the election board in each precinct. Election boards in local government unit elections shall be appointed by the appropriate local government unit for all local elections.

Sec. 2.13. Appointment of Clerks. The election supervisor shall appoint two clerks for each precinct in which the election supervisor determines that two clerks are required to administer the election or primary nomination in an efficient and economical manner. Clerks shall be appointed from among the qualified voters in precincts from which they are appointed. The clerks may not be of the same political party.

Sec. 2.14. Appointment of Counters. The chairman of the election board may appoint a maximum of four persons as counters of ballots in each precinct, if specific authorization for the appointment is received from the election supervisor. The appointments shall be made from among the qualified voters in the precincts from which they are appointed and may be made at any time before the close of the precinct canvass. If two

counters are appointed, the clerks may not be of the same political party. If more than two counters are appointed, no more than two counters may be of the same political party.

Sec. 2.15. Appointment of Nominees for Judges and Clerks. Whenever the appointment of election judges or clerks is required, the party district committee of the political party of which the governor is a member may present in writing at least 45 days before the party nomination or election, to the election supervisor, the names of two party nominees for judges, and one for clerk, in any or all election precincts, and the election supervisor shall appoint the party nominees to the respective precinct election boards. The party district committee of the political party which received the second largest number of votes in the preceding general election may present in writing at least 45 days before the party nomination or election to the election supervisor the name of one party nominee for judge and one for clerk for any or all election precincts and the election supervisor shall appoint the party nominees to the respective precinct election boards. If any party district committee fails to present the names prescribed by this section, the election supervisor may appoint any qualified person.

Sec. 2.16. Date and Notice of Appointment of Election Board. The election supervisor shall make his appointments and give notice thereof at least 30 days prior to the date of any party primary or election. Appointees shall accept their appointments in writing at least ten days before the party primary or election.

Sec. 2.17. Appointment and Privileges of Watchers. The district party committee may appoint one person as watcher in each precinct for any primary nomination or election. Each candidate not representing any political party may appoint a watcher for each precinct in his respective district or the state for any election. The watcher may be present at a position within the place of voting which affords a full view of all action of the election board taken from the time the polls are opened until the ballots are finally counted and the result certified by the election board. The election board may require each watcher to present a certificate showing him to be the watcher

appointed by the district party committee or candidate he represents and signed by the chairman of district committee or candidate representing no party. The secretary of state may prescribe regulations governing the conduct of watchers to assure the privileges of watchers and the proper conduct of the election.

Sec. 2.18. Appointment of Party Representatives for State Canvass. The secretary of state shall appoint two persons from each political party to participate in the canvassing of the vote. Each person who was appointed and serves, receives the same rate of compensation paid election judges. Each political party may present to the secretary of state a list of three or more names from which he shall select the persons to represent the party. The list of names may be submitted in writing at least 30 days before the date of the election. The persons to represent the party on the canvassing board may be selected by the state party central committee or in any other manner prescribed by the by-laws of the party. The list of names shall be certified by the chairman of the state central committee of the party or by the person authorized by the party by-laws to act in the absence of the chairman.

Article III

General Procedure for Elections

Sec. 3.01. General Administrative Supervision by Secretary of State. The secretary of state shall provide general administrative supervision over the conduct of state elections and may issue any regulations pursuant to the Administrative Procedure Act necessary for the administration of elections to protect the interest of the voter and assure administrative efficiency.

Sec. 3.02. Date of General Election. The general election is held on the Tuesday after the first Monday in November in every even numbered year.

Sec. 3.03. Preparation of Official Ballot. The secretary of state shall prepare all official ballots to facilitate fairness, simplicity, and clarity in the voting procedure, to reflect most accurately the intent of the voter, and to expedite the administration of elections. The following directives shall be followed when applicable.

(1) The secretary of state shall determine the size of the ballot, the type of print, any necessary additional instruction notes to voters, and other similar matters of form not provided by law.

(2) The secretary of state shall determine the manner of numbering ballots to assure simplicity and secrecy and to prevent fraud.

(3) The secretary of state may contract for the preparation of the ballots on a regional basis if necessary and may contract for the preparation of ballots without obtaining competitive bids.

(4) The secretary of state may not include on the ballot as a part of a candidate's name, any honorary or assumed title or prefix but may include in the candidate's name any nickname or familiar form of a proper name of the candidate.

(5) The general election ballot shall be printed on white paper with the names of candidates placed in separate columns for each political party as indicated by column headings. Candidates shall be grouped according to offices, with each office except the secretary of state, having a separate section. The secretary of state and governor shall be included in the same section. The left column shall be that of the political party receiving the largest vote at the preceding general election. Provision shall be made for voting for write-in and no-party candidates and for voting a straight party ticket by marking only one designated square.

(6) The general election ballot shall be designed with the position of names of the candidates changed in each section as many times as there are candidates in the section in which there are the most names. As nearly as possible, an equal number of ballots shall be printed after each change. In making the changes of position, the name of the candidate at the head of each section shall be taken and placed at the bottom of the section and the column moved up so that the name that before was second is first after the change. After the ballots are printed, they shall be placed in separate stacks, one stack for each change of position. The ballots shall then be gathered by taking one from each stack, the intention being that every other ballot in the accumulated stack of ballots shall have

the names of the candidates in a different position.

(7) The general election ballot shall be designed with the names of candidates of each political party for the office of president and vice-president of the United States placed in the same section on the ballot rather than the names of electors of president and vice-president.

(8) The general or special election ballot shall be designed with the title and proposition for any initiative, referendum, or constitutional amendment formulated as prescribed by law and placed on the ballot in the manner prescribed by the secretary of state. Provision shall be made for marking the proposition "For" or "Against."

(9) The general or special election ballot shall be designed with the question of whether a constitutional convention shall be called placed on the ballot in the following manner: "Shall there be a constitutional convention?" Provision shall be made for marking the question "Yes" or "No."

(10) A separate statewide or judicial district-wide ballot shall be designed with the question of whether a justice or judge seeking to succeed himself shall be approved or rejected in substantially the

following manner: "Shall _____ be retained as justice of the supreme court for ten years?" or "Shall _____ be retained as judge of the superior court for six years?" Provision shall be made for marking the question "Yes" or "No."

(11) When the legislature by law authorizes a state debt for capital improvements, the secretary of state shall place the question of whether the specific authorization shall be ratified by placing the ballot title and question on the next general election ballot. Unless specifically provided otherwise in the act authorizing the debt, the ballot title shall, by the use of a few words in a succinct manner, indicate the general subject of the act. The question shall, by the use of a few sentences in a succinct manner, give a true and impartial summary of the act authorizing the state debt. Provision shall be made for marking the question substantially as follows: "Bonds — Yes"

or "Bonds — No," followed by an appropriate square.

Sec. 3.04. Preparation of Other Election Materials. The secretary of state shall prescribe the form of and prepare tinted sample ballots, the original and duplicate registers, oaths of office of judges, challenge oaths, tally sheets, instructions to voters, warning notices and other forms and supplies required for the election.

Sec. 3.05. Distribution of Election Materials. The secretary of state shall distribute an adequate supply of sample and official ballots, registers, oaths, and other forms and supplies required for the election to the election supervisors for distribution to chairmen of election boards in precincts not less than 25 days before the date for the election.

Sec. 3.06. Procurement of Polling Places and Other Supplies. At least 10 days before the date of the election, the election supervisor shall secure polling places for holding the election, including alternate emergency locations, suitable ballot boxes which will assure security and an adequate number of voting booths or screens, national flags, pens, and pencils. Not less than one voting booth or screen shall be furnished for each 100 votes or fractional part thereof, cast in the previous election. The secretary of state may issue rules prescribing the type of polling place for holding the election and the requirements regarding ballot boxes, voting booths, screens, national flags, and other supplies to assure administrative economy and to protect the secrecy of the ballot. The state, through the office of secretary of state, shall pay the cost of any necessary election expenses incurred in securing a place for holding the election, a suitable ballot box, and an adequate number of voting booths, screens, national flags, and other supplies.

Sec. 3.07. Public Notice of Election Required. At least 10 days before the date of the election the secretary of state shall give, and is authorized to contract to give, full public notice of the election and may select any manner reasonably calculated to give actual knowledge of the election to the voters. Public notice shall include, but is not limited to, the posting of written notice in three conspicuous places in each precinct and printed notice for three

days in a newspaper of general circulation in each major senate district. The secretary of state shall prescribe the manner of notice which shall be given by election boards. The notice shall specifically include, but is not limited to, the date of the election, the boundary of the precinct, the location of the polling place, the hours between which the polling places will be open, the offices to which candidates are to be nominated or elected, and the subject of the propositions and of questions which are to be voted upon. Additional notice may be given by use of newspapers, television, radio, printed posters, and any similar means of communication. The state, through the office of secretary of state, shall pay the cost of any necessary election expenses incurred in giving notice of any election.

Sec. 3.08. Time for Opening and Closing Polls. On the day of election, the election boards shall open the polls at eight o'clock in the morning, shall close the polls at eight o'clock in the evening, and shall keep them open during the time between these hours. The hour shall be determined by the standard time, or daylight saving time, that is applicable to the polling place.

Sec. 3.09. Voting in Person Only at Resident Precinct. On election day a qualified voter voting in person shall vote only at the polling place in the precinct of his residence.

Sec. 3.10. Time Off for Voting. Any qualified voter who does not have sufficient time outside his working hours within which to vote at any state election may, without loss of pay, take off as much working time as will enable him to vote. If any employee has two consecutive hours in which to vote, either between the opening of the polls and the beginning of his regular working shift, or between the end of his regular working shift and the closing of the polls, he shall be deemed to have sufficient time outside his working hours within which to vote.

Sec. 3.11. General Duties and Oath of Election Board. The election board shall supervise the election in the precinct. Before entering upon the duties of office, each election judge shall take an oath to honestly, faithfully, and promptly perform the duties of his office. Any appointed judge, whether or not having

himself subscribed to the oath, may administer the oath to another judge. The chairman of the election board shall rotate the time at which judges and clerks may be relieved for meals.

Sec. 3.12. Filling Vacancies in Election Board. If any appointed judge or clerk fails to appear and subscribe to the oath on election day or becomes incapacitated during the time of the election or canvass, the qualified voters present shall elect, by a majority voice vote, any qualified voter present to fill the vacancy.

Sec. 3.13. Majority Decision of Election Board. The decision of the majority of judges determines the action that the election board shall take regarding any question which arises during the course of the election.

Sec. 3.14. Permitted Use of Unofficial Ballots. If no official ballots or election supplies are received, or if an insufficient number of either are received, or if either have been destroyed or lost, the election board shall provide, and the voters may use, unmarked substitute ballots and other election materials to indicate the intent of the voter. The election board shall certify to the facts which prevented the use of the official ballots and materials and shall include the certificate in the election returns to the secretary of state. The initial failure to certify to the facts, or include the certificate as required, does not invalidate any ballots. Upon disclosure that unofficial ballots have been used without a certification as required, the secretary of state shall notify the chairman of the election board by telephone or telegraph of his failure to properly certify the ballots. The secretary of state may accept the required certificate made by telegraph and count the ballots if the certificate is proper and actually delivered to the secretary of state within 10 days of the date that the chairman of the election board was notified.

Sec. 3.15. Official Opening of Polls. On the day and hour of election, the election board shall announce that the polls are open and receive the voters.

Sec. 3.16. Prohibition of Political Discussion by Election Board. During the hours that the polls are open, no judge or clerk may discuss any political party, candidate or issue while on duty.

Sec. 3.17. Prohibition of Political Persuasion Near Election Polls. During the hours the polls are open, no person who is in the polling place or within 100 feet of any entrance thereto, may attempt to persuade any person to vote for or against any candidate, proposition or question. The election judges shall post warning notices at the required distance in the form and manner prescribed by the secretary of state.

Sec. 3.18. Keeping of Original Register. The judges shall keep an original register in which each voter before receiving his ballot shall sign his name and give both his resident and mailing address. The signing of the register constitutes a declaration by the voter that he is qualified to vote.

Sec. 3.19. Keeping of Duplicate Register. Clerks shall keep the duplicate register and shall write in the duplicate register the names of persons who vote, the names of persons who offer to vote but are refused, and a brief statement of the basis of the refusal.

Sec. 3.20. Questioning of Voter of Doubtful Qualification. Any election judge may question any person of doubtful qualification attempting to vote and may require identification. Upon a satisfactory showing that the person is qualified to vote, the election judge shall allow the person to vote. If an election judge is doubtful as to the ability of a person to speak the English language, a satisfactory showing is made by the person briefly conversing with the election judge by the use of simple English words. If an election judge is doubtful as to whether there is a physical disability preventing the speaking or reading of the English language, a satisfactory showing is made by a written statement made by a licensed physician that the person is so disabled.

Sec. 3.21. Challenging of Voters of Suspect Qualification. Every election judge and election clerk shall challenge, and every watcher and other person qualified to vote in the precinct may challenge any person attempting to vote if the challenger has good reason to suspect that the challenged person is not qualified to vote. Any challenged person before voting shall subscribe to an oath and affidavit provided by the secretary of

state attesting to the fact that in each particular the person meets all the qualifications of a voter or that the person legally voted in the general election of November 4, 1924 and meeting the residency requirements of a qualified voter, that he is not disqualified, that he has not voted at the same election and stating the place from which the person came immediately prior to living in the precinct in which he now offers to vote and the length of time of his residence in the former place. After the challenged person has taken the oath and signed the affidavit, the person may vote. If the challenged person refuses to take the oath or sign the affidavit, the person may not vote.

Sec. 3.22. Administration of Oaths. Any judge may administer to a voter any oath that is necessary in the administration of the election.

Sec. 3.23. Providing Ballot to Voter. When the voter has qualified to vote, the election judge shall give him an official ballot. The voter shall retire to a booth or screen to mark the ballot for the candidates of his choice.

Sec. 3.24. Assisting Voter by Judge. Any qualified voter who is incapable of reading, of marking the ballot or of signing his name may request any judge to assist him, and the judge shall assist the voter as requested.

Sec. 3.25. Disposition of Improperly Marked Ballot. If any voter improperly marks or otherwise damages a ballot, the voter may request and the election board shall provide him with another ballot, with a maximum of three, and the board shall retain the improperly marked or damaged ballot.

Sec. 3.26. Returning Ballot by Voter. When the voter has marked his ballot, he shall fold the ballot and return it to the judge who shall deposit it in the ballot box in the presence of the voter. Separate ballot boxes may be used for separate ballots.

Sec. 3.27. Prohibiting the Leaving of the Polling Place With Ballot. No voter may leave the polling place with the official ballot that he received to mark.

Sec. 3.28. Prohibiting the Exhibition of Marked Ballots. Subject to Sec. 3.24, no

voter may exhibit his ballot to an election official or any other person so as to enable any person to ascertain how the voter marked his ballot.

Sec. 3.29. Prohibiting the Identification of Ballots. No election official may, while the polls are open, open any ballot received from a voter, or mark a ballot by folding or otherwise so as to be able to recognize it, or otherwise attempt to learn how any voter marked his ballot, or allow the same to be done by any other person.

Sec. 3.30. Prohibiting the Count of Exhibited Ballots. No election official may place in the ballot box any ballot known to have been unlawfully exhibited by the voter. Any ballot unlawfully exhibited shall be retained and placed with the improperly marked or damaged ballots.

Sec. 3.31. Official Closing of Polls. Fifteen minutes before and at the time of closing the polls, the election board shall announce the present time and the time of closing the polls.

Sec. 3.32. Voters in Line When Polls Close. Every qualified voter present and in line at the time prescribed for closing the polls may vote.

Sec. 3.33. Immediate Commencement of Canvass. When the polls are closed and the last vote has been cast, the election board and clerks or counters shall immediately proceed to open the ballot box and to count and canvass the votes cast. The election board shall cause the canvass to be continued without adjournment until the canvass is complete.

Sec. 3.34. Report, Oath, and Vacancies of Counters. Counters shall report to the election board at the time the polls close to assume their duties to assist the election board in counting and canvassing the vote. Before undertaking any duties of office, each counter shall subscribe to an oath to honestly, faithfully, impartially, and promptly carry out the duties of his position. Any election judge may administer the oath. If an appointed counter fails to appear and subscribe to the oath at the time the polls close, the election board shall appoint any qualified voter present to fill the vacancy.

Sec. 3.35. General Procedure for Canvass. The secretary of state shall issue rules prescribing the manner in which the

precinct canvass is accomplished so as to assure accuracy in the count and to expedite the process. The election board or counters shall canvass the ballots in a manner that allows watchers to see the ballots when opened and read. No person handling the ballot after it has been taken from the ballot box and before it is placed in the envelope for mailing may have a marking device in hand.

Sec. 3.36. Rules for Determining Mark on Ballots. The election board shall canvass and count the votes according to the following rules:

(1) A voter may mark his ballot by the use of checks, cross marks or plus signs, or any other written mark that is clearly placed in the square opposite the name of the candidate and that indicates the intent of the voter to designate the candidate.

(2) A failure to properly mark a ballot as to one or more candidates does not itself invalidate the entire ballot.

(3) If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.

(4) If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.

(5) The mark shall be counted only if it is substantially within the square provided, or touching the square and no other, or placed near the square so as to indicate clearly that the voter intended the particular square to be designated.

(6) Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates properly made.

(7) Erasures and corrections do not invalidate the ballot.

(8) A vote marked for the candidate for president or vice-president of the United States is deemed and counted as a vote for the election of the presidential electors.

(9) Write-in votes are not invalidated by writing in the name of a candidate whose name is printed on the ballot unless the election board determines, on

the basis of other evidence that the ballot was so marked for the purpose of identifying the ballot.

(10) If a voter marks in the square designated for voting a straight ticket for one political party and also marks in a square for a particular candidate or candidates of another party, a no-party candidate or a write-in candidate, the ballot is not invalid and a vote shall be counted for each candidate on the straight party ticket and no vote shall be counted for a candidate or candidates not on the straight party ticket.

Sec. 3.37. Completion of Canvass. When the canvass is completed, and in no event later than the day after the election, the election board or counters shall make a certificate of the results in duplicate. The certificate includes the number of votes cast for each candidate, for and against each proposition, yes or no on each question, and any additional information prescribed by the secretary of state. The election board shall send one copy of the certificate, the original register, all the ballots cast, all ballots improperly marked, damaged and unlawfully exhibited, properly identified, and all oaths and affidavits made, in one package to the secretary of state. Each board shall send the duplicate certificate and the duplicate register to its respective election supervisor. The secretary of state may authorize election boards in precincts in those areas of the state where distance and weather make mail communication unreliable to forward their election certificates by telegram or radio. The secretary of state may authorize the unofficial canvass of votes on a regional basis by election supervisors tallying the votes as indicated on duplicate certificates. The secretary of state shall prescribe the manner in which the ballots, registers and all other election records and materials are thereafter preserved, transferred and destroyed to assure adequate protection.

Sec. 3.38. Remuneration of Election Judges, Clerks and Counters. The state, through the office of secretary of state, shall pay each judge, clerk, and counter \$2.00 per hour for time spent at their election duties, including the receiving of instructions, but in no event shall a judge or clerk receive compensation of less than \$20.00.

Sec. 3.39. Certifying Election Expenses. The secretary of state shall prescribe the manner of certifying, auditing, and paying election expenses, including the cost of giving notice, renting polling places, embursing judges, clerks, and counters, securing a ballot box, postage, and stationery, and obtaining similar election necessities.

Sec. 3.40. Preparation of Voter List. The secretary of state shall prepare both a statewide list and a list by precinct of the names and addresses of all persons who voted in the election and their political party affiliation if the party affiliation was specifically declared by the voter. Any person may obtain a copy of the list, or a part thereof, by applying to the secretary of state and paying to the state treasury a fee therefor as determined by the secretary of state.

Sec. 3.41. Plural Voting. Upon a determination that a person has cast more than one general ballot, the secretary of state shall notify the attorney general to proceed to prosecute.

Sec. 3.42. Duty to Canvass Vote. The secretary of state shall canvass the vote with the assistance of and in the presence of the appointed representatives from the political parties.

Sec. 3.43. Scope of Canvass. The canvass by the secretary of state shall include (1) a review and comparison of the tallies of paper ballots in the election poll books with the precinct election certificates to correct any mathematical error in the count of paper ballots, (2) a review of the tallies of write-in ballots and a comparison of election certificates as provided by law from precincts using voting machines, and (3) the canvass of absentee ballots as prescribed by law.

Sec. 3.44. Dates for Opening and Closing State Canvass. The state canvass shall begin six days after the election and be continued daily, except Sundays, until completed. The secretary of state shall close the canvass when he is satisfied that no missing precinct certificate of election would, if received, change the result of the election. If no election certificate has been received from any precinct, the secretary of state may secure from the election supervisors and may

count a certified copy of the duplicate election certificate of the precinct. If no election poll books have been received but an authorized election certificate has been received by telegram or radio, the secretary of state shall count the election certificate so received. If the secretary has reason to believe that a missing precinct certificate, if received, would affect the result of the election, the secretary of state shall await the receipt of the certificate until four o'clock in the afternoon on the 15th day after the date of election. Any certificate not actually delivered to the secretary of state by four o'clock on the 15th day after the election shall not be counted at the canvass.

Sec. 3.45. Certification of State Canvass. Upon completion of the canvass, the secretary of state shall certify the person receiving the largest number of votes for the office for which he was a candidate as elected to that office and shall certify the approval of any justice or judge not rejected by a majority of the voters voting on the question. The secretary of state shall issue to the elected candidates and approved justices and judges, a certificate of their election or approval. The secretary of state shall also certify the results of any proposition and other question.

Sec. 3.46. Tie Votes. If two or more candidates tie in having the highest number of votes for the same office for which there is to be elected only one candidate, the secretary of state shall so notify the candidates who are tied. The secretary of state shall immediately proceed with the recount of votes in the manner provided by Part 3, Article IV of this code.

Sec. 3.47. Preservation of Election Ballots, Papers and Materials. The secretary of state shall preserve all precinct election certificates, ballots and other election papers and materials for four years after the election. The secretary of state may permit the inspection of election materials upon call by Congress, the state legislature, or a court of competent jurisdiction.

Article IV

Special Procedures for Elections

Part 1. Absentee Voting

Sec. 4.01. Persons Who May Vote Ab-

sentee. Any qualified voter may vote absentee at any election,

(1) if he believes that he will be unavoidably absent from his voting precinct on election day, whether within the state or not, or

(2) if he will be unable to be present at the polls because of physical disability, or

(3) if he believes he will be unable to be present at the polls because of the physical inaccessibility of the polling place causing undue travel expense, hardship, or hazard to the voter.

Sec. 4.02. Provision for General Administrative Supervision. The secretary of state shall provide general administrative supervision over the conduct of absentee voting and may issue any rules necessary to the administration of absentee voting to assure efficiency and encourage voter participation. The secretary of state shall issue instructions to absentee voters regarding the procedure for absentee voting. One set of instructions shall accompany each absentee ballot.

Sec. 4.03. Preparation of Ballots, Envelopes and Other Material. The secretary of state shall provide the paper ballots prepared for use at the polls as the absentee ballots. The secretary of state shall provide a small blank envelope in which the voter shall initially place the marked ballot and shall provide a larger envelope with the prescribed voter's certificate on the back in which the smaller envelope with ballot enclosed shall be placed. The secretary of state shall prescribe the form of and prepare the voter's certificate, envelopes and other material used in absentee voting. The voter's certificate shall include an oath, for use when required, that the voter is a qualified voter in all respects, a blank for the voter's signature, a certification that the affiant properly executed the marking of the ballot and identified himself, and blanks for the attesting witnesses.

Sec. 4.04. Distribution of Ballots, Envelopes, and Other Material. The secretary of state shall distribute the absentee ballots, envelopes, and other absentee voting material to the election supervisors for redistribution to the proper

election officials prior to the date upon which a person may first apply for an absentee ballot.

Sec. 4.05. Requirement of Full Public Notice. The secretary of state shall give full public notice of the dates and manner of voting absentee and may select any means of communication permitted to be used in giving notice of the date and time of the general election.

Sec. 4.06. Application to Deputy or District Magistrate in Person, by a Representative, or by Mail. Any qualified voter may apply, in person, by a personal representative or by mail, for an absentee ballot to the deputy or district magistrate in the election district of the resident voter. The application by mail shall include the name of the applicant and both his present address to which the absentee ballot shall be returned and his full local Alaska resident address.

Sec. 4.07. Application to Secretary of State by Mail. Any qualified voter may apply by mail for an absentee ballot to the secretary of state. The application shall include the name of the applicant and both his present address to which the absentee ballot shall be returned and his full local Alaska resident address.

Sec. 4.08. Date for Application in Person. Any qualified voter may make application for an absentee ballot in person on any day not more than 40 days, nor less than one day before the date of any election, but not more than 20 days nor less than one day before the date of any special election held to recall an elected official or to fill a vacancy in the office of United States representative or governor and secretary of state.

Sec. 4.09. Date for Application by Personal Representative. Any qualified voter may make application for an absentee ballot through a personal representative on the date of, or not more than 20 days before, the date of any election.

Sec. 4.10. Date for Application by Mail. Any qualified voter may make application for an absentee ballot by mail if postmarked not more than 90 days nor less than four days before any election.

Sec. 4.11. Procedure on Application in Person. Upon receipt of an application in person for an absentee ballot, the

election official authorized to issue the ballot shall examine the applicant regarding his qualifications as a voter. If the official is satisfied that the applicant is a qualified voter and may vote absentee, he shall issue the ballot to the applicant. A satisfactory showing that a voter is qualified may be made in the same manner provided for a satisfactory showing of qualifications before an election judge.

Sec. 4.12. Procedure on Application by Personal Representative. Upon receipt of any written application by personal representative, the election official authorized to issue the ballot shall provide the ballot and other absentee voting material if the written application is signed by the applicant and is accompanied by a letter from a licensed physician or a statement signed by two qualified voters stating that the applicant will be unable to go to the polling place because of physical disability.

Sec. 4.13. Procedure on Application by Mail. Upon receipt of an application by mail for an absentee ballot, the secretary of state, or the district or deputy magistrate, shall immediately airmail the ballot and other absentee voting material to the applicant, if the application includes the name and both the present address and the full local resident address of the applicant. The larger envelope to be used for returning the absentee ballot to the election officials shall be addressed to the election supervisor in the district in which the voter is a resident.

Sec. 4.14. Casting Vote in Person. Upon receipt of an absentee ballot in person, the voter, in the presence of the election official from whom he received the ballot, shall proceed to mark the ballot in secret, to place the ballot in the small blank envelope, to place the small envelope in the larger envelope, and to sign the voter's certificate on the back of the larger envelope in the presence of the election official, and return the ballot properly enclosed in the envelopes to the election official who shall sign as attesting witness. The election official shall not accept any ballot that has been unlawfully exhibited by any absentee voter. If the absentee voter improperly marks or otherwise damages a ballot, the voter may request, and the election official

shall provide him with another ballot with a maximum of three, and shall retain the improperly marked or damaged ballot.

Sec. 4.15. Casting Vote by Personal Representative or by Mail. Upon receipt of an absentee ballot through a personal representative or by mail, the voter, whether in or outside the state, in the presence of two attesting witnesses, both of whom are qualified voters, or before any election judge, notary public, commissioned officer of the armed forces including the National Guard, any district magistrate or deputy magistrate, United States postmaster, United States assistant postmaster, or other person qualified to administer oaths, may proceed to mark the ballot in secret, to place the ballot in the small blank envelope, to place the small envelope in the larger envelope, and to sign the voter's certificate on the back of the larger envelope in the presence of the above-listed official or described persons who shall sign as attesting witnesses. The voter may then return the ballot properly enclosed in the envelopes, by personal representative to the election official who provided the ballot or by the most expeditious mail service, postmarked not later than the day of the election, to the election supervisor in his district.

Sec. 4.16. Payment of Fee by State. No person may receive a fee from the voter for attesting to any voter's certificate required in voting absentee.

Sec. 4.17. Disposition of Ballots. The district and deputy magistrates shall immediately transmit by the most expeditious mail service, executed absentee ballots in his possession to the election supervisors for their respective districts.

Sec. 4.18. Preparation of Voting List. The election supervisors and district and deputy magistrate shall prepare for public inspection a current list of the names and addresses of persons who have voted absentee.

Sec. 4.19. Appointment, Duties, and Compensation of District Canvassing Board. Thirty days prior to the date of any election, the election supervisors shall appoint, in the same manner provided for the appointment of election judges prescribed in Sec. 2.15 of this code, district absentee ballot canvassing boards com-

posed of three members not of the same political party. The district board shall assist the election supervisors to count and canvass the absentee ballots and shall receive the same compensation paid election judges.

Sec. 4.20. Time of District Canvass. Ten days after the date of the election, the election supervisor, in the presence and with the assistance of the district absentee ballot canvassing board, shall proceed to count and canvass the absentee ballots and shall continue the canvass without any recess until the ballots are canvassed.

Sec. 4.21. Procedure for District Canvass. The district canvass shall be conducted according to the following procedure. No ballot shall be counted if the voter fails to properly execute the certificate, if the witnesses or the officer or other persons authorized by law to administer the oath fails to affix his signature, or if the voter fails to enclose his marked ballot within the small envelope provided. The election supervisor or any member of the district absentee ballot canvassing board may challenge the name of any absentee voter when read from the voter's certificate on the back of the large envelope, if he has good reason to suspect that the challenged voter is not qualified to vote, is disqualified, or has voted at the same election. The person making the challenge shall specify the basis of the challenge in writing. The district board by majority vote may refuse to accept and count the absentee ballot of any person properly challenged. If the absentee ballot is refused, the district supervisor shall return a copy of the statement of the challenge to the absentee voter, and shall enclose all rejected ballots in a separate envelope with statements of challenge. The envelope shall be labeled "rejected ballots" and shall be forwarded to the secretary of state with the election certificates and other returns. If the absentee ballot is not refused, the large envelope shall be opened, the smaller, inner blank envelope shall be placed in a container and mixed with other blank absentee ballot envelopes. The mixed smaller blank envelopes shall be drawn from the container, opened, and the ballots counted according to the rules of determining properly marked ballots as are provided for counting by

the election board. Upon completion of the canvass, the election supervisor shall prepare an election certificate of results in the manner provided for the preparation of election certificates by precinct election boards, and shall forward the original certificates and returns to the secretary of state no later than the day the district canvass is completed.

Sec. 4.22. Procedure for State Canvass. When the secretary of state and appointed party representatives have completed the canvass of paper ballots cast at the voting precincts and the canvass of voting machine ballots, they shall proceed to canvass the absentee ballot votes counted by the district canvassing board. The canvass of the absentee ballot vote counted by the district canvassing board shall be accomplished by reviewing the tallies of the recorded vote to check for any mathematical error and by comparing the totals with the election certificate of results.

Part 2. Voting Machines

Sec. 4.41. Authorization of Use. Voting machines may be used in any election.

Sec. 4.42. Authorization of Purchase With Local Funds. Any city council, borough assembly, or the state may purchase or rent any voting machine that meets the minimum requirements prescribed by the secretary of state for use in any precinct within the city or organized borough.

Sec. 4.43. Prescribing Minimum Requirements. The secretary of state shall prescribe the minimum requirements of voting machines and with the assistance of the Department of Administration, may conduct tests necessary to determine the adequacy of any particular type or make of machine. Any person, company or corporation may apply to the secretary of state to examine their voting machine and to certify the machine as meeting the minimum requirements prescribed by law. The minimum requirements shall be prescribed to insure secrecy to the voter, to permit voting both for candidates and on propositions and questions, to prevent improper voting in primary elections, to minimize error in marking ballots, and to assure accuracy in counting returns.

Sec. 4.44. Preparation of Machine Ballots. Upon request of the secretary of

state, the clerk of each city and organized borough shall report the serial number of voting machines which will be used in each precinct at the next election. The secretary of state shall prepare and distribute the required number of machine ballots or ballot labels for each candidate and for each proposition or question. The secretary of state shall prescribe (1) the sequence of offices, questions, and propositions as will most nearly conform to the sequence on paper ballots, and (2) the order of the names of candidates for the machine ballots in each precinct to assure that every second precinct has a different sequence of names of candidates so far as practicable by changing the order of names for each office so that each name appears substantially an equal number of times at the top, at the bottom, and at each intermediate place.

Sec. 4.45. Conduct of Instructional Meetings. The borough and city clerks shall, under the district election supervisor, within 21 days of the election, conduct meetings for the purposes of instructing judges about the operation of voting machines and their duties. Each judge shall attend one meeting preceding the election at which he is to serve. Judges and borough and city clerks shall receive the same hourly compensation as provided by law for judges serving on election day.

Sec. 4.46. General Duties of Borough and City Clerks. Upon receipt of the ballot labels, the clerk of the borough or city shall place them in the ballot frames upon the machines in a manner as directed by the secretary of state. The clerk shall set the counters at zero and lock the operating device. He shall keep a record of which machine was used in each precinct.

Sec. 4.47. Preparation of Voter Instructions. The secretary of state shall prescribe special instructions to assure the proper use and operation of the voting machines which the clerk of the city or borough shall give to the election boards and which election boards shall give to voters in precincts using voting machines.

Sec. 4.48. Delivery of Voting Machines. The clerk of the city or borough or the election supervisor shall deliver voting machines to the election board of each precinct using the machines. Delivery

shall be made in sufficient time to check the voting machines and place them for use prior to the opening of the polls.

Sec. 4.49. Preparation of Voting Machines. Before opening the polls, the election board shall see if the counters are set at zero and if the ballot labels are arranged properly. If the counters and ballot labels are improperly set, the board may not unlock the operating device but shall notify the clerk of the city or borough. The clerk shall reset the counters or properly arrange the ballot labels. If the counters and ballot labels are properly set, the board shall unlock the operating device at the time the polls are open.

Sec. 4.50. Placement of Voting Machine. The election board shall place the machine in a position that will assure the secrecy of the ballot and adequate supervision by the election board.

Sec. 4.51. Provision for Write-in Ballots. Ballots cast for any person whose name does not appear on the machine may be referred to as write-in ballots. Write-in ballots may be cast only in a general or special election and may be deposited, written or affixed in or upon the device provided on the machine for that purpose.

Sec. 4.52. Requirement for Instruction. Any qualified voter may receive instruction by the election board with the aid of any instruction cards and mechanical model of the machine. At least one judge shall at all times be in attendance to provide instruction with cards or a mechanical model of the machine.

Sec. 4.53. Provision for Assistance. Election judges and clerks may assist any voter who is incapable of reading or operating the voting machine.

Sec. 4.54. Procedure Upon Voting. After receiving necessary instruction or with the assistance from an election official, any qualified voter may proceed to any vacant voting machine booth and cast his vote.

Sec. 4.55. Procedure on Malfunction. If a machine malfunctions during the election, the election board shall lock the machine to prevent its further use. The board may use any reserve voting machine which the state, city, or borough may have available or may use paper ballots to proceed with the voting.

Sec. 4.56. Counting of Votes Cast. After the polls are closed, the election board shall lock the operating mechanism of the machine. The board, in the presence of any watchers, shall proceed to uncover the registering counters, read the vote, including the write-in ballots, and compute the totals. In computing the vote, the board may not count any write-in ballot cast for any person for any office whose name appears on the machine as a candidate for that office. If two or more machines, or if a machine and paper ballots were both used in the precinct, the board shall compute the sum of the totals from each.

Sec. 4.57. Procedure Upon Completing Count. When the count is completed, the election board shall make a certificate of results in duplicate. The certificate shall include the number of votes cast for each candidate, for and against each proposition and yes or no on each question and any further information in the manner prescribed by the secretary of state. The board shall then send one copy of the certificate, all write-in ballots, the original register, all oaths and affidavits made in one envelope to the secretary of state.

Sec. 4.58. Disposition of Voting Machine and Supplies. The election board shall return the locked voting machine and send the duplicate certificate and register to the city or borough clerk. The secretary of state shall prescribe the manner in which the registers and other election materials are preserved, transferred, and destroyed. The voting machine shall remain locked against use for a period of at least 30 days and as much longer as may be necessary or advisable because of any existing or threatened election contest, except that any voting machine may be opened and all data and figures therein examined upon order of any judge of a court having jurisdiction.

Sec. 4.59. Local Canvass by City and Borough Clerks. The city and borough clerks shall canvass the vote by checking the figures on the duplicate certificate against the figures on the counting device and the write-in ballots on the voting machine. If a mistake has been made, the clerk shall recall the election board and the board shall issue a corrected election certificate. If no mistake has been made, the clerk shall certify to the elec-

tion supervisor the correct figures verifying the election board's certificate of results.

Sec. 4.60. Procedure for State Canvass. The state canvass of votes cast by voting machines shall include only a comparison of the election certificates furnished by the election boards with the certifications from the city and borough clerks.

Part 3. Election Recounts

Sec. 4.71. Authorization of Recount Application. Any defeated candidate or any 10 qualified voters who believe there has been a mistake made by an election official or by the canvassing board in counting the votes in any election, may file an application within five days after the completion of the state canvass to the secretary of state for a recount of the votes from any particular precinct or any election district and for any particular office, proposition, or question. However, the application may be filed only within three days after the completion of the state canvass after the general election for a recount of votes cast for the office of governor and secretary of state. If there is a tie vote as provided in Sec. 3.46 of this code, the secretary of state shall initiate the recount and give notice to the interested parties as provided in Sec. 4.75 of this code.

Sec. 4.72. Form of Application. The application shall state in substance the basis of the belief that a mistake has been made, the particular election precinct or election district for which the recount is to be held, the particular office, proposition, or question for which the recount is to be held, and that the person making the application is a candidate or that the 10 persons making the application are qualified voters. The candidate or persons making the application shall designate by full name and mailing address two persons who shall represent the applicant and be present and assist during the recount. Any person may be named representative, including the candidate himself or any person signing the application, and the representatives shall be paid in the same amount and manner as election judges. Applications by 10 qualified voters shall also include the designation of one of the number as chairman. The candidate or

persons making the application shall sign the application and shall print or type their full name and mailing address.

Sec. 4.73. Requirement of Deposit. The application shall include a deposit in cash, by certified check or by bond with a surety approved by the secretary of state. The amount of the deposit is \$50.00 for each precinct; or if more than 10 precincts in any election district are included in the recount, the amount of deposit is \$500.00 for each election district. However, if the recount includes an office for which candidates received a tie vote, or a question or proposition for which there was a tie vote on the issue, the application need not include any deposit. If on the recount a candidate other than the candidate who had received the original election certificate is declared elected, or if the vote on recount is determined to be four per cent or more in excess of the vote reported by the state canvass for the candidate applying for the recount, or in favor or opposed to the question or proposition as stated in the application, the deposit shall be refunded.

Sec. 4.74. Determination of Date of Recount. If the secretary of state determines the application is substantially in the required form, he shall fix the date of the recount to be held within three days after the receipt of an application requesting a recount of the general election votes cast for the office of governor and secretary of state and within five days after the receipt of an application requesting a recount for any other office, question, or proposition.

Sec. 4.75. Requirement of Notice. The secretary of state shall give the candidate or designated chairman signing the application, the two persons appointed to represent the applicant during the recount, and other directly interested parties, notice of the time and place of the recount by certified mail, by telegraph, or by telephone.

Sec. 4.76. Procedure for Recount. In conducting the recount, the secretary of state, or his appointed representative, shall review all paper, absentee, and machine ballots whether or not the ballots were counted at the precinct or by the district absentee canvassing board to determine which ballots, or parts of bal-

lots, were properly marked and which ballots are to be counted in the recount, and may check the accuracy of the original count, the precinct certificate and the canvass. For administrative purposes, the secretary of state may join and include two or more applications in a single review and count of votes. The rule governing the counting of marked ballots by the election board shall be followed in the recount. The ballots and other election material shall remain in the custody of the secretary of state during the recount and the highest degree of care shall be exercised to protect the ballots against alteration or mutilation. The recount shall be completed within five days. The secretary of state may employ any additional personnel necessary to assist in the recount.

Sec. 4.77. Certification of Results. If it is determined by recount that the plurality of votes were cast for a candidate, the secretary of state shall issue a certificate of election or nomination to the elected or nominated candidate as determined by the recount. If it is determined by the recount that a proposition or question should be certified as having received the required vote, the secretary of state shall so certify.

Sec. 4.78. Authorization for Expanding Recount. If upon recount the deposit is refunded, the applicants shall have one additional week from the date the recount is completed to apply for recount of other election precincts or districts in the manner provided by this article.

Sec. 4.79. Provision for Appeal to Courts. Any candidate or persons who requested a recount who have reason to believe an error has been made in the recount (1) involving any question or proposition, may appeal to the superior court in accordance with applicable court rules governing appeals in civil matters, and (2) involving candidates for the office of governor and secretary of state, may appeal to the supreme court in accordance with rules as may be promulgated by the court. Appeal shall be filed within five days of the completion of the recount. Upon order of the court, the secretary of state shall furnish the record of the recount taken including all ballots, registers, and other election material and papers pertaining to the election contest. The appeal shall be

heard by the court sitting without a jury. The inquiry in the appeal shall extend to the questions whether the secretary of state has properly determined what ballots, parts of ballots, or marks for candidates on ballots are valid and to which candidate or division on the question or proposition the vote should be attributed. The court shall enter judgment either setting aside, modifying, or affirming the action of the secretary of state on recount.

Sec. 4.80. Provision for Appeal to Legislature or Congress. Any candidate or persons who requested a recount who have reason to believe an error has been made in the recount involving a candidate for the general election for the state legislature or Congress, may appeal to the chamber in which the candidate seeks membership in accordance with applicable rules of the legislature or Congress. Upon request of the legislature or Congress, the secretary of state shall furnish the record of the recount taken including all ballots, registers, and other election material and papers pertaining to the election contest.

Sec. 4.81. Determination of Tie Votes. If after a recount and appeal two or more candidates tie in having the highest number of votes for the same office, the secretary of state shall notify the candidates who are tied. The secretary of state shall notify the candidates of a reasonably suitable time and place to determine the successful candidate by lot. After the determination has been made by lot, the secretary of state shall so certify.

Part 4. Election Contests

Sec. 4.91. Grounds for Election Contest. Any defeated candidate or 10 qualified voters may contest the nomination or election of any person or the approval or rejection of any question or proposition upon one or more of the following grounds: (1) malconduct, fraud, or corruption on the part of any election official sufficient to change the result of the election; (2) when the person certified as elected or nominated is not qualified as required by law; (3) any corrupt practice as defined by law sufficient to change the results of the election.

Sec. 4.92. Jurisdiction and Time for Contest. The action may be brought in

the superior court within 10 days after the completion of the state canvass.

Sec. 4.93. Judgment of Court. The judge shall pronounce judgment on which candidate was duly elected or nominated and whether the question or proposition was duly accepted or rejected. The secretary of state shall issue any new election certificate to correctly reflect the judgment of the court. If the court decides that the election resulted in a tie vote, the secretary of state shall immediately proceed to determine the election by lot as is provided by law. If the court decides that no candidate was duly elected or nominated, the judgment shall be that the contested election be set aside. The provisions of this Part of the code are not intended to limit or interfere with the power of the legislature to judge the election and qualifications of its members.

Article V

Nomination of Candidates

Part 1. Party Primary Nominations

Sec. 5.01. Provision for Nomination by Party. At the party primary nomination, political parties shall nominate their candidates for the elective state executive and state and national legislative offices to be placed on the next general election ballot.

Sec. 5.02. Date of Primary. The party primary nomination is held on the Tuesday after the second Monday in August in every even numbered year.

Sec. 5.03. Requirements of Declaration of Party Candidacy. Any member of a political party who seeks to become a candidate of the party in the primary nomination shall execute and file a declaration of candidacy. The declaration shall be executed under oath before an officer authorized to take acknowledgments and shall state in substance: (1) the full name of the candidate, (2) the full resident address of the candidate, (3) the full mailing address of the candidate, (4) if the candidacy is for the office of state senator or state representative, the election or senate district of which the candidate is a resident, (5) the office for which the candidate seeks nomination, (6) the name of the political party of which he is a candidate for nomination, (7) the date of the primary nomina-

tion at which the candidate declares himself to be a candidate, (8) that the candidate meets the specific residency requirements of the office for which he is a candidate, (9) that the candidate will meet the specific citizenship requirements of the office for which he is a candidate, (10) if the candidacy is for the office of governor, secretary of state, state senator or state representative, that the candidate will be a qualified voter as required by law, (11) that the candidate will meet the specific age requirements of the office for which he is a candidate, (12) that the candidate if nominated and elected will support the principles of the party he seeks to represent, (13) that the candidate requests that his name be placed on the party primary nomination ballot, and (14) that the required fee accompanies the declaration.

Sec. 5.04. Manner and Date of Filing Declaration. The declaration is filed by either (1) the actual physical delivery of the declaration by mail or in person on or before 5:00 p.m. on the first day of May of the year in which a general election is held for the office, or (2) the actual physical delivery by telegram of a copy in substance of the statements made in the declaration on or before 5:00 p.m. on the first day of May of the year in which a general election is held for the office, and also the actual physical delivery of the original declaration post-marked on or before 5:00 p.m. on or before the first day of May of the year in which a general election is held for the office. Candidates for statewide offices shall file with the secretary of state. Candidates for district wide offices shall file with any clerk of the superior court in the major senate district of which the candidate is a resident. The clerk of the superior court shall immediately forward the declaration to the secretary of state. If the first day of May is a Sunday or holiday, declaration may be filed no later than 5:00 p.m. on the following day.

Sec. 5.05. Requirement of Filing Fee. At the time the declaration is filed, each candidate shall pay a filing fee to the secretary of state. The filing fee for candidates for office of governor, secretary of state, United States senator, and United States representative is \$100.00. The filing fee for candidates for office

of state senator and state representative is \$30.00.

Sec. 5.06. Preparation and Distribution of Ballots. The primary nomination ballot shall be prepared and distributed by the secretary of state in the manner prescribed for general election ballots, except as specifically provided otherwise for the primary nomination. The secretary of state shall place the names of all candidates who have properly filed in separate columns for each political party, and a column heading shall indicate their party affiliation. The names of candidates shall be grouped according to offices, with each office having a separate section. Within each column the names for each office shall be rotated as provided for the general election ballot. The column at the left hand side of the ballot shall contain the names of the candidates of the political party that received the largest number of votes for the office of governor at the last preceding general election.

Sec. 5.07. Special Provisions on Counting Ballots. No voter may vote for any person whose name is not on the ballot or vote for candidates in more than one column. Votes cast for a person whose name is not on the ballot shall not be counted, but writing in a candidate's name does not invalidate the entire ballot. Ballots cast with votes for candidates in more than one party column shall not be counted, and the entire ballot is invalid.

Sec. 5.08. Declaration of Party Preference. Before obtaining a ballot, voters may declare their party preference but are not required to do so as a condition for receiving a ballot. Before an election judge may give a ballot to a voter, he shall ask the voter if he desires to declare a party preference and the voter shall record the preference if declared.

Sec. 5.09. General Procedure for Conduct of Primary Nomination. Unless specifically provided otherwise, all provisions regarding the conduct of the general election shall govern the conduct of the party primary nomination, including, but not limited to, provisions concerning voter qualification; provisions regarding the duties, powers, rights, and obligations of the secretary of state, of other election officials, and of cities and organized boroughs; provision for notification of the

election; provisions regarding payment of election expenses; provisions regarding employees being allowed time from work to vote; provisions for the counting, canvassing, and certification of returns; provisions for the determination of tie votes and of recount, contests and appeal; and provisions for absentee voting and the use of voting machines.

Sec. 5.10. Placement of Nominees on General Election Ballot. The secretary of state shall place the name of the candidate receiving the highest number of votes for any office by any political party on the general election ballot.

Sec. 5.11. Filling Vacancies by Party Petition. If any candidate nominated at the party primary nomination dies, withdraws, or becomes disqualified from holding office for which he is nominated after the primary nomination and 10 days or more before the general election, the vacancy may be filled by party petition. The secretary of state shall place the name of the person nominated by party petition on the general election ballot or if the general election ballot has been prepared, the secretary of state, or the election officials directed by the secretary of state, shall prepare, print, and distribute a sufficient number of gummed labels or stickers bearing the name of the candidate to fill the vacancy to each voting precinct with instructions that the election judges shall place one of the stickers or labels on the appropriate place on each ballot before the ballot is handed to the voter.

Sec. 5.12. Requirements for Party Petition. Party petitions for the nomination of candidates shall state in substance that the political party desires and intends to support the named candidate for the named office and requests that the name of the proposed candidate be placed on the general election ballot. The petition may be filed no later than 10 days before the date of the general election.

Sec. 5.13. Selection of Nominees for Party Petition. The nominees of political parties by party petition may be selected for statewide offices by the party central committee or in any other manner prescribed by the party by-laws, and the petition for statewide offices shall be signed by the chairman of the central committee or in his absence by any two

members of the committee. The nominees of political parties by party petition may be selected for district-wide offices by the respective party district committee or in any other manner prescribed by the party by-laws, and the petition for district-wide offices shall be signed by the chairman of the party district committee, or in his absence by any two members of the party committee, or in any other manner prescribed by the party by-laws. The petition may be delivered in person, by mail or by telegraph.

Part 2. Nominations for General Election by Petition

Sec. 5.51. Provision for No-Party Candidate Nominations. Candidates not representing any political party are nominated by petition.

Sec. 5.52. Date of Filing Petition. The petition is filed with the secretary of state by actual physical delivery in person or by mail before May 1 in the year in which a general election shall be held for the office.

Sec. 5.53. Required Number of Signatures for Statewide Office. Petitions for the nomination of candidates for the office of governor, secretary of state, United States senator and United States representative shall be signed by not less than 1,000 qualified voters. Candidates for the office of governor and secretary of state must file jointly.

Sec. 5.54. Required Number of Signatures for District-wide Office. Petitions for the nomination of candidates for the office of state senator or state representative shall be signed by qualified voters of the election or senate district in which the proposed nominee desires to be a candidate equal in number to at least five per cent of the number of votes cast in his respective election or senate district in the preceding general election, provided that no nominating petition need contain more than 200 signatures nor may it contain less than 50 signatures for any district.

Sec. 5.55. Requirements for Petition. The petition shall state in substance: (1) the full name of the candidate, (2) the full resident address of the candidate, (3) the full mailing address of the candidate, (4) the name of any political group sup-

porting the candidate, (5) if the candidacy is for the office of state senator or state representative, the election or senate district of which the candidate is a resident, (6) the office for which the candidate is nominated, (7) the date of the election at which the candidate seeks election, (8) that the candidate meets, or will meet, as required by law, the specific requirements of the office for which he is a candidate, (9) that the subscribers are qualified voters of the state or election or senate district in which the candidate resides, (10) that the subscribers intend to vote for the candidate at the general election, (11) that the subscribers request that the candidate's name be placed on the ballot, and (12) that the proposed candidate accepts the nomination and will serve if elected, with the statement signed by the proposed candidate.

Sec. 5.56. Placement of Names on General Election Ballot. The secretary of state shall place the names and the political group affiliation of persons who have been properly nominated by petition on the general election ballot.

Sec. 5.57. Withdrawal of Candidate's Name. If any candidate nominated by petition shall die or withdraw after the petition has been filed and before the first day of September of the election year, the secretary of state shall not place the name of the candidate on the general election ballot.

Article VI

National Elections

Part 1. President

Sec. 6.01. Provision for Appointment of Electors. Electors of president and vice-president of the United States are appointed by election at the general election in presidential election years.

Sec. 6.02. Number and Manner of Selecting Candidates. Each political party shall select a number of candidates for electors of president and vice-president of the United States equal to the number of senators and representatives to which the state is entitled in Congress. The candidates for electors shall be selected by the state party convention or in any other manner prescribed by the by-laws of the party. The chairman and secretary of

the state convention or any other party official designated by the party by-laws, shall certify a list of the names of candidates for electors to the secretary of state on or before the first day of September in presidential election years.

Sec. 6.03. Qualification of Electors. Any qualified voter except a United States senator or representative or person holding an office of trust or profit under the United States may be selected as a candidate for elector.

Sec. 6.04. Requirement of Party Pledge. The party shall require from each candidate for elector a pledge that as an elector he shall vote for the candidates nominated by the party of which he is a candidate.

Sec. 6.05. Interpretation of Votes Cast for Candidates for President and Vice-President. In voting for presidential electors, a vote marked for the candidates for president and vice-president is deemed and counted as a vote for the presidential electors of the party.

Sec. 6.06. Notification of Electors. When the results of the election of presidential electors have been determined, the secretary of state shall send a certificate of election to each elector and shall notify the electors of the time and place of their meeting and of their duties as electors.

Sec. 6.07. Place and Time of Meeting. The electors shall meet at the office of the secretary of state or other place designated by him at 11:00 o'clock in the morning on the first Monday after the second Wednesday in December following their election. If Congress fixes a different day for the meeting, the electors shall meet on the day designated by the Act of Congress.

Sec. 6.08. Filling of Vacancies. If there is a vacancy caused by death, failure to attend, ineligibility or other cause, and if alternates have not been designated, the electors shall fill the vacancy by plurality vote.

Sec. 6.09. Duties of Electors. After any vacancies have been filled, the electors shall proceed to cast their votes for the candidates for the office of president and vice-president of the party which selected them as candidates for electors

and shall perform the duties of electors as required by the constitution and laws of the United States. The secretary of state shall provide any administrative services and the Department of Law shall provide any legal services necessary for the electors to perform their duties.

Sec. 6.10. Compensation of Electors. Each elector shall receive from the state treasury the same per diem and travel expenses allowed members of the legislature.

Part 2. United States Congress

Sec. 6.31. Provisions for Election of United States Senators. A United States senator shall be elected at the general election held in the year 1960 and at the general election every sixth year thereafter. A United States senator shall be elected at the general election held in the year 1962 and at the general election every sixth year thereafter.

Sec. 6.32. Provisions for Election of United States Representatives. A United States representative in Congress shall be elected from each congressional district at the general election in 1960 and at the general election every second year thereafter.

Article VII

State Elections

Part 1. Executive

Sec. 7.01. Election of Governor and Secretary of State. A governor and secretary of state shall be elected at the general election in 1962 and every four years thereafter.

Part 2. Legislative

Sec. 7.31. Election of Legislature. One half of the members of the state senate and all members of the state house of representatives shall be elected at each general election in accordance with the apportionment articles of the state constitution.

Part 3. Judiciary

Sec. 7.51. Approval or Rejection of Supreme Court Justice. Each supreme court justice shall be subject to approval or rejection at the first general election held more than three years after his ap-

pointment. If approved, he shall thereafter be subject to approval or rejection in a like manner every tenth year.

Sec. 7.52. Filing Declaration by Supreme Court Justice. Each justice seeking to succeed himself to office shall file with the secretary of state a declaration of candidacy not less than 90 days before the date of the general election at which approval or rejection is requisite.

Sec. 7.53. Placing Name of Supreme Court Justice on Ballot. The secretary of state shall place the name of any justice who has properly filed a declaration of candidacy on a separate statewide non-partisan ballot for the general election at which approval is sought.

Sec. 7.54. Approval or Rejection of Superior Court Judge. Each superior court judge shall be subject to approval or rejection at the first general election held more than three years after his appointment. If approved, he shall thereafter be subject to approval or rejection in a like manner every sixth year.

Sec. 7.55. Filing Declaration by Superior Court Judge. Each judge seeking to succeed himself to office shall file with the secretary of state a declaration of candidacy not less than 90 days before the date fixed for the general election at which approval or rejection is requisite.

Sec. 7.56. Determination of Judicial District in Which to Seek Approval. The judge shall seek approval in the judicial district to which he was originally appointed, except in case of assignments and transfers with the judge's consent, in which case he shall seek approval in the district where he has served the major portion of his term. The judge shall designate on his declaration of candidacy the judicial district to which he was appointed, except in case of assignments and transfers in which case he shall designate the district where he has served the major portion of his term.

Sec. 7.57. Placing Name of Superior Court Judge on Ballot. The secretary of state shall place the name of any judge who has properly filed a declaration of candidacy on a separate nonpartisan judicial district-wide ballot for the general election at which approval is sought.

Article VIII**Special Elections and Appointments****Part 1. United States Senate**

Sec. 8.01. Conditions and Time of Filling Vacancy by Appointment. When a vacancy occurs in the office of United States senator, the governor, within 30 days, shall appoint a qualified person to fill the vacancy. However, if the remainder of the term of the predecessor in office will expire or if the vacancy will be filled by a special election before the senate will next meet, convene, or reconvene, the governor shall not fill the vacancy.

Sec. 8.02. Qualification of Appointee. The appointee shall be a member of the same political party as that which nominated the predecessor in office. If the predecessor in office was not nominated by a political party, the governor may appoint any qualified person.

Sec. 8.03. Conditions for Full, Unexpired Term Appointment. If the vacancy is for an unexpired term of two years plus five full calendar months or less, the appointment shall be for the remainder of the unexpired term.

Sec. 8.04. Conditions for Part-Term Appointment and Special Election. If the vacancy is for an unexpired term of more than two years plus five full calendar months, the governor shall call a special election by proclamation and the appointment shall expire on the date the United States senate first meets, convenes, or reconvenes, following the certification of the results of the special election by the secretary of state.

Sec. 8.05. Date of Special Election. The special election to fill the vacancy shall be held on the date of the first general election which is held more than three full calendar months after the vacancy occurs.

Sec. 8.06. Proclamation of Special Election. The governor shall issue the proclamation calling the special election at least 80 days before the election.

Sec. 8.07. Term of Elected Senator. At the special election, a United States senator shall be elected to fill the remainder of the unexpired term. The person elected shall take office on the

date the United States senate first meets, convenes, or reconvenes following the certification of the results of the special election by the secretary of state.

Sec. 8.08. Selection of Nominees in Manner Provided for General Election. If the vacancy in the office of United States senator occurs one calendar month or more before the filing date for the party primary nomination, candidates for the special election shall be nominated in the manner provided for the nomination of candidates for general elections.

Sec. 8.09. Designation of Nominees by Petition. If the vacancy occurs less than one calendar month before the filing date for the party primary nomination and more than three calendar months before the next general election, candidates shall be nominated by petition transmitted by actual delivery to the secretary of state on or before the first of September immediately preceding the special election.

Sec. 8.10. Requirements of Petition for No-Party Candidates. Petitions for the nomination of candidates not representing any political party shall be signed by at least 1,000 qualified voters, and shall state in substance that which is required in petitions for nomination for general elections provided in Sec. 5.55 of this code.

Sec. 8.11. Requirements of Petition by Political Party. Petitions for the nomination of candidates of political parties shall state in substance that the political party desires and intends to support the named candidate for the office of United States senator at the special election and requests that the name of the candidate be placed on the ballot.

Sec. 8.12. Selection of Political Party Nominees. The nominees of political parties to be designated by special petition may be selected by the state convention or by any other manner as prescribed by the party by-laws, and the petition shall be signed by the chairman and secretary of the state convention or, if the nominee is designated by the central committee, the petition shall be signed by the chairman of the central committee or in any other manner prescribed by the party by-laws.

Sec. 8.13. General Provision for Con-

duct of Special Election. Unless specifically provided otherwise, all provisions regarding the conduct of the general election shall govern the conduct of the special election of United States senators, including, but not limited to, provisions concerning voter qualifications; provisions regarding the duties, powers, rights and obligations of the secretary of state, of other election officials, and of cities and organized boroughs; provision for notification of the election; provision for payment of election expenses; provisions regarding employees being allowed time from work to vote; provisions for the counting, canvassing, and certification of returns; provisions for the determination of the votes and of recounts, contests, and appeal; and provision for absentee voting and the use of voting machines.

Part 2. United States
House of Representatives

Sec. 8.21. Condition and Time of Calling Special Election. When a vacancy occurs in the office of United States representative, the governor shall, by proclamation, call a special election to be held on a date within not less than 60, nor more than 90, days after the date the vacancy occurred. However, if the vacancy occurs on a date that is less than 60 days before, or is on or after the date of the primary nomination in general election years, the governor shall call no special election.

Sec. 8.22. Condition for Holding Special Election With Primary. If the vacancy occurs on a date within not less than 60, nor more than 90, days before the date of the primary nomination, the governor shall, by proclamation, call the special election to be held on the date of such primary nomination.

Sec. 8.23. Proclamation. The governor shall issue the proclamation at least 50 days before the election.

Sec. 8.24. Term of Elected Representative. At the special election, a United States representative shall be elected to fill the remainder of the unexpired term. The person elected shall take office on the date the United States house of representatives meets, convenes, or reconvenes following the certification of the results of the special election by the secretary of state.

Sec. 8.25. Date of Nominations. Candidates for the special election shall be nominated by petition transmitted by actual delivery to the secretary of state on or before the 20th day after the vacancy occurs.

Sec. 8.26. Requirements of Petition of No-Party Candidates. Petitions for the nomination of candidates not representing any political party shall be signed by at least 1,000 qualified voters and shall state in substance that which is required for nomination petitions by Sec. 5.55 of this code.

Sec. 8.27. Requirements of Party Petition. Petitions for the nomination of candidates of political parties shall state in substance that the party desires and intends to support the named candidate for the office of United States representative at the special election and requests that the name of the candidate nominated be placed on the ballot.

Sec. 8.28. Selection of Party Nominees. The nominees of political parties may be selected by the state convention or in any other manner prescribed by the party by-laws, and the petition shall be signed by the chairman and secretary of the state convention, or if the nominees are selected by the party central committee, the petition shall be signed by the chairman of the central committee or in any other manner prescribed by the party by-laws.

Sec. 8.29. General Provisions for Conduct of Special Election. Unless specifically provided otherwise, all provisions regarding the conduct of the general election shall govern the conduct of the special election of the United States representative, including, but not limited to provisions specifically referred to in Sec. 8.13 of this code.

Part 3. Governor and
Secretary of State

Sec. 8.31. Condition and Time of Calling Special Election. When a person appointed to succeed to the office of secretary of state succeeds to the office of acting governor, the acting governor shall, by proclamation, call a special election to be held on a date within not less than 60, nor more than 90, days after the date the vacancy in the office of the governor occurred. However, if the va-

cancy occurs on a date that is less than 60 days before, or is on or after the date of the primary nomination in years in which a governor is regularly elected, the acting governor shall serve the remainder of the unexpired term and shall call no special election.

Sec. 8.32. Conditions for Holding Special Election With Primary or General Election. If the vacancy occurs on a date within not less than 60, nor more than 90, days before the date of the primary nomination in years in which a governor is regularly elected or if the vacancy occurs on a date within not less than 60, nor more than 90, days before the date of the primary nomination or general election in election years in which a governor is not regularly elected, the acting governor shall, by proclamation, call the special election to be held on the date of such primary nomination or general election.

Sec. 8.33. Proclamation of Special Election. The acting governor shall issue the proclamation at least 50 days before the election.

Sec. 8.34. Term of Elected Governor and Secretary of State. At the special election, a governor and a secretary of state shall be elected to fill the remainder of the unexpired terms and shall take office on the date the results of the special election are certified.

Sec. 8.35. Date of Nominations. Candidates for the special election shall be nominated by petition transmitted by actual delivery to the secretary of state on or before the 20th day after the vacancy occurs.

Sec. 8.36. Requirements of Petition of No-Party Candidates. Petitions for the nomination of candidates not representing any political party shall be signed by at least 1,000 qualified voters, shall include nominees for the office of governor and secretary of state, and shall state in substance that which is required for nomination petitions by Sec. 5.55 of this code.

Sec. 8.37. Requirements of Party Petition. Petitions for the nomination of candidates of political parties shall state in substance that the party desires and intends to support the named candidates for the offices of governor and secretary

of state at the special election and requests that the names of the two candidates nominated be placed on the ballot.

Sec. 8.38. Selection of Party Nominees. The nominees of political parties may be selected by state convention or in any other manner prescribed by the party by-laws, and the petition shall be signed by the chairman and secretary of the state convention, or if the nominees are selected by the party central committee, the petition shall be signed by the chairman of the central committee or in any other manner prescribed by the party by-laws.

Sec. 8.39. General Provisions for Conduct of Special Election. Unless specifically provided otherwise, all provisions regarding the conduct of the general election shall govern the conduct of the special election of the governor and secretary of state, including, but not limited to, provisions specifically referred to in Sec. 8.13 of this code.

Part 4. Legislature

Sec. 8.51. Condition and Time for Filling Vacancy by Appointment. When a vacancy occurs in the state legislature, the governor, within 30 days, shall appoint a qualified person to fill the vacancy. However, if the remainder of the term of the predecessor in office will expire or if a vacancy in the state senate will be filled by a special election before the legislature will next meet, convene or reconvene, the governor shall not fill the vacancy.

Sec. 8.52. Qualification and Confirmation of Appointee. The appointee shall meet the qualifications of a member of the legislature as prescribed in Section 2 of Article II of the state constitution, shall be a member of the same political party as that which nominated the predecessor in office, and shall be subject to confirmation by a majority of the members of the legislature who are members of the same political party which nominated the predecessor in office and of the same house as was the predecessor in office. If the predecessor in office was not nominated by a political party or if no other member of his political party is a member of his house of the legislature, the governor may appoint any qualified person. If the appointee is not a member of a political party, the appointment is

not subject to confirmation. If the appointee is a member of a political party, the appointment is subject to confirmation as provided by this section for the confirmation of political party appointees.

Sec. 8.53. Date of Office of Appointee. If the appointment is not subject to confirmation, the term of the appointee shall begin on the first day the appointee is present when the legislature meets, convenes, or reconvenes after the date of the appointment. If the appointment is subject to confirmation, the term of the appointee shall begin on the date the appointment is confirmed.

Sec. 8.54. Procedure Upon Rejection. If an appointment is rejected, the governor, within 10 days, shall appoint another qualified person as provided in Sec. 8.52 of this code, who shall also be subject to confirmation, as provided in Sec. 8.52 of this code.

Sec. 8.55. Term of Appointed Representative. If the vacancy is in the state house of representatives, the appointment will be for the remainder of the unexpired term.

Sec. 8.56. Conditions for Full, Unexpired Term Senate Appointment. If the vacancy is for an unexpired senate term of two years plus five full calendar months or less, the appointment shall be for the remainder of the unexpired term.

Sec. 8.57. Conditions for Part-Term Senate Appointment and Special Election. If the vacancy is for an unexpired senate term of more than two years and five full calendar months, the governor shall call a special election by proclamation and the appointment shall expire on the date the state senate first convenes or reconvenes following the certification of the results of the special election by the secretary of state.

Sec. 8.58. Date of Special Election. The special election to fill a vacancy in the state senate shall be held on the date of the first general election held more than three full calendar months after the senate vacancy occurs.

Sec. 8.59. Proclamation of Special Election. The governor shall issue the proclamation calling the special election at least 50 days before the election.

Sec. 8.60. Term of Elected Senator. At the special election a state senator shall be elected to fill the remainder of the unexpired term and shall take office on the date the state senate first convenes or reconvenes following the certification of the results of the special election by the secretary of state.

Sec. 8.61. Selection of Nominees in Manner Provided for General Election. If the vacancy in the office of state senator occurs one calendar month or more before the filing date for the party primary nomination, candidates for the special election shall be nominated in the manner provided for the nomination of candidates for general elections.

Sec. 8.62. Designation of Nominees by Petition. If the vacancy occurs less than one calendar month before the filing date and more than three calendar months before the next general election, candidates shall be nominated by petition transmitted by actual delivery to the secretary of state on or before the first of September immediately preceding the special election.

Sec. 8.63. Requirements of Petition for No-Party Candidates. Petitions for the nomination of candidates not representing any political party shall be signed by qualified voters equal in number to at least five per cent of the number of votes cast in his respective election or senate district in the preceding general election, provided that no nominating petition need contain more than 200 signatures nor may it contain less than 50 signatures for any district, and shall state in substance that which is required in petitions for nomination for general elections provided in Sec. 5.55 of this code.

Sec. 8.64. Requirements of Petition by Political Party. Petitions for the nomination of candidates of political parties shall state in substance that the party desires and intends to support the named candidate for the office of state senator at the special election and requests that the name of the candidate be placed on the ballot.

Sec. 8.65. Selection of Political Party Nominees. The nominees of political parties may be selected by the respective party district committee or by any other manner as provided by the party by-laws,

and the petition shall be signed by the chairman of the party district committee or by any other party official designated by the party by-laws.

Sec. 8.66. General Provision for Conduct of Special Election. Unless specifically provided otherwise, all provisions regarding the conduct of the general election shall govern the conduct of the special election of state senators, including, but not limited to, the provisions specifically referred to in Sec. 8.13 of this code.

Article IX

Initiative, Referendum and Recall

Part 1. Initiative

Sec. 9.01. Provision and Scope for Use of the Initiative. The law making powers assigned to the legislature may be exercised by the people through the initiative. However, no initiative may be proposed to dedicate revenues, to make or repeal appropriations, to create courts, to define the jurisdiction of courts or prescribe their rules, or to enact local or special legislation.

Sec. 9.02. Filing Application. An initiative is proposed by filing an application with the secretary of state.

Sec. 9.03. Form of Application. The application shall include (1) the proposed bill to be initiated, (2) a statement that the sponsors are qualified voters who signed the application with the proposed bill attached, (3) the designation of an initiative committee of three sponsors who shall represent all sponsors and subscribers in matters relating to the initiative, and (4) the signatures and address of not less than 100 qualified voters.

Sec. 9.04. Form of Proposed Bill. The proposed bill shall be in the following form: (1) the bill shall be confined to one subject, (2) the subject of the bill shall be expressed in the title, (3) the enacting clause of the bill shall be: "Be it enacted by the People of the State of Alaska," (4) the bill may not include subjects restricted by Sec. 9.01 of this code.

Sec. 9.05. Manner of Notice. Notice to the initiative committee on any matter pertaining to the application and petition may be served on any member of the

committee in person or by mail addressed to a committee member as indicated on the application.

Sec. 9.06. Designation of Sponsors. The qualified voters who subscribe to the application are designated as sponsors. The initiative committee may designate additional sponsors by giving written notice to the secretary of state of the names and addresses of those so designated.

Sec. 9.07. Review of Application for Certification. The secretary of state shall review the application and shall either certify it or notify the initiative committee of the grounds for denial.

Sec. 9.08. Basis of Denial of Certification. The secretary of state shall deny certification if he determines, in writing, that (1) the proposed bill to be initiated is not in the required form, (2) the application is not substantially in the required form, or (3) there is an insufficient number of qualified sponsors.

Sec. 9.09. Preparation of Petition. If the application is certified, the secretary of state shall prescribe the form of and prepare petitions containing (1) a copy of the proposed bill, if the number of words included in both the formal and substantive provisions of the bill is 500 or less, (2) an impartial summary of the subject matter of the bill, (3) the warning prescribed in Sec. 9.10 of this code, (4) sufficient space for signature and address, and (5) other specifications prescribed by the secretary of state to assure proper handling and control. Petitions, for purposes of circulation, shall be prepared by the secretary of state in a number reasonably calculated to allow full circulation throughout the state. The secretary of state shall number each petition and shall keep a record of the petition delivered to each sponsor. Upon request of the committee, the secretary of state shall report the number of persons who voted in the preceding general election.

Sec. 9.10. Statement of Warning. Each petition shall include a statement of warning that any person who signs any name other than his own on the petition, or who knowingly signs his name more than once for the same proposition at one election, or who signs the petition knowing he is not a qualified voter, is guilty of a misdemeanor and upon conviction shall be punished by a fine of not

more than \$1,000.00 or by imprisonment in jail for not more than one year, or by both the fine and imprisonment.

Sec. 9.11. Circulation by Sponsor. The petitions may be circulated throughout the state only by a sponsor and only in person.

Sec. 9.12. Manner of Signing and Withdrawing Name from Petition. Any qualified voter may subscribe to the petition by signing his name and address. Any person who has signed the initiative petition may withdraw his name only by giving written notice to the secretary of state prior to the date the petition is filed.

Sec. 9.13. Certification of Sponsor. Before being filed, each petition shall be certified by an affidavit by the sponsor who personally circulated the petition. The affidavit shall state in substance that (1) the person signing the affidavit is a sponsor, (2) the person is the only circulator of that petition, (3) the signatures were made in his actual presence, and (4) to the best of his knowledge, the signatures are those of the persons whose names they purport to be. In determining the sufficiency of the petition, the secretary of state shall not count subscriptions on petitions not properly certified.

Sec. 9.14. Filing of Petition. The sponsors may file the initiative petition at any time with the secretary of state if signed by qualified voters equal in number to 10 per cent of those who voted in the preceding general election and resident in at least two-thirds of the election districts of the state.

Sec. 9.15. Review of Petition. Within not more than 60 days of the date the petition was filed, the secretary of state shall review the petition and shall notify the initiative committee whether the petition was properly or improperly filed, and at which election the proposition shall be placed on the ballot.

Sec. 9.16. Bases for Determining the Petition Was Improperly Filed. The secretary of state shall notify the committee that the petition was improperly filed if he determines (1) that there is an insufficient number of qualified subscribers, or (2) that the subscribers were not resident in at least two-thirds of the

election districts of the state.

Sec. 9.17. Submission of Supplementary Petition. Upon receipt of notice that the filing of the petition was improper, the initiative committee may amend and correct the petition by circulating and filing a supplementary petition within 30 days of the date that notice was given.

Sec. 9.18. Preparation of Ballot Title and Proposition. If the petition is properly filed, the secretary of state, with the assistance of the attorney general, shall prepare a ballot title and proposition. The ballot title shall, in not more than six words, indicate the general subject of the proposition. The proposition shall, in not more than 100 words, give a true and impartial summary of the proposed law.

Sec. 9.19. Placing Proposition on Ballot. The secretary of state shall place the ballot title and proposition on the election ballot of the first statewide general, special, or primary nomination election that is held after (1) the petition and any supplementary petition has been filed, (2) a legislative session has convened and adjourned, and (3) a period of 120 days has expired since the adjournment of the legislative session.

Sec. 9.20. Display of Proposed Law. The secretary of state shall provide each election board with 10 copies of the proposed law being initiated, and the election board shall display three copies of the proposed law in a conspicuous place in the room where the election is held.

Sec. 9.21. Determination of Void Petition. If the secretary of state, with the formal concurrence of the attorney general, determines that an act of the legislature that is substantially the same as the proposed law was enacted after the petition had been filed, and before the date of the election, the petition is void and the secretary of state shall so notify the committee.

Sec. 9.22. Adoption and Effective Date of Proposed Law. If a majority of the votes cast on the initiative proposition favor its adoption, the proposed law is enacted, and the secretary of state shall so certify. The act becomes effective 90 days after certification.

Sec. 9.23. Insufficiency of Application or Petition. No initiative submitted to

the voters shall be held void because of the insufficiency of the application or petitions by which the submission was procured.

Sec. 9.24. Judicial Review. Any person aggrieved by any determination made by the secretary of state may bring an action to have the determination reviewed within 30 days of the date on which notice of the determination was given by any appropriate remedy in the superior court.

Part 2. Referendum

Sec. 9.31. Provision and Scope of Use of Referendum. The people may approve or reject acts of the legislature by referendum. However, no referendum may be applied to dedication of revenues, to appropriation, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health, or safety.

Sec. 9.32. Filing Application. A referendum is proposed by filing an application with the secretary of state.

Sec. 9.33. Form of Application. The application shall include (1) the act to be referred, (2) a statement that the sponsors are qualified voters who signed the application with the proposed bill attached, (3) the designation of a referendum committee of three sponsors who shall represent all sponsors and subscribers in matters relating to the referendum, and (4) the signatures and addresses of not less than 100 qualified voters.

Sec. 9.34. Manner of Notice. Notice to the referendum committee on any matter pertaining to the application and petition may be served on any member of the committee in person or by mail addressed to a committee member as indicated on the application.

Sec. 9.35. Designation of Sponsors. The qualified voters who subscribe to the application are designated as sponsors. The referendum committee may designate additional sponsors by giving notice to the secretary of state of the names and addresses of those so designated.

Sec. 9.36. Time of Review of Application for Certification. Within seven calendar days after the date the application is received, the secretary of state shall

canvass the application and shall either certify it or notify the referendum committee of the grounds for denial.

Sec. 9.37. Basis of Denial of Certification. The secretary of state shall deny certification if he determines (1) that the application is not substantially in the required form, or (2) that there is an insufficient number of qualified sponsors, or (3) that more than 90 days have expired since the adjournment of the legislative session at which the act being referred was passed.

Sec. 9.38. Preparation of Petition. If the application is certified, the secretary of state shall, within seven calendar days after the date of certification, prescribe the form of, and prepare, a petition containing (1) a copy of the act to be referred, if the number of words included in both the formal and substantive provisions of the bill is 500 or less, (2) an impartial summary of the subject matter of the act, (3) the warning prescribed in Sec. 9.39 of this code and sufficient space for signatures and addresses, and (4) other specifications prescribed by the secretary of state to assure proper handling and control. Petitions, for purposes of circulation, shall be prepared by the secretary of state in a number reasonably calculated to allow full circulation throughout the state. The secretary of state shall number each petition and shall keep a record of the petitions delivered to each sponsor. Upon request of the referendum committee, the secretary of state shall specify the number of persons who voted in the preceding general election.

Sec. 9.39. Statement of Warning. Each petition shall include a statement of warning that any person who signs any name other than his own to the petition, or knowingly signs his name more than once for the same proposition at one election, or who signs the petition knowing he is not a qualified voter, is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$1,000.00 or by imprisonment in jail for not more than one year, or by both the fine and imprisonment.

Sec. 9.40. Circulation by Sponsor. The petitions may be circulated throughout the state only by a sponsor and only in person.

Sec. 9.41. Manner of Signing and Withdrawing Name from Petition. Any qualified voter may subscribe to the petition by signing his name and address. Any person who has signed the referendum petition may withdraw his name only by giving written notice to the secretary of state prior to the date the petition is filed.

Sec. 9.42. Certification of Sponsor. Before being filed, each petition shall be certified by an affidavit by the sponsor who circulated the petition. The affidavit shall state in substance that (1) the person signing the affidavit is a sponsor, (2) the person is the only circulator of the petition, (3) the signatures were made in his actual presence, and (4) to the best of his knowledge, the signatures are the signatures of persons whose names they purport to be. In determining the sufficiency of the petition, the secretary of state shall not count subscriptions on petitions not properly certified.

Sec. 9.43. Filing of Petition. The sponsors may file the petition only within 90 days after the adjournment of the legislative session at which the act was passed and only if signed by qualified voters equal in number to 10 per cent of those who voted in the preceding general election and resident in at least two-thirds of the election districts of the state.

Sec. 9.44. Review of Petition. Within not more than 60 days of the date the petition was filed, the secretary of state shall review the petition and shall notify the committee whether the petition was properly or was improperly filed and at which election the proposition shall be placed on the ballot.

Sec. 9.45. Basis for Determining the Petition Was Improperly Filed. The secretary of state shall notify the committee that the petition was improperly filed if he determines that (1) there is an insufficient number of qualified subscribers, or (2) the subscribers were not resident in at least two-thirds of the election districts of the state, or (3) the petition was not filed within 90 days after the adjournment of the legislative session at which the act was passed.

Sec. 9.46. Submission of Supplementary Petition. Upon receipt of notice that

the filing of the petition was improper, the committee may amend and correct the petition by circulating and filing a supplementary petition within 10 days of the date that notice was given if 90 days have not expired after the adjournment of the legislative session at which the act was passed.

Sec. 9.47. Preparation of Ballot Title and Proposition. The secretary of state, with the assistance of the attorney general, shall prepare a ballot title and proposition if he determines that the petition is properly filed. The ballot title shall, in not more than six words, indicate the general subject area of the act. The proposition shall, in not more than 100 words, give a true and impartial summary of the act being referred.

Sec. 9.48. Placing Proposition on Ballot. The secretary of state shall place the ballot title and proposition on the election ballot for the first statewide general, special, or primary nomination election held more than 180 days after adjournment of the legislative session at which the act was passed.

Sec. 9.49. Display of Act Being Referred. The secretary of state shall provide each election board with 10 copies of the act being referred, and the election board shall display three copies of the act in a conspicuous place in the room where the election is held.

Sec. 9.50. Rejection of Act. If a majority of the votes cast on the referendum proposition favor the rejection of the act referred, the act is rejected, and the secretary of state shall so certify. The act rejected by referendum is void 30 days after certification.

Sec. 9.51. Insufficiency of Application or Petition. No referendum submitted to the voters shall be held void because of the insufficiency of the application or petition by which the submission was procured.

Sec. 9.52. Judicial Review. Any person aggrieved by any determination made by the secretary of state may bring an action to have the determination reviewed within 30 days of the date on which notice of the determination was given by any appropriate remedy in the superior court.

Part 3. Recall

Sec. 9.71. Provision and Scope for Use of Recall. The governor, the secretary of state, and members of the state legislature are subject to recall by the voters of the state or the political subdivision from which elected.

Sec. 9.72. Filing Application. The recall of the governor, or a member of the state legislature is proposed by filing an application with the secretary of state. The recall of the secretary of state is proposed by filing an application with the attorney general who shall perform the duties imposed on the secretary of state in the recall of other elected state officials.

Sec. 9.73. Time of Filing Application. No application may be filed during the first 120 days of the term of office of any state public official subject to recall.

Sec. 9.74. Form of Application. The application shall include (1) the name and office of the person to be recalled, (2) the grounds for recall described in particular in not more than 200 words, (3) a statement that the sponsors are qualified voters who signed the application with the statement of grounds for recall attached, (4) the designation of a recall committee of three sponsors who shall represent all sponsors and subscribers in matters relating to the referendum, (5) the appointment of at least 100 qualified voters who subscribe to the application as sponsors for purposes of circulation, and (6) the signatures and addresses of qualified voters equal in number to 10 per cent of those who voted in the preceding general election in the state or in the senate or electoral district of the official sought to be recalled.

Sec. 9.75. Grounds for Recall. The grounds for recall are (1) lack of fitness, (2) incompetence, (3) neglect of duties, or (4) corruption.

Sec. 9.76. Manner of Notice. Notice on all matters pertaining to the application and petition may be served on any member of the recall committee in person or by mail addressed to a committee member as indicated on the application.

Sec. 9.77. Notice of the Number of Voters. The secretary of state, upon request, shall notify the recall committee

of the official number of persons who voted in the preceding general election in the state or in the senate or election district of the official sought to be recalled.

Sec. 9.78. Review of Application. The secretary of state shall review the application and shall either certify it or notify the recall committee of the grounds of refusal.

Sec. 9.79. Basis of Denial of Certification. The secretary of state shall deny certification if he determines that (1) the application is not substantially in the required form, or (2) the application was filed during the first 120 days of the term of office of the official subject to recall or within less than 180 days of the termination of the term of office of any official subject to recall, (3) the person named in the application is not subject to recall, or (4) there is an insufficient number of qualified subscribers.

Sec. 9.80. Preparation of Petition. If the secretary of state certifies the application, he shall prescribe the form of, and prepare, a petition containing (1) the name and office of the person to be recalled, (2) the statement of the grounds for recall included in the application, (3) the statement of warning required in Sec. 9.81 of this code, and (4) sufficient space for signatures and addresses, and (5) other specifications prescribed by the secretary of state to assure proper handling and control. Petitions, for purposes of circulation, shall be prepared by the secretary of state in a number reasonably calculated to allow full circulation throughout the state or throughout the senate or election district of the official sought to be recalled. The secretary of state shall number each petition and shall keep a record of the petitions delivered to each sponsor.

Sec. 9.81. Statement of Warning. Each petition and duplicate copy shall include a statement of warning that any person who signs any name other than his own to the petition, or who knowingly signs his name more than once for the same proposition at one election, or who signs the petition knowing he is not a qualified voter, is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$1,000.00 or by imprisonment in jail for not more than

one year, or by both the fine and the imprisonment.

Sec. 9.82. Circulation by Sponsor. The petitions may be circulated only by a sponsor and only in person throughout the state or senate or election district represented by the official sought to be recalled.

Sec. 9.83. Manner of Signing and Withdrawing Name from Petition. Any qualified voter may subscribe to the petition by signing his name and address. Any person who has signed the petition may withdraw his name only by giving written notice to the secretary of state prior to the date the petition is filed.

Sec. 9.84. Certification of Sponsor. Before being filed, each petition shall be certified by an affidavit by the sponsor who personally circulated the petition. The affidavit shall state in substance that (1) the person signing the affidavit is a sponsor, (2) the person is the only circulator of that petition or copy, (3) the signatures were made in his actual presence, and (4) to the best of his knowledge, the signatures are those of the persons whose names they purport to be. In determining the sufficiency of the petition, the secretary of state shall not count subscriptions on petitions not properly certified.

Sec. 9.85. Filing of Petition. No petition may be filed within less than 180 days of the termination of the term of office of any state public official subject to recall. The sponsor may file the petition only if signed by qualified voters equal in number to 25 per cent of those who voted in the preceding general election in the state or in the senate or election district of the official sought to be recalled.

Sec. 9.86. Review of Petition. Within 30 days of the date of filing, the secretary of state shall review the petition and shall notify the recall committee and the person subject to recall whether the petition was properly or improperly filed.

Sec. 9.87. Basis for Determining the Petition Was Improperly Filed. The secretary of state shall notify the committee that the petition was improperly filed if he determines that (1) there is an insufficient number of qualified subscribers, or (2) the petition was filed within less

than 180 days of the termination of the term of office of the official subject to recall.

Sec. 9.88. Submission of Supplementary Petition. Upon receipt of notice that the filing of the petition was improper, the committee may amend and correct the petition by circulating and filing a supplementary petition within 20 days of the date that notice was given, if filed within less than 180 days of the termination of the term of office of the person subject to recall.

Sec. 9.89. Calling Special Election. If the secretary of state determines the petition is properly filed and if the office is not vacant, he shall prepare the ballot and shall call a special election to be held on a date within not less than 60, nor more than 90 days after the date that notification is given that the petition was properly filed. If a primary nomination or general election is to be held within not less than 60, nor more than 90, days after the date that notification is given that the petition was properly filed, the special election shall be held on the date of the primary nomination or general election.

Sec. 9.90. Preparation of Ballot. The ballot shall be designed with the question of whether the public official shall be recalled, placed on the ballot in the following manner: "Shall (name of official) be recalled from the office of _____?" Provision shall be made for marking the question "Yes" or "No."

Sec. 9.91. Conduct of Special Election. Unless specifically provided otherwise, all provisions regarding the conduct of a general election shall govern the conduct of a special election for the recall of a state public official, including but not limited to, provisions concerning voter qualifications; provisions regarding duties, powers, rights and obligations of the secretary of state, of other election officials, and of cities and organized boroughs; provision for notification of the election; provision for the payment of election expenses; provisions regarding employees being allowed time from work to vote; provisions for counting, canvassing, and certification of returns; provision for the determination of votes and of recount contests and court appeal; and provisions for

absentee voting and the use of voting machines.

Sec. 9.92. Display of Basis for and Against Recall. The secretary of state shall provide each election board in the state or in the senate or election district of the person subject to recall with 10 copies of the statement of the grounds for recall included in the application and 10 copies of the statement of not more than 200 words made by the official subject to recall in justification of his conduct in office. The person subject to recall may provide the secretary of state with his statement within 10 days after the date the secretary of state gave notification that the petition was properly filed. The election board shall post three copies of the statements for and against recall in three conspicuous places in the polling place.

Sec. 9.93. Certification of Election Results. If a majority of the votes cast on the question of recall favor the removal of the official, the secretary of state shall so certify and the office is vacant on the day after the date of certification.

Sec. 9.94. Filling Vacancy. A vacancy caused by a recall is filled as a vacancy caused by any other means is filled.

Sec. 9.95. Insufficiency of Grounds, Application, or Petition. No recall submitted to the voters shall be held void because of the insufficiency of the grounds, application, or petition by which the submission was procured.

Sec. 9.96. Judicial Review. Any person aggrieved by any determination made by the secretary of state may bring an action to have the determination reviewed within 30 days of the date on which notice of determination was given by any appropriate remedy in the superior court.

Article X

Constitutional Amendments and Conventions

Part 1. Constitutional Amendments

Sec. 10.01. Preparation of Proposition for Constitutional Amendment. The secretary of state shall prepare a ballot title and proposition for each amendment to the state constitution proposed by the legislature or by a constitutional conven-

tion. Each amendment shall be confined to one subject.

Sec. 10.02. Description of Ballot Title and Proposition. The ballot title shall, in not more than six words, indicate the general subject of the act. The proposition shall, in not more than 100 words, give a true and impartial summary of the amendment proposed.

Sec. 10.03. Placing Proposition on Ballot. The secretary of state shall place the ballot title and proposition on the ballot for the next statewide general, primary, or special election held after the amendment proposed by the legislature or held 120 days after the amendment proposed by a constitutional convention. If there is insufficient time to permit the proposition from being placed on the regular ballot by the secretary of state, the secretary of state shall direct election officials to prepare the ballot for the proposition.

Sec. 10.04. Display of Resolution. The secretary of state shall provide each election board with 10 copies of the resolution proposing the constitutional amendment by the legislature or by the convention, and the election board shall display three copies of the resolution in a conspicuous place in the room where the election is held.

Sec. 10.05. Certification of Vote. If a majority of the votes cast on the proposition favor the amendment, the constitutional amendment is adopted, and the secretary of state shall so certify.

Sec. 10.06. Effective Date. Unless otherwise provided in the amendment, it becomes effective 30 days after certification.

Part 2. Constitutional Conventions

Sec. 10.51. Placing Question of Constitutional Convention on Ballot. If during any 10-year period a constitutional convention has not been held, and the question of holding a constitutional convention has not been placed before the voters, the secretary of state shall place the question on the ballot for the next regular statewide general or primary election.

Sec. 10.52. Certification of Vote. If a majority of the votes cast on the question are in the affirmative, the secretary of

state shall so certify and shall issue the call for the convention.

Sec. 10.53. Time and Manner of Selecting Delegates. Delegates to the convention shall be elected at the next statewide general election in the number and manner prescribed in the call for the convention by the secretary of state or as provided by law.

Sec. 10.54. Certification of Constitutional Amendment by Convention. The president of the constitutional convention shall certify to the secretary of state each proposed amendment to the constitution adopted by the constitutional convention.

Article XI

Election Offenses, Corrupt Practices, and Penalties

Sec. 11.01. Definition of "Person" and "Election." For purposes of this article, the term "person" means any individual, and where consistent with collective capacity, a committee, firm, partnership, company, corporation, club, organization, association, or other combination of individuals, and the term "election" means any general, special, and party primary nomination election.

Sec. 11.02. Undue Influence by Force. Any person who directly or indirectly uses or threatens to use force, coercion, violence or restraint or who inflicts or threatens to inflict damage, harm, or loss upon or against any person to induce or compel the person to vote or refrain from voting for any candidate in any election or for any election proposition or question, is guilty of a corrupt practice and upon conviction shall be punished as for a misdemeanor.

Sec. 11.03. Undue Influence by Offer. Any person who gives or promises to give, or offers any money or valuable thing to any person with the intent to induce him to vote for or restrain from voting for any candidate at any election or for any election proposition or question, is guilty of a corrupt practice and upon conviction shall be punished as for a misdemeanor.

Sec. 11.04. Publication Without Identification. Any person who knowingly prints or circulates, or causes to be written, printed, or circulated, any letter, circular, bill, placard, poster, or other pub-

lication relating to any election or to any candidate at any election or to any election proposition or question without the same bearing on its face, the name and address of the author, printer, and publisher thereof, is guilty of a corrupt practice and upon conviction shall be punished as for a misdemeanor.

Sec. 11.05. Publication of False Statement. Any person who writes, prints or circulates, or who shall cause to be written, printed or circulated, any letter, circular, bill, placard, or poster, or who causes any paid advertisement to be placed in a newspaper or any other publication, or who pays or contributes to the payment for any such advertisement, or who makes any radio broadcast, willfully knowing the letter, circular, bill, placard, poster, publication, paid advertisement, or radio broadcast to contain any false statement, charge, or comment relating to any candidate at any election or to any election proposition or question, is guilty of a corrupt practice and upon conviction shall be punished as for a misdemeanor.

Sec. 11.06. Improper Possession of Ballot. Any person, other than an election official, or other person authorized by law or by the secretary of state who has in his possession outside of the voting room any official ballot, shall be guilty of a misdemeanor.

Sec. 11.07. Counterfeiting of Ballot. Any person who makes, or knowingly has in his possession, any counterfeit of an official ballot shall be guilty of a misdemeanor.

Sec. 11.08. Refusal to Allow Employees Time Off. Any employer who refuses to allow an employee time off for the purpose of voting, or who, after allowing the time off, deducts the time from the wages of the employee, is guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding \$50.00.

Sec. 11.09. Improper Disclosure of Vote. Any election official who, while the polls are open, opens any ballot received from a voter at any election, or marks a ballot by folding or otherwise so as to be able to recognize it, or otherwise attempts to learn how any voter marked his ballot, or allows the same to be done by any other person, is guilty of a misdemeanor.

Sec. 11.10. Writing of False Statement. Any person who is the author of any published letter, circular, poster, bill, publication, or placard and who knows that it contains any false statement or false charges reflecting on the character, morality, or integrity of any candidate at any election, is guilty of a corrupt practice and upon conviction shall be punished as for a felony.

Sec. 11.11. Voting in False Name. Any person who votes or attempts to vote in the name of another person or in any name other than his own, shall be guilty of a felony.

Sec. 11.12. Undue Influence of Election Official. Any person who by force, threat, intimidation, or offers of reward induces or attempts to induce any election official to fail in his duty, shall be guilty of a felony.

Sec. 11.13. Improper Change of Election Returns. Any person who wilfully changes or causes to be changed any official election documents including ballots, tallies, and returns, or attempts to do the same, shall be guilty of a felony.

Sec. 11.14. Improper Delay of Election Returns. Any person who wilfully delays or causes to be delayed the election returns, or attempts to do so, shall be guilty of a misdemeanor.

Sec. 11.15. Voting More Than Once. Any person who wilfully votes or attempts to vote more than once at the same election, shall be guilty of a felony.

Sec. 11.16. Improper Subscription to Petition. Any person who signs any name other than his own to a petition proposing an initiative, referendum, or recall, or who knowingly signs his name more than once for the same proposition or question at one election, or who signs the petition knowing he is not a qualified voter, shall be guilty of a misdemeanor.

Sec. 11.17. Improper Distribution and Printing of Ballots. Any person contracted or employed by the state to print or reproduce in any manner any official ballot, who wilfully appropriates to himself, or gives or delivers to, or knowingly permits to be taken by anyone other than a person authorized by the secretary of state, any official ballots, or who knowingly prints or reproduces or causes

to be printed or reproduced any official ballots in any other form or with any other content than that prescribed by law or as directed by the secretary of state, shall be guilty of a felony.

Sec. 11.18. False Swearing. Any person who wilfully makes a false affidavit or swears falsely under any oath required by the election code, or who wilfully swears or affirms falsely under an oath required by the election code, shall be guilty of a felony.

Sec. 11.19. Improper Influence of Election by Election Officials. Any election official who wilfully fails to perform any election duty or knowingly does any unauthorized act with the intent to affect the election or its results, shall be guilty of a felony.

Sec. 11.20. False Count by Election Officials. Any election official who wilfully permits or makes or attempts to make any false count of the election returns, shall be guilty of a felony.

Sec. 11.21. Concealment of Returns by Election Officials. Any election official who wilfully conceals, withholds, or destroys the election returns, or attempts to do so, shall be guilty of a felony.

Sec. 11.22. General Penalty for Misdemeanor. Any person found guilty of a misdemeanor under the provisions of the election code, shall be, unless specifically provided otherwise, punished by a fine of not more than \$1,000.00, or by imprisonment in jail for not more than one year, or by both the fine and imprisonment.

Sec. 11.23. General Penalty for Felony. Any person found guilty of a felony under the provisions of the election code shall be, unless specifically provided otherwise, punished by a fine of not more than \$3,000.00 or by imprisonment in the penitentiary for not more than five years, or by both the fine and imprisonment.

Sec. 11.24. Penalty for Corrupt Practice. Any person nominated or elected to any state public office who is convicted of a corrupt practice, as provided in this Act, shall be punished, in addition to all other punishment, by being deprived of the nomination or office, as the case may be, and the vacancy is filled as any other vacancy.

Sec. 11.25. **Time Limitation.** No prosecution for any offense provided in this code may be maintained unless it is commenced within one year after the date of the election in connection with which the offense is alleged to have been committed.

Article XII

Formal Provisions

Sec. 12.01. **Definitions.** As used in this code, unless the context otherwise requires:

(1) "election" includes any general or special election.

(2) "local election" means any election held by a borough, city, school district, public utility district, service area, or other local unit of government.

(3) "oath" includes affirmation; "sworn" includes affirmed.

(4) "proposition" means any initiative, referendum, or constitutional amendment submitted at an election to the public for vote.

(5) "question" means any issue placed on the ballot to determine whether a judge or justice shall be accepted or rejected, whether a constitutional convention shall be called, whether a state debt shall be contracted, or whether a state official shall be recalled.

(6) "political party" means a group of organized voters which represents a political program and which nominated a candidate for governor who received at least 10 per cent of the total vote cast at the last preceding general election for governor.

(7) "member of a political party" means any person who supports the political program of a party, and filing as an independent candidate shall not be interpreted as precluding the candidate from being a member of a political party; and recognition of the independent as a member of a political party at a party caucus held by members of the legislative session following his election, shall be deemed as recognition of party membership at the time filings were received by party candidates for the preceding general election.

(8) "political group" means any

group of organized voters which represents a political program and which does not qualify as a political party.

(9) "presidential election year" means any year in which the presidential electors are elected.

(10) "general election" means the election held on the Tuesday after the first Monday in November of even numbered years.

(11) words importing the singular include the plural; words importing the plural include the singular; and words importing the masculine gender include the feminine.

(12) the present tense includes the future.

(13) "signature" or "subscription" includes a mark intended as a signature or subscription.

(14) "secretary of state" includes any appointed secretary of state, governor, or acting governor if a vacancy has occurred in the office of secretary of state or governor.

(15) "election official" means district and deputy magistrates, and election judges, clerks, and counters.

(16) "election boards" means the local precinct board composed of the three election judges.

(17) "election district" means the territory described in Section 3 of Article XIV of the state constitution, as may be modified pursuant to Article VI of the state constitution.

(18) "senate district" means the territory included in the election districts as designated in Section 2 of Article XIV of the state constitution, as may be modified pursuant to Article VI of the state constitution.

(19) "precinct" means the territory within which resident voters may cast their vote at one polling place.

(20) "borough" means the unit of local government organized as provided by law pursuant to Section 3 of Article X of the state constitution.

(21) "vacancy" exists in an office when the person elected or appointed to

the office resigns, retires, dies, is recalled, is rejected by majority vote on the question at an election, is convicted of a corrupt practice, is removed by impeachment, or is expelled.

(22) "voter" means any person who presents himself for the purpose of voting either in person or by absentee ballot.

(23) "qualified voter" means any person who has the qualification of a voter and is not disqualified as provided by Article V of the state constitution.

(24) "special election" means any election held at a time other than when the general or party primary election is held and any election called to be held with, and at the time of, the general or party primary election.

(25) "shall" is used in an imperative sense; "may" is used in a permissive sense.

(26) "party district committee" means the political party committee that performs the executive function on an intermediate regional basis representing an area larger than the precinct or city and smaller than the state.

(27) "city clerk" includes any properly authorized assistant to the city clerk.

Sec. 12.02. **Short Title.** This Act may be cited as the "Alaska Election Code."

Sec. 12.03. **Repeals.** The following laws and parts of laws are repealed: Secs. 38-1-1, 38-1-2, 38-1-3, 38-1-4, 38-1-5, 38-1-6, 38-1-7, 38-1-8, 38-1-9, 38-4-2, 38-4-6, 38-4-7, 38-4-9, 38-4-10, 38-4-11, 38-4-12, 38-5-2, 38-5-3, 38-5-4, 38-5-5, 38-5-6, 38-5-7, 38-5-8, 38-5-9, 38-5-10, 38-5-11, 38-5-12, 38-5-13, 38-5-14, 38-5-15, 38-5-16, 38-5-17, 38-5-18, 38-5-19, 38-5-21, 38-5-22, 38-5-23, 38-5-24, 38-5-25, 38-5-26, 38-5-27, 38-5-28, 38-5-29, 38-5-30, 38-6-1, 38-6-2, 38-6-3, 38-6-4, 38-6-5, 38-6-6, 38-6-7, 38-7-2, 38-7-3, 38-7-4, 38-7-5, 38-7-7, 38-7-8, 38-7-9, 38-7-10, 38-7-11, 38-7-12, 38-7-13, 38-7-15, 38-8-1, 38-8-2, 38-8-4, 38-9-5, 38-9-7, 38-9-8, 38-9-9, 38-9-10, 38-9-11, ACLA 1949.

Sec. 38-4-1, ACLA 1949, as amended by Sec. 1, Ch. 17, SLA 1953, as amended by Sec. 1, Ch. 191, SLA 1959; Sec. 38-4-3,

ACLA 1949, as amended by Sec. 2, Ch. 191, SLA 1959; Sec. 38-4-4, ACLA 1949, as amended by Sec. 1, Ch. 41, SLA 1959; Sec. 38-4-5, ACLA 1949, as amended by Sec. 2, Ch. 17, SLA 1953; Sec. 38-4-8, ACLA 1949, as amended by Sec. 3, Ch. 17, SLA 1953; Sec. 38-5-1, ACLA 1949, as amended by Sec. 3, Ch. 191, SLA 1959; Sec. 39-5-20, ACLA 1949, as amended by Sec. 2, Ch. 137, SLA 1953; Sec. 38-5-31, ACLA 1949, as amended by Sec. 1, Ch. 54, SLA 1949; Sec. 38-7-1, ACLA 1949, as amended by Sec. 1, Ch. 62, SLA 1949; Sec. 38-7-6, ACLA 1949, as amended by Sec. 1, Ch. 49, SLA 1949; Sec. 38-9-1, ACLA 1949, as amended by Sec. 1, Ch. 135, SLA 1953; Sec. 38-9-2, ACLA 1949, as amended by Sec. 1, Ch. 58, SLA 1949, as amended by Sec. 2, Ch. 135, SLA 1953, as amended by Sec. 2, Ch. 144, SLA 1955; Sec. 38-9-3, ACLA 1949, as amended by Sec. 5, Ch. 135, SLA 1953; Sec. 38-9-4, ACLA 1949, as amended by Sec. 6, Ch. 135, SLA 1953; Sec. 38-9-6, ACLA 1949, as amended by Sec. 1, Ch. 144, SLA 1955; Sec. 38-9-12, ACLA 1949, as amended by Sec. 7, Ch. 135, SLA 1953, as amended by Sec. 3, Ch. 144, SLA 1955.

Sec. 1, Ch. 137, SLA 1953; Ch. 23, SLA 1953; Ch. 12, ESLA 1955; Ch. 27, SLA 1955; Ch. 55, SLA 1959; Secs. 3 and 4, Ch. 135, SLA 1953; Ch. 177, SLA 1955.

Sec. 12.04. **Applicability of This Code.** The term of office of members of the state legislature appointed by the governor to fill vacancies in the legislature before the effective date of this code is governed by the applicable provisions of this code. Any proposal to file an application for an initiative which has not been certified by the secretary of state before the effective date of this code is governed by the applicable provisions of this code. Any proceedings to file an initiative petition when the application has been certified before the effective date of this code, is not governed by the provisions of this code, but election procedure relating to the preparation of the ballot, the manner of holding, and conduct of the election, shall conform to the provisions of this code.

Sec. 12.05. **Effective Date.** This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.