

for state-operated schools and district schools.

Sec. 2. This Act takes effect July 1, 1963.

Approved April 19, 1963

## CHAPTER 80

### AN ACT

#### Making certain changes in the Alaska Election Code.

(S.C.S.H.B. 130)

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

Section 1. AS 15.05.010(2) is repealed and re-enacted to read:

(2) is at least 19 years of age;

Sec. 2. AS 15.05 is amended by adding a new section to read:

Sec. 15.05.015. **Moving from Election District Just before Election.** A person who meets all voter qualifications except that listed in sec. 10(4) of this chapter is qualified to vote by absentee ballot in the election district in which he formerly resided if he lived in that election district for at least 30 days immediately before his change of residence.

Sec. 3. AS 15.10.140 is amended to read:

Sec. 15.10.140. **Appointment of Counters.** The chairman of the election board may appoint a maximum of six persons as counters of ballots in each precinct if the election supervisor authorizes the appointment. The appointments may 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 counters may not be of the same political party. If four or less counters are appointed, no more than two may be of the same political party. If more than four counters are appointed, no more than three counters may be of the same political party. No counter may work continuously for more than six hours.

Sec. 4. AS 15.10.170 is amended to read:

Sec. 15.10.170. **Appointment and Privileges of Watchers.** The district party

committee may appoint one or more persons as watchers in each precinct for any primary nomination or election. Each candidate not representing a political party may appoint one or more watchers for each precinct in his respective district or the state for any election. No district party committee or candidate not representing a political party may have more than one watcher on duty at a time in any precinct. The watcher may be present at a position inside 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 that he is the watcher appointed by the district party committee or candidate he represents and signed by the chairman of the district committee or the candidate representing no party. The secretary of state may prescribe regulations governing the conduct of watchers to assure the privileges of the watchers and the proper conduct of the election.

Sec. 5. AS 15.15.010 is amended to read:

Sec. 15.15.010. **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 under the Administrative Procedure Act (AS 44.62) necessary for the administration of elections to protect the interest of the voter and assure administrative efficiency. When the secretary of state is administering a borough or special election, he may issue regulations under AS 44.62 changing the time required for notices of election,

appointment of election officials, absentee voting, canvass of the vote, and election recounts.

Sec. 6. AS 15.15.030(12) is repealed.

Sec. 7. AS 15.15.250 is amended to read:

Sec. 15.15.250. **Disposition of Improperly Marked Ballot.** If a 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 record the number of the improperly marked or damaged ballot and destroy it immediately without examining it.

Sec. 8. AS 15.15.360(5) is amended to read:

(5) The mark shall be counted only if it is substantially inside the square provided, or touching the square so as to indicate clearly that the voter intended the particular square to be designated.

Sec. 9. AS 15.15.360(7) is amended to read:

(7) An erasure or correction invalidates only that section of the ballot in which it appears.

Sec. 10. AS 15.15.360 is amended by adding a new subsection to read:

(10) Stickers bearing a candidate's name may be affixed to the ballot in lieu of writing in a candidate's name if write-in votes or ballots are otherwise permitted.

Sec. 11. AS 15.15.370 is amended to read:

Sec. 15.15.370. **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 in duplicate of the results. 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, immediately upon completion of the certificate or as soon thereafter as the local mail service permits, send in one sealed package to the secretary of

state one copy of the certificate, the original register, all ballots unlawfully exhibited, properly identified, the record of ballots destroyed under sec. 250 of this chapter, and all oaths and affidavits. In addition, all ballots properly cast shall be mailed to the secretary of state in a separate, sealed package. Both packages, in addition to an address on the outside, shall clearly indicate the precinct from which they come. Each board shall, immediately upon completion of the certification and as soon thereafter as the local mail service permits, send the duplicate certificate and the duplicate register to its respective election supervisor. The secretary of state may secure from the election supervisor 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. To assure adequate protection, 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.

Sec. 12. AS 15.15.430 is amended to read:

Sec. 15.15.430. **Scope of Canvass.** The canvass by the secretary of state shall include only (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. If the secretary of state finds an unexplained error in the tally of paper ballots in any precinct election poll book, he may count the ballots from the precinct. If the secretary of state finds the precinct counters have not entered tallies in the precinct tally books, but have certified a candidate as having received a fixed number of votes, the secretary may recount the ballots from that precinct. The secretary shall certify in writing to the

state canvass board any changes resulting from the count.

Sec. 13. AS 15.15.440 is amended to read:

**Sec. 15.15.440. Dates for Opening and Closing State Canvass.** The state canvass shall begin eight days after the election and be continued daily until completed. The secretary of state may designate the hours a day the state canvass board is to conduct its canvass. 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 a precinct, the secretary of visors 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 of the 15th day after the date of election. A 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. 14. AS 15.20.030 is amended to read:

**Sec. 15.20.030. 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, blanks for the attesting witnesses, and a place for recording the date and time the envelope was sealed and delivered.

Sec. 15. AS 15.20.040 is amended to read:

**Sec. 15.20.040. 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 before the date upon which a person may first apply for an absentee ballot in person.

Sec. 16. AS 15.20.080 is amended to read:

**Sec. 15.20.080. Date for Application in Person.** A qualified voter may apply for an absentee ballot in person on any day not more than 30 days before the day of an election, but not on election day. For special elections held to recall an elected official or to fill a vacancy in the office of United States representative or governor and secretary of state, a qualified voter may apply for an absentee ballot 20 days before the date of an election but not on election day.

Sec. 17. AS 15.20.200 is amended to read:

**Sec. 15.20.200. Time of District Canvass.** Eight 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 recess until the ballots are canvassed.

Sec. 18. AS 15.20.440 is amended to read:

**Sec. 15.20.440. Form of Application.**  
(a) 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 names and mailing addresses.

(b) Candidates, political parties, or organized groups having a direct interest in a recount and who are seeking to protect their interests during a recount may provide, at their own expense, not more than two observers to witness the recount.

Sec. 19. AS 15.20.510 is amended to read:

**Sec. 15.20.510. Provision for Appeal to Courts.** A candidate or a person who requested a recount who has reason to believe an error has been made in the recount (1) involving any question or proposition or the validity of any ballot may appeal to the superior court in accordance with applicable court rules governing appeals in civil matters, and (2) involving candidates for the legislature or Congress or 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, 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 or not 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. 20. AS 15.25.040 is amended to read:

**Sec. 15.25.040. 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 at or before 5:00 p.m., Alaska Standard time, May 1 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 at or before 5:00 p.m., Alaska Standard time, May 1 of the year in which a general election is held for the office, and also the actual physical delivery of the original declaration postmarked at or before 5:00 p.m., Alaska Standard time, May 1 of the year in which a general election is held for the office. A candidate for state-wide offices shall file with the secretary of state. A candidate for district-wide offices shall file either with a clerk of the superior court in the major senate district of which the candidate is a resident or the secretary of state. If a candidate for district-wide office files a declaration with the secretary of state, the secretary of state shall immediately, by telegram to be followed by letter, notify the appropriate clerk of the superior court of the filing. If the candidate files his declaration with the clerk of the superior court, the clerk shall immediately forward the declaration to the secretary of state. If May 1 is a Sunday or holiday, the declaration may be filed no later than 5:00 p.m., Alaska Standard time, on the following day.

Sec. 21. AS 15.25.135 is repealed.

Sec. 22. AS 15.25.180 is amended to read:

**Sec. 15.25.180. 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 the political group supporting 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 sub-

scribers 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, (12) that the proposed candidate accepts the nomination and will serve if elected, with the statement signed by the proposed candidate, and (13) if the candidacy is for the office of the governor, the name of the candidate for secretary of state running jointly with him.

Sec. 23. AS 15.35 is amended by adding a new section to read:

**Sec. 15.35.041. Requirement of Filing Fee for Supreme Court Candidate.** At the time the declaration is filed, each candidate shall pay a filing fee to the secretary of state. The filing fee for a

candidate for the supreme court is \$100.  
 Sec. 24. AS 15.35 is amended by adding a new section to read:

**Sec. 15.35.071. Requirement of Filing Fee for Superior Court Candidate.** At the time the declaration is filed, each candidate shall pay a filing fee to the secretary of state. The filing fee for a candidate for the superior court is \$30.

Sec. 25. AS 15.55.130 is repealed and re-enacted to read:

**Sec. 15.55.130. Improper Delay in Sending of Election Materials.** A person who wilfully delays, attempts to delay, or causes to be delayed the sending of the certificate, register, ballots, or other materials, whether original or duplicate, as required by AS 15.15.370, is guilty of a felony.

Sec. 26. AS 15.62.010 is repealed.

Approved April 19, 1963

CHAPTER 81

AN ACT

**Relating to challenges to the legality of formation of boroughs; and providing for an effective date.**

(C.S.H.B. 163)

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

Section 1. AS 07.10 is amended by adding a new section to read:

**Sec. 07.10.125. Challenge to Legality.** No person may on any grounds challenge in court or before an administrative agency the legality of formation of an

organized borough except within six months of the date on which the secretary of state declares that an area is the organized borough.

Sec. 2. AS 01.10.100(a) does not apply to this Act.

Sec.3. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 19, 1963

CHAPTER 82

AN ACT

**Appropriating for the purchase of individual titles of the Alaska Statutes; and providing for an effective date.**

(H.B. 221)

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

Section 1. The sum of \$13,000 is appropriated from the general fund to the De-