



LAWS OF ALASKA

1966

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Chapter No.:

136

AN ACT

Amending the election code; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 15.15.360 is amended by adding a new paragraph to read:

(11) A write-in vote for a person whose candidacy for that office was rejected in a party primary election in the same year is invalid unless the party nominee for that office has died, withdrawn, become disqualified, or been certified as incapacitated before the general election. A write-in vote cast contrary to this rule does not invalidate the entire ballot.

* Sec. 2. AS 15.05.020(4) is amended to read:

(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 kept in an institution or asylum at public expense, or while confined in a public prison or while residing upon an Indian or military reservation.

* Sec. 3. AS 15.05.020 is amended by adding a new paragraph to read:

(10) The residence of a student enrolled in an institution of learning and who meets the qualifications of sec. 10 of this chapter is the residence shown on his last registration at the institution made at least 30 days before an election.

* Sec. 4. AS 15.10.030 is amended to read:

Sec. 15.10.030. UNIFORM PRECINCT BOUNDARIES REQUIRED FOR STATE AND LOCAL ELECTIONS. The precinct boundaries established by the secretary of state shall be the boundaries for both state and local elections. The secretary of state by regulation pursuant to the provisions of the Administrative Procedure Act (AS 44.62) may authorize the combining, consolidation, or altering of precinct boundaries for local elections.

* Sec. 5. AS 15.10.110 is amended to read:

Sec. 15.10.110. APPOINTMENT OF ELECTION SUPERVISORS. The secretary of state shall appoint four election supervisors, one each to serve at Juneau, Anchorage, Fairbanks and Nome, to assist in the administration of elections in the election districts designated by the secretary of state. The secretary of state may appoint as an election supervisor a person who is a qualified voter in the area over which he has jurisdiction and who does not hold an office in a political party. An election supervisor shall be appointed to serve for a term to begin not more than 120 days before the date of the primary nomination or special election and to end not more than 45 days after the date of the general or special

election. An election supervisor is entitled to receive compensation in an amount that is comparable to that received for similar 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. 6. AS 15.10.120 is amended to read:

Sec. 15.10.120. APPOINTMENT OF ELECTION BOARD. The election supervisors 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. 7. AS 15.10.130 is amended to read:

Sec. 15.10.130. APPOINTMENT OF CLERKS. The election supervisor may appoint a maximum of two clerks for each precinct in which the election supervisor determines that 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 if two are appointed. If only one clerk is appointed he shall be of the minority party if possible.

* Sec. 8. AS 15.10.150 is amended to read:

Sec. 15.10.150. 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 to the election supervisor at least 60 days before the party nomination or election, 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 to the election supervisor at least 60 days before the party nomination or election 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 within the specified time, the election supervisor may appoint any qualified person.

* Sec. 9. AS 15.10.160 is repealed.

* Sec. 10. AS 15.10.170 is amended to read:

Sec. 15.10.170. APPOINTMENT AND PRIVILEGES OF WATCHERS.

The precinct party committee, where an organized precinct committee exists, or the district party committee where no organized precinct committee exists, 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. Any organization or organized group that sponsors or opposes an initiative, referendum or recall may have one or more persons as watchers at the polls after first obtaining authorization from the secretary of state. No precinct party committee, no district party committee or candidate not representing a political party or organization or organized group 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 precinct party committee, the district party committee, the organization or organized group or the candidate he represents and signed by the chairman of the precinct party committee, the district party committee, the organization or organized group 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. 11. AS 15.15.040 is amended to read:

Sec. 15.15.040. PREPARATION OF OTHER ELECTION MATERIALS.

The secretary of state shall prescribe the form of and prepare tinted sample ballots, the original and duplicate registers or duplicate registration cards, oaths of office of judges, challenge oaths, tally sheets, instructions to voters, warning notices and other forms and supplies required for the election.

* Sec. 12. AS 15.15.050 is amended to read:

Sec. 15.15.050. DISTRIBUTION OF ELECTION MATERIALS.

The secretary of state shall distribute an adequate supply of sample and official ballots, original registers, duplicate registers or duplicate registration cards, 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. 13. AS 15.15.060 is amended to read:

Sec. 15.15.060. PROCUREMENT OF POLLING PLACES AND OTHER SUPPLIES. Immediately following the appointment of the election board, the election supervisor in conjunction with the election board chairman 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 of 100 votes 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 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. The national flag shall be displayed over or near the entrance of each polling place.

* Sec. 14. AS 15.15.120 is amended to read:

Sec. 15.15.120. FILLING VACANCIES IN ELECTION BOARD.

If an 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 election board members present shall elect, by a majority voice vote, a qualified voter to fill the vacancy. The qualified voter elected to fill the vacancy shall be of the same political party as the person for whom the substitution is made.

* Sec. 15. AS 15.15.180 is amended to read:

Sec. 15.15.180. 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. A record shall be kept in the registration book in space provided of the name of persons who offer to vote but are refused, and a brief statement of the basis of the refusal. The signing of the register constitutes a declaration by the voter that he is qualified to vote.

* Sec. 16. AS 15.15.190 is repealed and re-enacted to read:

Sec. 15.15.190. KEEPING OF DUPLICATE REGISTER OR DUPLICATE REGISTRATION CARDS. The judge or clerk assigned to keep the duplicate register or duplicate registration cards shall transfer to the duplicate register or duplicate registration cards the names of the voter and all other information appearing in the original registration book.

* Sec. 17. AS 15.15.210 is amended to read:

Sec. 15.15.210. 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 a person attempting to vote if the challenger has good reason to suspect that the challenged person is not qualified to vote. All challenges shall be made in writing setting forth the reason for the challenge. A 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. 18. AS 15.20.070 is amended to read:

Sec. 15.20.070. APPLICATION TO SECRETARY OF STATE BY MAIL. A qualified voter may apply by mail for an absentee ballot to the secretary of state. The application shall include the address to which the absentee ballot shall be returned and the applicant's full Alaska resident address and signature.

* Sec. 19. AS 15.20.100 is amended to read:

Sec. 15.20.100. DATE FOR APPLICATION BY MAIL. A qualified voter may apply for an absentee ballot by mail if postmarked not more than six months nor less than four days before any election.

* Sec. 20. AS 15.20.430 is amended to read:

Sec. 15.20.430. AUTHORIZATION OF RECOUNT APPLICATION.

(a) A defeated candidate or 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 an 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 AS 15.15.460, the secretary of state shall initiate the recount and give notice to the interested parties as provided in sec. 470 of this chapter.

(b) The date on which the secretary of state receives

an application rather than the date of mailing or transmission determines whether the application is filed within the time allowed under (a) of this section. If the actual physical delivery by telegram of a copy in substance of the statements made in the application for recount is received in the office of the secretary of state at or before 5:00 p.m. Alaska Standard Time, on the due date the application will be accepted; providing the original signed application is post-marked at or before 5:00 p.m. Alaska Standard Time of the same day.

* Sec. 21. AS 15.20.450 is amended to read:

Sec. 15.20.450. 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 for each precinct, \$250 for each election district, and \$2,000 for the entire state. However, if the recount includes an office for which candidates received a tie vote, or the difference between the number of votes cast was 10 or less or was less than .5 per cent of the total number of votes cast for the two candidates for the contested office, or a question or proposition for which there was a tie vote on the issue, the application need not include a deposit. If, on the recount, a candidate other than the candidate who 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 entire deposit

shall be refunded. If the entire deposit is not refunded, the secretary of state shall refund any money remaining after the cost of the recount has been paid from the deposit.

* Sec. 22. AS 15.25.040(c) is amended to read:

(c) A candidate for state-wide offices shall file with the secretary of state. A candidate for district-wide office shall file either with a clerk of the superior court in the 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.

* Sec. 23. AS 15.25 is amended by adding a new section to read:

Sec. 15.25.045. WITHDRAWAL OF CANDIDACY. Notice of withdrawal of candidacy must be in writing over the signature of the candidate.

* Sec. 24. AS 15.25 is amended by adding new sections to read:

Sec. 15.25.055. REMOVAL OF NAME FROM PRIMARY BALLOT. A candidate's name will appear on the primary nomination ballot unless notice of his withdrawal from the party primary is received by the secretary of state at least 40 days before the date of the party primary nomination.

Sec. 15.25.056. NOMINATION BY PARTY PETITION WHERE INCUMBENT DIES OR IS DISQUALIFIED OR INCAPACITATED. (a)

If an incumbent candidate for renomination dies, becomes disqualified from holding the office he is seeking, or is certified as being incapacitated between June 1 of the election year and that date which is 15 days before the date of the party primary nomination, his place on the ballot may be filled by party petition. The petition shall state that the political party requests the name of the proposed candidate replace that of the incumbent on the primary nomination ballot and shall be accompanied by a declaration of candidacy from the person named in the petition. The petition must be received by the secretary of state no later than 14 days after the death, disqualification or certification of incapacity of the incumbent or 10 days before the party primary nomination date, whichever time is earlier.

(b) The method for certifying an incumbent candidate for nomination as being incapacitated, the method for selecting the person who is to be named in the party petition, and the method for placing the name of the person selected on the primary nomination ballot are the same as those prescribed in secs. 110 and 130 of this chapter relating to filling vacancies of party nominees in a general election.

(c) The death, disqualification or certification of incapacity of the incumbent within 10 days before or on the party primary nomination date shall not affect the canvass of the ballots. If the result of the canvass discloses that the candidate, if he had lived, would have been nominated, the candidate shall be declared nominated. The vacancy may be filled by party petition as provided in secs. 110-130

of this chapter.

* Sec. 25. AS 15.30.080 is amended to read:

Sec. 15.30.080. FILLING OF VACANCIES. If there is a vacancy caused by death, failure to attend, ineligibility or other cause, and if available alternates have not been designated, the electors shall fill the vacancy by plurality vote.

* Sec. 26. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.