

CS FOR SENATE BILL NO. 146(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 4/18/95
Referred: Finance

Sponsor(s): SENATOR KELLY

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Alaska Election Code and to state election
2 administration."

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

4 * **Section 1.** AS 15.07.070 is amended by adding a new subsection to read:

5 (h) The director shall design the form of the voter's certificate appearing on
6 the large envelope that is used for voting a questioned ballot so that all information
7 required for registration by AS 15.07.060(a) may be obtained from a voter who votes
8 a questioned ballot. If the voter voting a questioned ballot has completed all
9 information on the voter registration portion of the questioned ballot voter's certificate,
10 the director shall place the name of the voter on the official registration list.

11 * **Sec. 2.** AS 15.07.130(c) is amended to read:

12 (c) The director shall obtain from the bureau of vital statistics a certified list
13 of all residents over 18 years of age who have died or who have been presumptively
14 declared dead. **Promptly after receipt of each list, but, in any event, at least once**

1 each month, the [THE] director shall cancel the registration of all deceased voters.

2 * **Sec. 3.** AS 15.07.135 is amended to read:

3 Sec. 15.07.135. CANCELLATION OF REGISTRATION OF CONVICTED
4 PERSONS. (a) The director shall make reasonable efforts to obtain the names of
5 persons convicted of a felony involving moral turpitude. **Promptly after receipt of**
6 **evidence satisfactory to the director that a person has been convicted of a felony**
7 **involving moral turpitude, the** [THE] director shall cancel the registration of **the** [A]
8 person [CONVICTED OF A FELONY INVOLVING MORAL TURPITUDE].

9 (b) Upon presenting proof that a [THE] person **whose registration was**
10 **cancelled under (a) of this section has been** [IS] unconditionally discharged from
11 custody, the person may register. The director shall make reasonable efforts to verify
12 the unconditional discharge of persons applying for registration under this **subsection**
13 [SECTION].

14 * **Sec. 4.** AS 15.10.105(a) is amended to read:

15 (a) The lieutenant governor shall control and supervise the division of
16 elections. The lieutenant governor shall appoint a director of elections. The director
17 shall act for the lieutenant governor in the supervision of central and regional election
18 offices, the **hiring, performance evaluation, promotion, termination, and all other**
19 **matters relating to the** employment and training of election personnel, and the
20 administration of all state elections as well as those municipal elections **that** [WHICH]
21 the state is required to conduct. The director is responsible for the coordination of
22 state responsibilities under 42 U.S.C. 1933gg (National Voter Registration Act of
23 1993). The director serves at the pleasure of the lieutenant governor.

24 * **Sec. 5.** AS 15.10.105(b) is amended to read:

25 (b) It is essential that the nonpartisan nature, integrity, credibility and
26 impartiality of the administration of elections be maintained. **To that end,**

27 **(1) the** [THE] director of elections, **the election supervisors appointed**
28 **under AS 15.10.110,** and the full-time members of the director's staff

29 **(A)** may not join, support or otherwise participate in a partisan
30 political organization, faction, or activity, including but not limited to the
31 making of political contributions; **and**

1 **(B)** [. THE DIRECTOR OF ELECTIONS AND THE FULL-
2 TIME MEMBERS OF THE DIRECTOR'S STAFF] may not hold or campaign
3 for elective office, be an officer of a political party or member or officer of a
4 political committee, permit their name to be used, or make any contributions,
5 in support of or in opposition to a candidate or a ballot proposition or question,
6 participate in any way in a national, state, or local election campaign or lobby
7 or employ or assist a lobbyist;

8 **(2) the full-time employees of the division of elections, except for**
9 **the director of elections and the elections supervisors appointed under**
10 **AS 15.10.110, are subject to the personnel rules adopted under the authority of**
11 **AS 39.25.150(7), (15), and (16); and**

12 **(3)** [. HOWEVER, THIS SUBSECTION DOES NOT RESTRICT] the
13 director of elections, **the election supervisors appointed under AS 15.10.110, and**
14 [OR] the full-time members of the director's staff **may, notwithstanding (1) of this**
15 **subsection, express** [FROM EXPRESSING] private opinion, **register**
16 [REGISTERING] as to **political** party, **and vote** [OR VOTING].

17 * **Sec. 6.** AS 15.10.107 is amended to read:

18 Sec. 15.10.107. STAFF TRAINING. The director shall, before each primary
19 election in even-numbered years, provide for a comprehensive training program for
20 election officials, both the full-time members of the staff of the division of elections
21 and those who are appointed as election board judges, clerks, and counters under
22 AS 15.10.120 - 15.10.150 and other temporary election employees. **The director shall**
23 **annually prepare and, not later than January 10, file with the lieutenant governor**
24 **a plan that describes the comprehensive training program for election officials to**
25 **be provided to those officials during that calendar year.**

26 * **Sec. 7.** AS 15.15.060(a) is amended to read:

27 (a) Immediately following the appointment of the election board, the election
28 supervisor in conjunction with the election board **chair** [CHAIRMAN] shall secure
29 polling places for holding the election, suitable ballot boxes **that** [WHICH] will assure
30 security, and an adequate number of voting booths or screens, national flags, pens, and
31 pencils. **At every polling place, at least one voting booth shall be furnished and**

1 not [NOT] less than one voting booth or screen shall be furnished for each 100 votes
2 or fractional part of 100 votes cast in the previous election. **At every polling place,**
3 **at least one-half of the voting booths used shall be not less than six feet in height,**
4 **enclosed on three sides, and provided with a curtain extending from the top of the**
5 **voting booth to within approximately 30 inches of the floor. The curtain of the**
6 **voting booth must conceal the voter while voting.** The election supervisor and the
7 election board **chair** [CHAIRMAN] may, in an emergency, secure an alternate location
8 for a polling place.

9 * **Sec. 8.** AS 15.15.060(b) is amended to read:

10 (b) **To assure administrative economy and to protect the secrecy of the**
11 **ballot, the** [THE] director may adopt regulations prescribing

12 (1) the type of polling place for holding the election;

13 (2) [AND] the requirements regarding ballot boxes, voting [BOOTHES,]
14 screens, national flags, and other supplies; **and**

15 (3) **subject to the specifications of (a) of this section, the**
16 **requirements regarding voting booths** [TO ASSURE ADMINISTRATIVE
17 ECONOMY AND TO PROTECT THE SECRECY OF THE BALLOT].

18 * **Sec. 9.** AS 15.25.060 is amended to read:

19 Sec. 15.25.060. PREPARATION AND DISTRIBUTION OF BALLOTS. The
20 primary election ballot shall be prepared and distributed by the director in the manner
21 prescribed for general election ballots except as specifically provided otherwise for the
22 primary election. The director shall **print the ballot on white paper and** place the
23 names of all candidates who have properly filed in groups according to offices filed
24 for, without regard to party affiliation. The names for each office shall be rotated as
25 provided for the general election ballot. **Blank** [NO BLANK] spaces **may not**
26 [SHALL] be provided on the ballot for the writing or pasting in of names.

27 * **Sec. 10.** AS 15.25.110 is amended to read:

28 Sec. 15.25.110. FILLING VACANCIES BY PARTY PETITION. If a
29 candidate **of a political party** nominated at the primary election dies, withdraws,
30 resigns, becomes disqualified from holding the office for which the candidate is
31 nominated, or is certified as being incapacitated in the manner prescribed by this

1 section after the primary election and 48 days or more before the general election, the
2 vacancy may be filled by party petition. The central committee of any political party
3 or any party district committee may certify as being incapacitated any candidate
4 nominated by their respective party by presenting to the director a sworn statement
5 made by a panel of three licensed physicians, not more than two of whom may be of
6 the same political party, that the candidate is physically or mentally incapacitated to
7 an extent that would in the panel's judgment prevent the candidate from active service
8 during the term of office if elected. The director shall place the name of the person
9 nominated by party petition on the general election ballot. The name of a candidate
10 disqualified under this section may not appear on the general election ballot.

11 * **Sec. 11.** AS 15.25.150 is amended to read:

12 Sec. 15.25.150. DATE OF FILING PETITION. The petition is filed with the
13 director by actual physical delivery in person at or before 5:00 p.m., prevailing time,
14 June 1 [AUGUST 1] in the year in which a general election is held for the office, or
15 by actual physical delivery to the director by registered or certified mail return receipt
16 requested which is postmarked at or before 5:00 p.m., prevailing time, June 1
17 [AUGUST 1] in the year in which a general election is held for the office, and
18 received not more than 15 days after that time. If the postmark is illegible, a dated
19 receipt from the post office where dispatched shall be acceptable as evidence of
20 mailing. If June 1 [AUGUST 1] is a Sunday or holiday, the deadlines for
21 postmarking and receipt of the petition shall be extended 24 hours in each instance.

22 * **Sec. 12.** AS 15.25.160 is amended to read:

23 Sec. 15.25.160. REQUIRED NUMBER OF SIGNATURES FOR STATEWIDE
24 OFFICE. Petitions for the nomination of candidates for the office of governor,
25 lieutenant governor, United States senator, and United States representative shall be
26 signed by qualified voters of the state equal in number to at least one percent of the
27 number of voters who cast ballots in the preceding general election. [CANDIDATES
28 FOR THE OFFICE OF GOVERNOR AND LIEUTENANT GOVERNOR SHALL
29 FILE JOINTLY.]

30 * **Sec. 13.** AS 15.25.180(a) is amended to read:

31 (a) The petition must [SHALL] state in substance

- 1 (1) the full name of the candidate;
- 2 (2) the full residence address of the candidate, and the date on which
- 3 residency at that address began;
- 4 (3) the full mailing address of the candidate;
- 5 (4) the name of the political group, **if any**, supporting the candidate;
- 6 (5) if the candidacy is for the office of state senator or state
- 7 representative, the election or senate district of which the candidate is a resident;
- 8 (6) the office for which the candidate is nominated;
- 9 (7) the date of the election at which the candidate seeks election;
- 10 (8) the length of residency in the state and in the district of the
- 11 candidate;
- 12 (9) that the subscribers are qualified voters of the state or election or
- 13 senate district in which the candidate resides;
- 14 (10) that the subscribers request that the candidate's name be placed on
- 15 the **primary election** ballot;
- 16 (11) that the proposed candidate accepts the nomination and will serve
- 17 if elected, with the statement signed by the proposed candidate;
- 18 (12) [IF THE CANDIDACY IS FOR THE OFFICE OF THE
- 19 GOVERNOR, THE NAME OF THE CANDIDATE FOR LIEUTENANT GOVERNOR
- 20 RUNNING JOINTLY WITH THE CANDIDATE FOR GOVERNOR;
- 21 (13)] the name of the candidate as the candidate wishes it to appear on
- 22 the ballot; and
- 23 **(13)** [(14)] that the candidate is not a candidate for any other office to
- 24 be voted on at the primary or general election and that the candidate is not a candidate
- 25 for this office under any other nominating petition or declaration of candidacy.

26 * **Sec. 14.** AS 15.25.180(b) is amended to read:

27 (b) A person filing a nominating petition under this section, other than a

28 person subject to AS 24.60 who is filing a petition for a state legislative office, shall

29 **simultaneously** [ALSO] file with the director a statement of income sources and

30 business interests that complies with the requirements of AS 39.50 [WITHIN 30

31 DAYS OF FILING THE PETITION]. A person who is subject to AS 24.60 and is

1 filing a nominating petition for state legislative office shall simultaneously file with
2 the director a disclosure statement that complies with the requirements of
3 AS 24.60.200 [WITHIN 30 DAYS OF FILING THE PETITION].

4 * **Sec. 15.** AS 15.25 is amended by adding a new section to read:

5 Sec. 15.25.185. ELIGIBILITY OF CANDIDATE. The provisions of
6 AS 15.25.042 and 15.25.043 apply to determinations of a candidate's eligibility when
7 a candidate seeks nomination by petition under AS 15.25.140 - 15.25.205.

8 * **Sec. 16.** AS 15.25.190 is amended to read:

9 Sec. 15.25.190. PLACEMENT OF NAMES ON PRIMARY [GENERAL]
10 ELECTION BALLOT. The director shall place the names and the political group
11 affiliation of persons who have been properly nominated by petition on the primary
12 [GENERAL] election ballot.

13 * **Sec. 17.** AS 15.25.200 is amended to read:

14 Sec. 15.25.200. WITHDRAWAL OF CANDIDATE'S NAME. If a candidate
15 nominated by petition dies or withdraws

16 (1) after the petition has been filed and at least 48 days before the date
17 of the primary [GENERAL] election, the director may not place the name of the
18 candidate on the primary [GENERAL] election ballot; or

19 (2) on or after the date of the primary election and 48 days or
20 more before the general election, the director may not place the name of the
21 candidate on the general election ballot.

22 * **Sec. 18.** AS 15.25 is amended by adding a new section to read:

23 Sec. 15.25.205. PLACEMENT OF NOMINEE ON GENERAL ELECTION
24 BALLOT. (a) Except as provided in (b) of this section, of the names of persons that
25 appear on the primary election ballot under AS 15.25.190, the director shall place on
26 the general election ballot the name of the candidate of each political group that
27 receives the greatest number of votes for an office.

28 (b) For the offices of governor and lieutenant governor, the director shall place
29 on the general election ballot the name of the candidate of each political group
30 receiving the greatest number of votes for the office of governor together with the
31 name of the candidate for lieutenant governor who received the greatest number of

1 votes and who is from the same political group as that candidate. However, the
2 director may not place on the general election ballot the name of the candidate of a
3 political group receiving the greatest number of votes for the office of

4 (1) governor unless there is also a candidate for lieutenant governor of
5 that political group;

6 (2) lieutenant governor unless there is also a candidate for governor of
7 that political group.

8 (c) For purposes of placement of the names of nominees on the general
9 election ballot under this section, all candidates who file nominating petitions without
10 designating a political group name under AS 15.25.180(a) shall be treated as
11 candidates of the same political group.

12 * **Sec. 19.** AS 15.40.100 is amended to read:

13 Sec. 15.40.100. REQUIREMENTS OF PETITION FOR NO-PARTY
14 CANDIDATES. Petitions for the nomination of candidates not representing a political
15 party shall be signed by qualified voters of the state equal in number to at least one
16 percent of the number of voters who cast ballots in the preceding general election, and
17 shall state in substance that which is required in petitions for nomination by [FOR
18 GENERAL ELECTIONS PROVIDED IN] AS 15.25.180.

19 * **Sec. 20.** AS 15.40.440 is amended to read:

20 Sec. 15.40.440. REQUIREMENTS OF PETITION FOR NO-PARTY
21 CANDIDATES. Petitions for the nomination of candidates not representing a political
22 party shall be signed by qualified voters equal in number to at least one percent of the
23 number of voters who cast ballots in the proposed nominee's respective election or
24 senate district in the preceding general election. A nominating petition may not
25 contain less than 50 signatures for any district, and shall state in substance that which
26 is required in petitions for nomination by [FOR GENERAL ELECTIONS PROVIDED
27 IN] AS 15.25.180.

28 * **Sec. 21.** AS 15.58.030(b) is amended to read:

29 (b) No later than July 15 of a year in which a state general election will be
30 held, an individual who becomes a candidate for the office of United States senator,
31 United States representative, governor, lieutenant governor, state senator, or state

1 representative under AS 15.25.030 or under AS 15.25.180 may file with the lieutenant
2 governor a photograph and a statement advocating the candidacy. An individual who
3 becomes a candidate for the office of United States senator, United States
4 representative, governor, lieutenant governor, state senator, or state representative
5 [UNDER AS 15.25.180 BY FILING A NOMINATING PETITION OR] by **party**
6 **petition filed under AS 15.25.110** [ANOTHER MEANS] may file with the lieutenant
7 governor a photograph and a statement advocating the candidacy [BY JULY 15 OR]
8 within 10 days of becoming a candidate [, WHICHEVER IS LATER].

9 * **Sec. 22.** AS 39.50.020(a) is amended to read:

10 (a) A judicial officer, commissioner, chair or member of a state commission
11 or board specified in AS 39.50.200(b), a person hired or appointed as head or deputy
12 head of, or director of a division within, a department in the executive branch, a
13 person appointed as assistant to the governor, a state investment officer and the state
14 comptroller in the Department of Revenue, and a municipal officer [,] shall file a
15 statement giving income sources and business interests, under oath and on penalty of
16 perjury, within 30 days after taking office as a public official. Candidates for state
17 elective office other than a candidate who is subject to AS 24.60 shall file such a
18 statement with the director of elections at the time of filing a declaration of candidacy
19 or [WITHIN 30 DAYS OF THE FILING OF] a nominating petition, or within 30 days
20 of becoming a candidate by any other means. Candidates for elective municipal office
21 shall file such a statement at the time of filing a nominating petition, declaration of
22 candidacy, or other required filing for the elective municipal office. Refusal or failure
23 to file within the time prescribed shall require that the candidate's filing fees, if any,
24 and filing for office be refused or that a previously accepted filing fee be returned and
25 the candidate's name removed from the filing records. A statement shall also be filed
26 by public officials no later than April 15 or 15 days after the person files a federal
27 income tax return in each following year, whichever comes first. Persons who, on or
28 after December 11, 1974, were members of boards or commissions not named in
29 AS 39.50.200(b) are not required to file financial statements.

30 * **Sec. 23.** AS 15.07.110 is repealed.