

HOUSE BILL NO. 349

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 5/13/95

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to elections; relating to the division of elections; relating to
2 voter registration procedures; and providing for an effective date."

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

4 * **Section 1.** AS 15.07.050 is amended to read:

5 Sec. 15.07.050. MANNER OF REGISTRATION [IN PERSON OR BY
6 MAIL]. Registration may be made

7 (1) in person before a registration official or through a voter registration
8 agency;

9 (2) [, OR MAY BE MADE] by mail; or

10 (3) by facsimile transmission or another method of electronic
11 transmission that the director approves.

12 * **Sec. 2.** AS 15.07.070(b) is amended to read:

13 (b) To register by mail or by facsimile or other electronic transmission
14 approved by the director under AS 15.07.050, the director, the area election

1 supervisor, or a voter registration agency shall furnish, at no cost to the voter, forms
2 prepared by the director on which the registration information required under
3 AS 15.07.060 shall be inserted by the voter, or by a person on behalf of the voter if
4 the voter is physically incapacitated. The director may require proof of identification
5 of the applicant as required by regulations adopted by the director under AS 44.62
6 [THE] (Administrative Procedure Act) [(AS 44.62)]. Upon receipt and approval of the
7 completed registration forms the director or the election supervisor shall forward to the
8 voter an acknowledgment in the form of a registration card, and the voter's name shall
9 immediately be placed on the master register located in the office of the director and
10 on the district register located in the office of the election supervisor. If the registration
11 is denied, the voter shall immediately be informed in writing that registration was
12 denied and the reason for denial.

13 * **Sec. 3.** AS 15.07.070(c) is amended to read:

14 (c) The names of persons submitting completed registration forms by mail that
15 are postmarked at least 30 days before the next election, **or submitting completed**
16 **registration forms by facsimile or other electronic transmission approved by the**
17 **director under AS 15.07.050 that are received at least 30 days before the next**
18 **election**, shall be placed on the official registration list for that election. If a
19 registration form received by mail less than 30 days before an election does not have
20 a legible and dated postmark, the name of the person submitting the form shall be
21 placed on the official registration list for that election if the form was signed and dated
22 by the person at least 30 days before the election and if the form is received by the
23 director or election supervisor at least 25 days before the election. The name of a
24 person submitting a completed registration form by mail **or by facsimile or other**
25 **electronic transmission** that does not meet the applicable requirements of this
26 subsection may not be placed on the official registration list for that election but shall
27 be placed on the master register after that election.

28 * **Sec. 4.** AS 15.07.070(f) is amended to read:

29 (f) Incomplete or inaccurate registration forms may not be accepted. A person
30 who submitted an incomplete or inaccurate registration form may register by
31 reexecuting and resubmitting a registration form in person, [OR] by mail, **or by**

1 facsimile or other electronic transmission approved by the director under
2 AS 15.07.050. The requirements of (c) or (d) of this section apply to a registration
3 form resubmitted under this subsection.

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

5 Sec. 15.10.110. APPOINTMENT OF ELECTION SUPERVISORS. The
6 director shall appoint election supervisors, including one in each of the municipalities
7 of Juneau, Anchorage, Fairbanks, and Nome, to assist in the administration of elections
8 in the election districts designated by the director. The director may appoint as an
9 election supervisor a person who is a qualified voter in the area over which the person
10 has jurisdiction and who meets the applicable requirements of AS 15.10.105(b)
11 [DOES NOT HOLD AN OFFICE IN A POLITICAL PARTY]. An election supervisor
12 is entitled to receive compensation in an amount that is comparable to that received
13 for similar state employment as determined by the director.

14 * **Sec. 6.** AS 15.15.030(5) is amended to read:

15 (5) The state general election ballot shall be printed on white paper
16 with the names of the candidates and their party designations placed in separate
17 sections under the office designation to which they were nominated. The party
18 affiliation, if any, shall be designated after the name of the candidate. The lieutenant
19 governor and the governor shall be included under the same section. Provision shall
20 be made for voting for write-in and no-party candidates within each section. [THE
21 SQUARES APPEARING ON THE BALLOTS SHALL MEASURE 1/4 INCH ON
22 EACH SIDE.]

23 * **Sec. 7.** AS 15.15.140(a) is amended to read:

24 (a) If the election board receives an insufficient number of official [PAPER
25 BALLOTS, OFFICIAL PUNCH-CARD] ballots[,] or official election materials, it shall
26 provide and the voters may use unmarked substitute ballots or other election materials
27 to indicate the intent of the voter.

28 * **Sec. 8.** AS 15.15.215(a) is amended to read:

29 (a) A voter who casts a questioned ballot shall vote the ballot in the same
30 manner as prescribed for other voters. The [AFTER THE ELECTION JUDGE
31 REMOVES THE NUMBERED STUB FROM THE BALLOT, THE] voter shall insert

1 the ballot into a secrecy sleeve, the election judge shall remove the numbered stub
2 from the ballot, and the voter shall [SMALL ENVELOPE AND] put the secrecy
3 sleeve [SMALL ENVELOPE] into an [A LARGER] envelope on which the statement
4 the voter previously signed is located. The envelope [THESE LARGER
5 ENVELOPES] shall be sealed and deposited in the ballot box. When the ballot box
6 is opened, the [THESE] envelopes shall be segregated, counted, compared to the
7 voting list, and delivered to the official or body supervising the election. The merits
8 of the question shall be determined by this official or body in accordance with the
9 procedure prescribed for questioned votes in AS 15.20.207.

10 * **Sec. 9.** AS 15.15.440 is amended to read:

11 Sec. 15.15.440. DATES FOR OPENING AND CLOSING STATE BALLOT
12 COUNTING REVIEW. The state ballot counting review shall begin no earlier
13 [LATER] than 11 days after an [THE] election and no later than 16 days after an
14 election, and shall be continued [DAILY] until completed. The director may designate
15 the hours each day during which the state ballot counting review board is to conduct
16 its ballot counting review. The director shall close the review when the director is
17 satisfied that no missing precinct certificate of election would, if received, change the
18 result of the election. If no election certificate has been received from a precinct, the
19 director may secure from the election supervisors and may count a certified copy of
20 the duplicate election certificate of the precinct. If no election materials have been
21 received, but election results have been received by telephone, telegram or radio, the
22 director shall count the election results so received. If the director has reason to believe
23 that a missing precinct certificate, if received, would affect the result of the election,
24 the director shall await the receipt of the certificate until the close of business on the
25 15th day after the date of election. A certificate not actually delivered to the director
26 by the close of business on the 15th day after the election may not be counted at the
27 state ballot counting review.

28 * **Sec. 10.** AS 15.20.010 is repealed and reenacted to read:

29 Sec. 15.20.010. PERSONS WHO MAY VOTE ABSENTEE. At any election
30 a qualified voter may vote an absentee ballot for any reason.

31 * **Sec. 11.** AS 15.20.030 is amended to read:

1 Sec. 15.20.030. PREPARATION OF BALLOTS, ENVELOPES, AND OTHER
2 MATERIAL. The director shall provide ballots for use as absentee ballots in all
3 districts. The director shall provide a secrecy sleeve [SMALL ENVELOPE] in which
4 the voter shall initially place the marked ballot, and shall provide an [A LARGER]
5 envelope[,] with the prescribed voter's certificate on it [THE BACK], in which the
6 secrecy sleeve [SMALL ENVELOPE] with ballot enclosed shall be placed. The
7 director shall prescribe the form of and prepare the voter's certificate, envelopes, and
8 other material used in absentee voting. The voter's certificate shall include an oath, for
9 use when required, that the voter is a qualified voter in all respects, a blank for the
10 voter's signature, a certification that the affiant properly executed the marking of the
11 ballot and gave the voter's identity, blanks for the attesting official or witnesses, and
12 a place for recording the date the envelope was sealed and witnessed.

13 * **Sec. 12.** AS 15.20.061(c) is amended to read:

14 (c) On receipt of an absentee ballot in person, the voter shall proceed to mark
15 the ballot in secret, to place the ballot in the secrecy sleeve [SMALL ENVELOPE],
16 to place the secrecy sleeve [SMALL ENVELOPE] in the [LARGER] envelope
17 provided, and to sign the voter's certificate on the [BACK OF THE LARGER]
18 envelope in the presence of the election official who shall sign as attesting official and
19 date that signature. The election official shall then accept the ballot.

20 * **Sec. 13.** AS 15.20.071 is repealed and reenacted to read:

21 Sec. 15.20.071. ABSENTEE VOTING BY PERSONAL REPRESENTATIVE.

22 (a) A qualified voter with a disability who, because of that disability, is unable to go
23 to a polling place to vote may vote an absentee ballot through a personal
24 representative.

25 (b) A personal representative may apply in writing to the following election
26 officials, at the times specified, for an absentee ballot on behalf of a voter who is
27 eligible under (a) of this section:

28 (1) to an absentee voting official on or after the 15th day before an
29 election up to and including the day of the election;

30 (2) to an election supervisor

31 (A) after a date announced by the director under

1 AS 15.20.048(b); and
2 (B) on or after the 15th day before an election up to and
3 including the day of the election;
4 (3) to an absentee voting official at an absentee voting station
5 designated under AS 15.20.045(b) at a time when the absentee voting station is in
6 operation;
7 (4) to a member of a precinct election board on election day.
8 (c) The application by the personal representative shall be signed by the
9 personal representative and must include the following:
10 (1) the full name and full residence address of the personal
11 representative;
12 (2) the name and full residence address of the voter on whose behalf
13 the personal representative is applying for an absentee ballot;
14 (3) a form of identification for the personal representative that meets
15 the requirements for identification established by the director under AS 15.20.081(f)
16 for absentee voting by mail; and
17 (4) a statement signed by the personal representative that the voter for
18 whom the personal representative is applying for an absentee ballot will be unable to
19 go to the polling place because of a disability.
20 (d) Upon receipt of a written application from a personal representative that
21 meets the requirements of (c) of this section, the election official shall issue the
22 absentee ballot and other absentee voting material to the personal representative.
23 (e) The personal representative shall deliver the absentee ballot and other
24 absentee voting materials to the voter as soon as practicable. The voter shall proceed
25 to mark the ballot in secret, to place the ballot in the secrecy sleeve, and to place the
26 secrecy sleeve in the envelope provided. On the voter's certificate portion of the
27 envelope, the voter shall state the name of the personal representative who applied for
28 the absentee ballot, shall state that because of a disability the voter is unable to go to
29 a polling place to vote, and shall sign the voter's certificate in the presence of the
30 personal representative and provide a form of identification for the voter that meets the
31 requirements for identification established by the director under AS 15.20.081(f) for

1 absentee voting by mail. The personal representative shall witness and date the
2 signature of the voter. The voter shall mark the ballot, and complete and sign the
3 voter's certificate, not later than election day. The voter shall return the absentee ballot
4 to the personal representative who shall deliver the ballot to the election official who
5 provided the ballot. The absentee ballot must be returned to the election official not
6 later than 8:00 p.m. on election day.

7 (f) Notwithstanding (e) of this section, if a qualified voter's disability precludes
8 the voter from performing any of the requirements of (e) of this section, the personal
9 representative may perform those requirements on the voter's behalf.

10 (g) An election official shall keep a record of the name and signature of each
11 personal representative requesting an absentee ballot and the name of the voter on
12 whose behalf the ballot is requested. The election official shall record the date that
13 the absentee ballot is provided and the date that the ballot is returned to the election
14 official.

15 (h) The voter's employer, an agent of the voter's employer, or an officer or
16 agent of the voter's union may not act as a personal representative for that voter.

17 * **Sec. 14.** AS 15.20.081(d) is amended to read:

18 (d) Upon receipt of an absentee ballot by mail, the voter, in the presence of
19 a notary public, commissioned officer of the armed forces including the National
20 Guard, district judge or magistrate, United States postal official, registration official,
21 or other person qualified to administer oaths, may proceed to mark the ballot in secret,
22 to place the ballot in the secrecy sleeve [SMALL ENVELOPE], to place the secrecy
23 sleeve [SMALL ENVELOPE] in the [LARGER] envelope **provided**, and to sign the
24 voter's certificate on the [BACK OF THE LARGER] envelope in the presence of an
25 official listed in this subsection who shall sign as attesting official and shall date the
26 signature. If none of the officials listed in this subsection is reasonably accessible, an
27 absentee voter shall sign the voter's certificate in the presence of two persons over the
28 age of 18 years, who shall sign as witnesses and attest to the date on which the voter
29 signed the certificate in their presence, and, in addition, the voter shall provide the
30 certification prescribed in AS 09.63.020.

31 * **Sec. 15.** AS 15.20.190(a) is amended to read:

1 (a) Thirty days before [PRIOR TO] the date of an election, the election
2 supervisors shall appoint, in the same manner provided for the appointment of election
3 judges prescribed in AS 15.10.150, district absentee ballot counting boards and district
4 questioned ballot counting boards, each composed of at least four members[, TWO
5 FROM EACH POLITICAL PARTY]. At least one member of each board must be
6 a member of the same political party of which the governor is a member, and at
7 least one member of each board must be a member of the political party whose
8 candidate for governor received the second largest number of votes in the
9 preceding gubernatorial election. The district boards shall assist the election
10 supervisors in counting the absentee and questioned ballots and shall receive the same
11 compensation paid election judges under AS 15.15.380.

12 * **Sec. 16.** AS 15.20.201(b) is amended to read:

13 (b) Counting of absentee ballots that [WHICH] have been reviewed shall
14 begin at 8:00 p.m., local time, on the day of the election at places designated by each
15 election supervisor and shall continue until all absentee ballots reviewed and eligible
16 for counting have been counted. The counting teams shall report the count of absentee
17 ballots to the district absentee ballot counting board. An election supervisor or an
18 election official may not count [REMOVE] absentee ballots [FROM THE SMALL,
19 INNER ENVELOPES] before 8:00 p.m., local time, on the day of the election.
20 Counting of the absentee ballots shall continue at times designated by the election
21 supervisor until all absentee ballots are counted.

22 * **Sec. 17.** AS 15.20.203(c) is amended to read:

23 (c) Any person present at the district absentee ballot counting review may
24 challenge the name of an absentee voter when read from the voter's certificate on the
25 [BACK OF THE LARGE] envelope if the person has good reason to suspect that the
26 challenged voter is not qualified to vote, is disqualified, or has voted at the same
27 election. The person making the challenge shall specify the basis of the challenge in
28 writing. The district absentee ballot counting board by majority vote may refuse to
29 accept and count the absentee ballot of a person properly challenged on grounds listed
30 in (b) of this section.

31 * **Sec. 18.** AS 15.20.203(e) is amended to read:

1 (e) If an absentee ballot is not rejected, the [LARGE] envelope shall be opened
2 and the secrecy sleeve [SMALL ENVELOPE] containing the absentee ballot shall be
3 placed in a container and mixed with other secrecy sleeves [SMALL ENVELOPES].

4 * **Sec. 19.** AS 15.20.203(f) is amended to read:

5 (f) The secrecy sleeves [SMALL ENVELOPES] shall be drawn from the
6 container, the absentee ballots shall be removed from the secrecy sleeves
7 [OPENED], and the absentee ballots counted at the times specified in AS 15.20.201
8 and according to the rules for determining properly marked ballots in AS 15.15.360.

9 * **Sec. 20.** AS 15.20.207(c) is amended to read:

10 (c) Any person present at the district questioned ballot review may challenge
11 the name of a questioned voter when read from the voter's certificate on the [BACK
12 OF THE LARGE] envelope if the person has good reason to suspect that the
13 questioned voter is not qualified to vote, is disqualified, or has voted at the same
14 election. The person making the challenge shall specify the basis of the challenge in
15 writing. The district questioned ballot counting board by majority vote may refuse to
16 accept and count the questioned ballot of a person properly challenged under grounds
17 listed in (b) of this section.

18 * **Sec. 21.** AS 15.20.207(e) is amended to read:

19 (e) If a questioned ballot is not rejected, the [LARGE] envelope shall be
20 opened and the secrecy sleeve [SMALL ENVELOPE] containing the questioned ballot
21 shall be placed in a container and mixed with other secrecy sleeves [SMALL
22 ENVELOPES] containing questioned ballots.

23 * **Sec. 22.** AS 15.20.207(f) is amended to read:

24 (f) The secrecy sleeves [SMALL ENVELOPES] shall be drawn from the
25 container, the questioned ballots shall be removed from the secrecy sleeves
26 [OPENED], and the questioned ballots counted at the times specified in AS 15.20.205
27 and according to the rules for determining properly marked ballots in AS 15.15.360.

28 * **Sec. 23.** AS 15.20.207(g) is amended to read:

29 (g) Upon completion of the questioned ballot review, the election supervisor
30 shall prepare an election certificate for execution by the district questioned ballot
31 counting board, and shall forward the original certificate and returns to the director as

1 soon as the count is completed but no later than the eleventh [NINTH] day following
2 the election.

3 * **Sec. 24.** AS 15.20.620(c) is amended to read:

4 (c) As a security precaution, after the computer has been tested as prescribed
5 in (b)(2) and (4) of this section,

6 (1) the vote-counting task shall remain isolated from nonrelated
7 processing tasks;

8 (2) [PROCESSING NOT CONCERNED WITH VOTE COUNTING
9 SHALL BE LIMITED TO TASKS WHICH ARE CRITICAL TO THE COMPUTER
10 CENTER AND SHALL BE AGREED UPON IN ADVANCE BY THE MANAGER
11 OF THE COMPUTER CENTER AND THE DIRECTOR];

12 (3) reasonable computer security controls shall be in effect to assure
13 the integrity of the vote-counting process; and

14 (4) access to the computer counting area shall be controlled by the data
15 processing review board until the vote-counting process is terminated.

16 * **Sec. 25.** AS 15.20.620(f) is amended to read:

17 (f) At any time during the count, party representatives or members of the data
18 processing review board may request a listing of the parameter coding that
19 [PROGRAM SOURCE CODE WHICH] comprises the instructions to be executed by
20 the computer.

21 * **Sec. 26.** AS 15.20.640(a) is amended to read:

22 (a) Immediately after the polls have closed, the ballot box shall be opened by
23 election board members in full view of all persons present, and all ballots shall be
24 removed [FROM THE BALLOT ENVELOPES].

25 * **Sec. 27.** AS 15.20.700(c) is amended to read:

26 (c) The backup documentation for each counting session [BALLOT IMAGE
27 MAGNETIC TAPE WHICH CONTAINS AN EXACT IMAGE OF EACH COUNTED
28 BALLOT] shall be retained in a secure manner by the election supervisor until the
29 director determines that it is no longer needed.

30 * **Sec. 28.** AS 15.20.740 is amended to read:

31 Sec. 15.20.740. QUESTIONED PUNCH-CARD BALLOTS. The procedure

1 for reviewing and counting questioned punch-card ballots is the same procedure
2 established in AS 15.20.205 and 15.20.207 for hand-marked ballots except that
3 questioned punch-card ballots may be processed by the computer from the third
4 through the tenth [EIGHTH] day following the election. The data processing review
5 board shall supervise the count and shall follow the procedure established in AS
6 15.20.680 and 15.20.685.

7 * **Sec. 29.** AS 15.20.800(d) is amended to read:

8 (d) The voter may cast the ballot under AS 15.20.081(d) - (f)
9 [AS 15.20.081(d) - (e)].

10 * **Sec. 30.** AS 15.58.060(a) is amended to read:

11 (a) Each general election candidate shall pay to the lieutenant governor at the
12 time of filing material under this chapter the following:

13 (1) President or Vice-President of the United States, United States
14 senator, United States representative, governor, lieutenant governor, supreme court
15 justice and court of appeals judge, \$300 [\$150] each;

16 (2) superior court judge and district court judge, \$150 [\$75] each;

17 (3) state senator and state representative, \$100 [\$50] each.

18 * **Sec. 31.** AS 15.58.060(b) is amended to read:

19 (b) The state chairman or executive committee of a political party shall pay
20 to the lieutenant governor at the time of filing material under this chapter \$600 [\$300]
21 for each page purchased.

22 * **Sec. 32.** AS 15.05.040 is repealed.

23 * **Sec. 33.** PILOT PROGRAM FOR VOTING BY MAIL IN PRIMARY AND GENERAL
24 ELECTIONS. (a) Notwithstanding AS 15.20.800(a), the director of elections may permit
25 voting by mail for the 1996 primary and general elections in not more than 10 precincts that
26 are located in a rural area of the state and that have no more than 200 registered voters.
27 Voting by mail under this section is subject to the provisions of AS 15.20.800(b) - (e).

28 (b) The director of elections may not open a polling place in a precinct in which the
29 director conducts an election by mail under this section. However, the director shall assure
30 that in each precinct in which the director conducts an election by mail under this section at
31 least one absentee voting official is appointed. Along with each ballot that is mailed to a

1 voter in a precinct under this section, the director shall include a notice giving the name of
2 the absentee voting officials for the precinct and explaining that the voter may go to an
3 absentee voting official for assistance in casting the ballot.

4 (c) Before implementing this section, the director of elections shall consult with the
5 officials of a municipality, village, Native village, or other government or tribal entity to
6 ascertain whether the municipality, village, Native village, or other government or tribal entity
7 is interested in participating in the pilot program authorized by this section.

8 (d) The director may adopt regulations to implement and interpret this section.

9 * **Sec. 34.** This Act takes effect immediately under AS 01.10.070(c).