

CS FOR HOUSE BILL NO. 349(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 3/29/96

Referred: Judiciary, Finance

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to elections, to the division of elections, and to voter
2 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 15.07.060(a) is amended to read:

13 (a) Each applicant who requests registration or reregistration shall supply the
14 following information [UNDER OATH]:

- 1 (1) name and sex;
- 2 (2) address and other necessary information establishing residence,
3 including the term of residence in the state and in the district, if requested;
- 4 (3) whether the applicant has previously been registered to vote in
5 another jurisdiction, and, if so, the jurisdiction and the address of the previous
6 registration;
- 7 (4) a declaration that the registrant will be 18 years of age or older
8 within 90 days of the date of registration;
- 9 (5) a declaration that the registrant is a citizen of the United States;
- 10 (6) date of application;
- 11 (7) signature or mark;
- 12 **(8) any former name under which the applicant was registered to**
13 **vote in the state;**
- 14 **(9) an attestation that the information provided by the applicant**
15 **in (1) - (8) of this subsection is true; and**
- 16 **(10) a certification that the applicant understands that a false**
17 **statement on the application may make the applicant subject to prosecution for**
18 **a misdemeanor under this title or AS 11.**

19 * Sec. 3. AS 15.07.070(b) is amended to read:

20 (b) To register by mail **or by facsimile or other electronic transmission**
21 **approved by the director under AS 15.07.050**, the director, the area election
22 supervisor, or a voter registration agency shall furnish, at no cost to the voter, forms
23 prepared by the director on which the registration information required under
24 AS 15.07.060 shall be inserted by the voter, or by a person on behalf of the voter if
25 the voter is physically incapacitated. The director may require proof of identification
26 of the applicant as required by regulations adopted by the director under **AS 44.62** (
27 [THE] Administrative Procedure Act) [(AS 44.62)]. Upon receipt and approval of the
28 completed registration forms the director or the election supervisor shall forward to the
29 voter an acknowledgment in the form of a registration card, and the voter's name shall
30 immediately be placed on the master register located in the office of the director and
31 on the district register located in the office of the election supervisor. If the

1 registration is denied, the voter shall immediately be informed in writing that
2 registration was denied and the reason for denial.

3 * **Sec. 4.** AS 15.07.070(c) is amended to read:

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

18 * **Sec. 5.** AS 15.07.070(f) is amended to read:

19 (f) Incomplete or inaccurate registration forms may not be accepted. A person
20 who submitted an incomplete or inaccurate registration form may register by
21 reexecuting and resubmitting a registration form in person, [OR] by mail, **or by**
22 **facsimile or other electronic transmission approved by the director under**
23 **AS 15.07.050**. The requirements of (c) or (d) of this section apply to a registration
24 form resubmitted under this subsection.

25 * **Sec. 6.** AS 15.07.070(h) is amended to read:

26 (h) The director shall design the form of the voter's certificate appearing on
27 the [LARGE] envelope that is used for voting a questioned ballot so that all
28 information required for registration by AS 15.07.060(a) may be obtained from a voter
29 who votes a questioned ballot. If the voter voting a questioned ballot has completed
30 all information on the voter registration portion of the questioned ballot voter's
31 certificate, the director shall place the name of the voter on the official registration list.

1 * **Sec. 7.** AS 15.07.130(b) is amended to read:

2 (b) When a registered voter has not indicated in writing a desire to remain
3 registered within the preceding **four** [TWO] calendar years and has **neither** [NOT]
4 voted **nor appeared to vote** in **the last two general elections** [A LOCAL,
5 REGIONAL SCHOOL BOARD, PRIMARY, SPECIAL, OR GENERAL ELECTION
6 AT LEAST ONCE IN TWO CONSECUTIVE CALENDAR YEARS], the voter shall
7 be advised by a notice sent by forwardable mail to the voter's last known address that
8 registration will be inactivated unless the voter responds to the notice at least 30 days
9 before the date of the next primary election on a form furnished by the director. The
10 director shall maintain on the master register the name of a voter whose registration
11 is inactivated. The director shall cancel a voter's inactive registration after the second
12 general election that occurs after the registration becomes inactive if the voter does not
13 vote **or appear to vote** [EITHER A QUESTIONED BALLOT OR AN ABSENTEE
14 BALLOT THAT IS COUNTED UNDER AS 15.15.198(b) AT OR BEFORE THAT
15 ELECTION].

16 * **Sec. 8.** AS 15.07.130(d) is amended to read:

17 (d) The notice described in (b) of this section must include a postage prepaid
18 and pre-addressed return card on which the voter may state the voter's current address.
19 The notice must indicate

20 (1) that the voter should return the card not later than 30 days before
21 the next primary election if the voter did not change residence;

22 (2) that the voter may vote only a questioned or absentee ballot if the
23 voter does not return the card at least 30 days before the next primary election;

24 (3) that the voter's registration will be cancelled if the voter does not
25 vote **or appear to vote** in an election held during the period beginning on the date of
26 the notice and ending on the day after the date of the second general election that
27 occurs after the date of notice; and

28 (4) how the voter can continue to be eligible to vote if the voter has
29 changed residence.

30 * **Sec. 9.** AS 15.07.190 is amended to read:

1 Sec. 15.07.190. VIOLATIONS. A person who violates AS 15.07.180
2 [AS 15.07.170 OR 15.07.180] is guilty of a misdemeanor and upon conviction is
3 punishable by imprisonment for not more than one year, or by a fine of not more than
4 \$1,000, or by both.

5 * **Sec. 10.** AS 15.10.110 is amended to read:

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

15 * **Sec. 11.** AS 15.15.030(5) is amended to read:

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

24 * **Sec. 12.** AS 15.15.140(a) is amended to read:

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

29 * **Sec. 13.** AS 15.15.198(b) is amended to read:

30 (b) A person whose registration is inactive under AS 15.07.130(b) and who
31 votes a questioned or absentee ballot shall have the ballot counted if

1 (1) the person was registered to vote for either of the two most recent
2 general elections;

3 (2) the person signs [UNDER OATH] a statement to that effect; and

4 (3) the earlier registration is verified by the director.

5 * **Sec. 14.** AS 15.15.210 is amended to read:

6 Sec. 15.15.210. QUESTIONING OF VOTERS OF SUSPECT
7 QUALIFICATION. Every election judge and election clerk shall question, and every
8 watcher and any other person qualified to vote in the precinct may question a person
9 attempting to vote if the questioner has good reason to suspect that the questioned
10 person is not qualified to vote. All questions regarding a person's qualifications to
11 vote shall be made in writing setting out the reason the person has been questioned.
12 A questioned person before voting shall subscribe to **a declaration** [AN OATH OR
13 AFFIRMATION] in a form provided by the director attesting to the fact that in each
14 particular the person meets all the qualifications of a voter, is not disqualified, and has
15 not voted at the same election, **and certifying that the person understands that a**
16 **false statement on the declaration may subject the person to prosecution for a**
17 **misdemeanor under this title or AS 11.** The questioned person shall also state the
18 place from which that person came immediately before living in the precinct where
19 offering to vote and the length of time of residence in the former place. After the
20 questioned person has executed the **declaration** [OATH OR AFFIRMATION], the
21 person may vote. If the questioned person refuses to execute the **declaration** [OATH
22 OR AFFIRMATION], the person may not vote.

23 * **Sec. 15.** AS 15.15.215(a) is amended to read:

24 (a) A voter who casts a questioned ballot shall vote the ballot in the same
25 manner as prescribed for other voters. **The** [AFTER THE ELECTION JUDGE
26 REMOVES THE NUMBERED STUB FROM THE BALLOT, THE] voter shall insert
27 the ballot into a **secrecy sleeve, the election judge shall remove the numbered stub**
28 **from the ballot, and the voter shall** [SMALL ENVELOPE AND] put the **secrecy**
29 **sleeve** [SMALL ENVELOPE] into **an** [A LARGER] envelope on which the statement
30 the voter previously signed is located. **The envelope** [THESE LARGER
31 ENVELOPES] shall be sealed and deposited in the ballot box. When the ballot box

1 is opened, the [THESE] envelopes shall be segregated, counted, compared to the
2 voting list, and delivered to the official or body supervising the election. The merits
3 of the question shall be determined by this official or body in accordance with the
4 procedure prescribed for questioned votes in AS 15.20.207.

5 * **Sec. 16.** AS 15.15.440 is amended to read:

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

23 * **Sec. 17.** AS 15.20.010 is repealed and reenacted to read:

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

26 * **Sec. 18.** AS 15.20.030 is amended to read:

27 Sec. 15.20.030. PREPARATION OF BALLOTS, ENVELOPES, AND OTHER
28 MATERIAL. The director shall provide ballots for use as absentee ballots in all
29 districts. The director shall provide a secrecy sleeve [SMALL ENVELOPE] in which
30 the voter shall initially place the marked ballot, and shall provide an [A LARGER]
31 envelope [,] with the prescribed voter's certificate on it [THE BACK], in which the

1 secrecy sleeve [SMALL ENVELOPE] with ballot enclosed shall be placed. The
2 director shall prescribe the form of and prepare the voter's certificate, envelopes, and
3 other material used in absentee voting. The voter's certificate shall include an oath,
4 for use when required, that the voter is a qualified voter in all respects, a blank for the
5 voter's signature, a certification that the affiant properly executed the marking of the
6 ballot and gave the voter's identity, blanks for the attesting official or witnesses, and
7 a place for recording the date the envelope was sealed and witnessed.

8 * **Sec. 19.** AS 15.20.061(c) is amended to read:

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

15 * **Sec. 20.** AS 15.20.081(d) is amended to read:

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

29 * **Sec. 21.** AS 15.20.190(a) is amended to read:

30 (a) Thirty days **before** [PRIOR TO] the date of an election, the election
31 supervisors shall appoint, in the same manner provided for the appointment of election

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

10 * **Sec. 22.** AS 15.20.201(b) is amended to read:

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

20 * **Sec. 23.** AS 15.20.203(c) is amended to read:

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

29 * **Sec. 24.** AS 15.20.203(e) is amended to read:

30 (e) If an absentee ballot is not rejected, the [LARGE] envelope shall be opened
31 and the secrecy sleeve [SMALL ENVELOPE] containing the absentee ballot shall be

1 placed in a container and mixed with other secrecy sleeves [SMALL ENVELOPES].

2 * **Sec. 25.** AS 15.20.203(f) is amended to read:

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

7 * **Sec. 26.** AS 15.20.207(c) is amended to read:

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

16 * **Sec. 27.** AS 15.20.207(e) is amended to read:

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

21 * **Sec. 28.** AS 15.20.207(f) is amended to read:

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

26 * **Sec. 29.** AS 15.20.207(g) is amended to read:

27 (g) Upon completion of the questioned ballot review, the election supervisor
28 shall prepare an election certificate for execution by the district questioned ballot
29 counting board, and shall forward the original certificate and returns to the director as
30 soon as the count is completed but no later than the **11th** [NINTH] day following the
31 election.

1 * **Sec. 30.** AS 15.20.620(c) is amended to read:

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

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

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

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

12 (3) [(4)] access to the computer counting area shall be controlled by the
13 data processing review board until the vote-counting process is terminated.

14 * **Sec. 31.** AS 15.20.620(f) is amended to read:

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

19 * **Sec. 32.** AS 15.20.640(a) is amended to read:

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

23 * **Sec. 33.** AS 15.20.700(c) is amended to read:

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

28 * **Sec. 34.** AS 15.20.740 is amended to read:

29 Sec. 15.20.740. QUESTIONED PUNCH-CARD BALLOTS. The procedure
30 for reviewing and counting questioned punch-card ballots is the same procedure
31 established in AS 15.20.205 and 15.20.207 for hand-marked ballots except that

1 questioned punch-card ballots may be processed by the computer from the third
2 through the 10th [EIGHTH] day following the election. The data processing review
3 board shall supervise the count and shall follow the procedure established in
4 AS 15.20.680 and 15.20.685.

5 * **Sec. 35.** AS 15.20.800(d) is amended to read:

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

8 * **Sec. 36.** AS 15.58.060(a) is amended to read:

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

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

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

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

16 * **Sec. 37.** AS 15.58.060(b) is amended to read:

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

20 * **Sec. 38.** AS 15.05.040 and AS 15.07.170 are repealed.

21 * **Sec. 39.** This Act takes effect immediately under AS 01.10.070(c).