

HOUSE CS FOR CS FOR SENATE BILL NO. 5(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 4/5/95

Referred: Finance

Sponsor(s): SENATORS KELLY, Salo

REPRESENTATIVE Mackie

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

11 *** Sec. 2.** AS 15.10.105(a) is amended to read:

12 (a) The lieutenant governor shall control and supervise the division of
13 elections. The lieutenant governor shall appoint a director of elections. The director
14 shall act for the lieutenant governor in the supervision of central and regional election

1 offices, the **hiring, performance evaluation, promotion, termination, and all other**
2 **matters relating to the** employment and training of election personnel, and the
3 administration of all state elections as well as those municipal elections **that** [WHICH]
4 the state is required to conduct. The director is responsible for the coordination of
5 state responsibilities under 42 U.S.C. 1933gg (National Voter Registration Act of
6 1993). The director serves at the pleasure of the lieutenant governor.

7 * **Sec. 3.** AS 15.10.105(b) is amended to read:

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

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

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

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

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

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

31 * **Sec. 4.** AS 15.10.107 is amended to read:

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

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

10 (6) The general election ballot shall be designed with the position of
11 names of the candidates **set out in the same order** [CHANGED] in each section **on**
12 **each ballot used in an election district. However, the order of placement of the**
13 **names of the candidates for each office shall be randomly determined by the**
14 **director for ballots printed for use in each election district** [AS MANY TIMES
15 AS THERE ARE CANDIDATES IN THE SECTION IN WHICH THERE ARE THE
16 MOST NAMES. AS NEARLY AS POSSIBLE, AN EQUAL NUMBER OF
17 BALLOTS SHALL BE PRINTED AFTER EACH CHANGE. IN MAKING THE
18 CHANGES OF POSITION, THE NAME OF THE CANDIDATE AT THE HEAD OF
19 EACH SECTION SHALL BE TAKEN AND PLACED AT THE BOTTOM OF THE
20 SECTION AND THE COLUMN MOVED UP SO THAT THE NAME THAT
21 BEFORE WAS SECOND IS FIRST AFTER THE CHANGE. AFTER THE BALLOTS
22 ARE PRINTED, THEY SHALL BE PLACED IN SEPARATE STACKS, ONE
23 STACK FOR EACH CHANGE OF POSITION. THE BALLOTS SHALL THEN BE
24 GATHERED BY TAKING ONE FROM EACH STACK, THE INTENTION BEING
25 THAT EVERY OTHER BALLOT IN THE ACCUMULATED STACK OF BALLOTS
26 SHALL HAVE THE NAMES OF THE CANDIDATES IN A DIFFERENT
27 POSITION].

28 * **Sec. 6.** AS 15.15.060(a) is amended to read:

29 (a) Immediately following the appointment of the election board, the election
30 supervisor in conjunction with the election board **chair** [CHAIRMAN] shall secure
31 polling places for holding the election, suitable ballot boxes **that** [WHICH] will assure

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

11 * **Sec. 7.** AS 15.15.060(b) is amended to read:

12 (b) **To assure administrative economy and to protect the secrecy of the**
13 **ballot, the** [THE] director may adopt regulations prescribing
14 (1) the type of polling place for holding the election;
15 (2) [AND] the requirements regarding ballot boxes, voting [BOOTHs,]
16 screens, national flags, and other supplies; **and**
17 (3) **subject to the specifications of (a) of this section, the**
18 **requirements regarding voting booths** [TO ASSURE ADMINISTRATIVE
19 ECONOMY AND TO PROTECT THE SECRECY OF THE BALLOT].

20 * **Sec. 8.** AS 15.25.060 is amended to read:

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

29 * **Sec. 9.** AS 15.25.110 is amended to read:

30 Sec. 15.25.110. FILLING VACANCIES BY PARTY PETITION. If a
31 candidate **of a political party** nominated at the primary election dies, withdraws,

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

13 * **Sec. 10.** AS 15.25.150 is amended to read:

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

24 * **Sec. 11.** AS 15.25.160 is amended to read:

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

1 * **Sec. 12.** AS 15.25.180(a) is amended to read:

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

3 (1) the full name of the candidate;

4 (2) the full residence address of the candidate, and the date on which
5 residency at that address began;

6 (3) the full mailing address of the candidate;

7 (4) the name of the political group, **if any**, supporting the candidate;

8 (5) if the candidacy is for the office of state senator or state
9 representative, the election or senate district of which the candidate is a resident;

10 (6) the office for which the candidate is nominated;

11 (7) the date of the election at which the candidate seeks election;

12 (8) the length of residency in the state and in the district of the
13 candidate;

14 (9) that the subscribers are qualified voters of the state or election or
15 senate district in which the candidate resides;

16 (10) that the subscribers request that the candidate's name be placed on
17 the **primary election** ballot;

18 (11) that the proposed candidate accepts the nomination and will serve
19 if elected, with the statement signed by the proposed candidate;

20 (12) [IF THE CANDIDACY IS FOR THE OFFICE OF THE
21 GOVERNOR, THE NAME OF THE CANDIDATE FOR LIEUTENANT GOVERNOR
22 RUNNING JOINTLY WITH THE CANDIDATE FOR GOVERNOR;

23 (13)] the name of the candidate as the candidate wishes it to appear on
24 the ballot; and

25 **(13)** [(14)] that the candidate is not a candidate for any other office to
26 be voted on at the primary or general election and that the candidate is not a candidate
27 for this office under any other nominating petition or declaration of candidacy.

28 * **Sec. 13.** AS 15.25.180(b) is amended to read:

29 (b) A person filing a nominating petition under this section, other than a
30 person subject to AS 24.60 who is filing a petition for a state legislative office, shall
31 **simultaneously** [ALSO] file with the director a statement of income sources and

1 business interests that complies with the requirements of AS 39.50 [WITHIN 30
2 DAYS OF FILING THE PETITION]. A person who is subject to AS 24.60 and is
3 filing a nominating petition for state legislative office shall simultaneously file with
4 the director a disclosure statement that complies with the requirements of
5 AS 24.60.200 [WITHIN 30 DAYS OF FILING THE PETITION].

6 * **Sec. 14.** AS 15.25 is amended by adding a new section to read:

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

10 * **Sec. 15.** AS 15.25.190 is amended to read:

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

15 * **Sec. 16.** AS 15.25.200 is amended to read:

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

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

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

24 * **Sec. 17.** AS 15.25 is amended by adding a new section to read:

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

30 (b) For the offices of governor and lieutenant governor, the director shall place
31 on the general election ballot the name of the candidate of each political group

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

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

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

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

14 * **Sec. 18.** AS 15.40.100 is amended to read:

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

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

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

30 * **Sec. 20.** AS 15.58.030(b) is amended to read:

31 (b) No later than July 15 of a year in which a state general election will be

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

11 * **Sec. 21.** AS 39.50.020(a) is amended to read:

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

1 * **Sec. 22.** AS 15.07.110 is repealed.