

SENATE BILL NO. 146

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY SENATOR KELLY

Introduced: 3/30/95

Referred: STA, FIN

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 15.07.130(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 and the **election supervisors**
28 **appointed under AS 15.10.110**

29 (A) [FULL-TIME MEMBERS OF THE DIRECTOR'S STAFF]
30 may not join, support or otherwise participate in a partisan political
31 organization, faction, or activity, including but not limited to the making of

1 political contributions;

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

9 (C) the provisions of (A) and (B) of [. HOWEVER,] this
10 paragraph do [SUBSECTION DOES] not restrict the director of elections or
11 the election supervisors [FULL-TIME MEMBERS OF THE DIRECTOR'S
12 STAFF] from expressing private opinion, registering as to party, or voting; **and**

13 **(2) the full-time employees of the division of elections are subject**
14 **to the provisions of AS 39.25 applicable to classified employees of the state.**

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

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

24 * **Sec. 7.** AS 15.15.030(6) is amended to read:

25 (6) The general election ballot shall be designed with the position of
26 names of the candidates **set out in the same order** [CHANGED] in each section **on**
27 **each ballot used in an election district. However, the order of placement of the**
28 **names of the candidates for each office shall be randomly determined by the**
29 **director for ballots printed for use in each election district** [AS MANY TIMES
30 AS THERE ARE CANDIDATES IN THE SECTION IN WHICH THERE ARE THE
31 MOST NAMES. AS NEARLY AS POSSIBLE, AN EQUAL NUMBER OF

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

4 * **Sec. 10.** AS 15.25.060 is amended to read:

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

13 * **Sec. 11.** AS 15.25.110 is amended to read:

14 Sec. 15.25.110. FILLING VACANCIES BY PARTY PETITION. If a
15 candidate of a political party nominated at the primary election dies, withdraws,
16 resigns, becomes disqualified from holding the office for which the candidate is
17 nominated, or is certified as being incapacitated in the manner prescribed by this
18 section after the primary election and 48 days or more before the general election, the
19 vacancy may be filled by party petition. The central committee of any political party
20 or any party district committee may certify as being incapacitated any candidate
21 nominated by their respective party by presenting to the director a sworn statement
22 made by a panel of three licensed physicians, not more than two of whom may be of
23 the same political party, that the candidate is physically or mentally incapacitated to
24 an extent that would in the panel's judgment prevent the candidate from active service
25 during the term of office if elected. The director shall place the name of the person
26 nominated by party petition on the general election ballot. The name of a candidate
27 disqualified under this section may not appear on the general election ballot.

28 * **Sec. 12.** AS 15.25.150 is amended to read:

29 Sec. 15.25.150. DATE OF FILING PETITION. The petition is filed with the
30 director by actual physical delivery in person at or before 5:00 p.m., prevailing time,
31 June 1 [AUGUST 1] in the year in which a general election is held for the office, or

1 by actual physical delivery to the director by registered or certified mail return receipt
2 requested which is postmarked at or before 5:00 p.m., prevailing time, **June 1**
3 [AUGUST 1] in the year in which a general election is held for the office, and
4 received not more than 15 days after that time. If the postmark is illegible, a dated
5 receipt from the post office where dispatched shall be acceptable as evidence of
6 mailing. If **June 1** [AUGUST 1] is a Sunday or holiday, the deadlines for
7 postmarking and receipt of the petition shall be extended 24 hours in each instance.

8 * **Sec. 13.** AS 15.25.160 is amended to read:

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

16 * **Sec. 14.** AS 15.25.180(a) is amended to read:

- 17 (a) The petition **must** [SHALL] state in substance
- 18 (1) the full name of the candidate;
 - 19 (2) the full residence address of the candidate, and the date on which
20 residency at that address began;
 - 21 (3) the full mailing address of the candidate;
 - 22 (4) the name of the political group, **if any**, supporting the candidate;
 - 23 (5) if the candidacy is for the office of state senator or state
24 representative, the election or senate district of which the candidate is a resident;
 - 25 (6) the office for which the candidate is nominated;
 - 26 (7) the date of the election at which the candidate seeks election;
 - 27 (8) the length of residency in the state and in the district of the
28 candidate;
 - 29 (9) that the subscribers are qualified voters of the state or election or
30 senate district in which the candidate resides;
 - 31 (10) that the subscribers request that the candidate's name be placed on

1 the primary election ballot;

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

4 (12) [IF THE CANDIDACY IS FOR THE OFFICE OF THE
5 GOVERNOR, THE NAME OF THE CANDIDATE FOR LIEUTENANT GOVERNOR
6 RUNNING JOINTLY WITH THE CANDIDATE FOR GOVERNOR;

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

9 (13) [(14)] that the candidate is not a candidate for any other office to
10 be voted on at the primary or general election and that the candidate is not a candidate
11 for this office under any other nominating petition or declaration of candidacy.

12 * **Sec. 15.** AS 15.25.180(b) is amended to read:

13 (b) A person filing a nominating petition under this section, other than a
14 person subject to AS 24.60 who is filing a petition for a state legislative office, shall
15 simultaneously [ALSO] file with the director a statement of income sources and
16 business interests that complies with the requirements of AS 39.50 [WITHIN 30
17 DAYS OF FILING THE PETITION]. A person who is subject to AS 24.60 and is
18 filing a nominating petition for state legislative office shall simultaneously file with
19 the director a disclosure statement that complies with the requirements of
20 AS 24.60.200 [WITHIN 30 DAYS OF FILING THE PETITION].

21 * **Sec. 16.** AS 15.25 is amended by adding a new section to read:

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

25 * **Sec. 17.** AS 15.25.190 is amended to read:

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

30 * **Sec. 18.** AS 15.25.200 is amended to read:

31 Sec. 15.25.200. WITHDRAWAL OF CANDIDATE'S NAME. If a candidate

1 nominated by petition dies or withdraws

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

5 **(2) on or after the date of the primary election and 48 days or**
6 **more before the general election, the director may not place the name of the**
7 **candidate on the general election ballot.**

8 * **Sec. 19.** AS 15.25 is amended by adding a new section to read:

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

14 (b) For the offices of governor and lieutenant governor, the director shall place
15 on the general election ballot the name of the candidate of each political group
16 receiving the greatest number of votes for the office of governor together with the
17 name of the candidate for lieutenant governor who received the greatest number of
18 votes and who is from the same political group as that candidate. However, the
19 director may not place on the general election ballot the name of the candidate of a
20 political group receiving the greatest number of votes for the office of

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

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

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

29 * **Sec. 20.** AS 15.40.100 is amended to read:

30 Sec. 15.40.100. REQUIREMENTS OF PETITION FOR NO-PARTY
31 CANDIDATES. Petitions for the nomination of candidates not representing a political

1 party shall be signed by qualified voters of the state equal in number to at least one
2 percent of the number of voters who cast ballots in the preceding general election, and
3 shall state in substance that which is required in petitions for nomination **by** [FOR
4 GENERAL ELECTIONS PROVIDED IN] AS 15.25.180.

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

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

14 * **Sec. 22.** AS 15.58.030(b) is amended to read:

15 (b) No later than July 15 of a year in which a state general election will be
16 held, an individual who becomes a candidate for the office of United States senator,
17 United States representative, governor, lieutenant governor, state senator, or state
18 representative under AS 15.25.030 **or under AS 15.25.180** may file with the lieutenant
19 governor a photograph and a statement advocating the candidacy. An individual who
20 becomes a candidate for the office of United States senator, United States
21 representative, governor, lieutenant governor, state senator, or state representative
22 [UNDER AS 15.25.180 BY FILING A NOMINATING PETITION OR] by **party**
23 **petition filed under AS 15.25.110** [ANOTHER MEANS] may file with the lieutenant
24 governor a photograph and a statement advocating the candidacy [BY JULY 15 OR]
25 within 10 days of becoming a candidate [, WHICHEVER IS LATER].

26 * **Sec. 23.** AS 39.25.110(20) is amended to read:

27 (20) employees of

28 **(A)** the Office of the Governor [AND THE OFFICE OF THE
29 LIEUTENANT GOVERNOR], including the staff of the governor's mansion;
30 **and**

31 **(B) the office of the lieutenant governor, except the full-time**

**employees of the division of elections other than the division director and
the regional supervisors appointed under AS 15.10.110;**

* **Sec. 24.** AS 39.50.020(a) is amended to read:

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