

**CS FOR HOUSE BILL NO. 257(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 4/23/98  
Referred: Finance

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

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to voter qualification, disqualification, and registration; relating**  
2 **to voter registration officials and election personnel; relating to election notices;**  
3 **relating to mail elections; relating to certain election procedures; relating to the**  
4 **transportation of ballots; and relating to the official election pamphlet."**

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

6 \* **Section 1.** AS 14.08 is amended by adding a new section to read:

7 **Sec. 14.08.082. Elections by mail.** Elections supervised by the lieutenant  
8 governor under AS 14.08.071 and 14.08.081 may be conducted by mail as permitted  
9 by AS 15.20.800.

10 \* **Sec. 2.** AS 15.07.010 is amended to read:

11 **Sec. 15.07.010. Registration of voters.** The precinct election judges at any  
12 election shall allow a person to vote whose name is on the official registration list for  
13 that precinct and who is qualified under AS 15.05. A person whose name is not on  
14 the official registration list shall be allowed to vote a **special review** [QUESTIONED]

1 ballot.

2 \* **Sec. 3.** AS 15.07.070(h) is amended to read:

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

10 \* **Sec. 4.** AS 15.07.090(a) is amended to read:

11 (a) A voter whose name is changed by marriage or court order may vote under  
12 the previous name, but a voter who desires to use a new name shall vote a **special**  
13 **review** [QUESTIONED] ballot.

14 \* **Sec. 5.** AS 15.07.090(c) is amended to read:

15 (c) The director shall transfer the registration of a voter from one precinct to  
16 another within an election district when requested by the voter. The request shall be  
17 made 30 or more days before the election day. The director shall transfer the  
18 registration of a voter from one election district to another when requested by the  
19 voter. The voter must reside in the new election district for at least 30 days in order  
20 to vote **for that district's candidates.**

21 \* **Sec. 6.** AS 15.07.090(d) is amended to read:

22 (d) A person who claims to be a registered voter, but for whom no evidence  
23 of registration in the precinct can be found, shall be granted the right to vote in the  
24 same manner as that of a [QUESTIONED] voter **whose ballot is subject to special**  
25 **review,** and the ballot shall be treated in the same manner. The ballot shall be  
26 considered to be a "**special review** [QUESTIONED] ballot" and shall be so designated.  
27 The director or the director's representative shall determine whether the voter is  
28 registered in the election district before counting the ballot. A voter who has failed  
29 to obtain a transfer as provided in (c) of this section shall vote a "**special review**  
30 [QUESTIONED] ballot" in the precinct in which the voter resides.

31 \* **Sec. 7.** AS 15.07.100 is amended to read:

1           **Sec. 15.07.100. Registration officials.** (a) The director shall appoint one or  
 2 more **persons to serve as** registration officials in each precinct. When more than one  
 3 registration official is appointed to serve in a precinct, each political party shall be  
 4 represented. However, any precinct containing more than 250 voters must have at least  
 5 two registration officials, one from each political party. The registration official shall  
 6 be a qualified state voter and shall take an oath to honestly, faithfully, and promptly  
 7 perform the duties of the office.

8           (b) Training for registration officials **appointed under (a) of this section** shall  
 9 be provided by the director. On the completion of training, the director may require  
 10 that officials demonstrate their competence by a test or other method.

11           (c) A registration official **appointed under (a) of this section** serves at the  
 12 pleasure of the director. Each **such** registration official shall be periodically evaluated  
 13 by the director based on the completeness of the registration forms, timely filing of  
 14 registration forms, and the voter registration activity attributed to the registration  
 15 official.

16           (d) A registration official **appointed under (a) of this section** shall transmit  
 17 completed voter registration forms to the election supervisor within five days following  
 18 completion by the voter.

19 \* **Sec. 8.** AS 15.07.100 is amended by adding a new subsection to read:

20           (e) In addition to registration officials appointed under (a) of this section,  
 21 election board judges and clerks appointed under AS 15.10.120 - 15.10.150 serve as  
 22 registration officials at the polls on election day.

23 \* **Sec. 9.** AS 15.07.130(d) is amended to read:

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

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

29           (2) that the voter may vote only a **special review** [QUESTIONED] or  
 30 absentee ballot if the voter does not return the card at least 30 days before the next  
 31 primary election;

1 (3) that the voter's registration will be cancelled if the voter does not  
 2 vote or appear to vote in an election held during the period beginning on the date of  
 3 the notice and ending on the day after the last day of the fourth calendar year that  
 4 occurs after the date of notice; and

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

7 \* **Sec. 10.** AS 15.15.030 is amended by adding a new paragraph to read:

8 (14) Notwithstanding any other provision of this title, the director may  
 9 provide for voting by use of optically scanned ballots where optical scanning  
 10 equipment is available.

11 \* **Sec. 11.** AS 15.15.070(b) is amended to read

12 (b) The notice shall be given by publication at least twice in one or more  
 13 newspapers of general circulation in each of the four **judicial** [MAJOR ELECTION]  
 14 districts. The printed notice **must** [SHALL] specifically include [BUT IS NOT  
 15 LIMITED TO] the date of election, the hours between which the polling places will  
 16 be open, the offices to which candidates are to be nominated or elected, and the  
 17 subject of the propositions and questions **that** [WHICH] are to be voted on.

18 \* **Sec. 12.** AS 15.15.070(h) is amended to read:

19 (h) An abbreviated form of the notice published under (b) of this section shall  
 20 be broadcast on one or more radio or television stations in each of the four judicial  
 21 districts. The broadcast notice must include at a minimum the date of the election, the  
 22 hours between which the polling places will be open, **and the address, phone**  
 23 **number, and e-mail address of the election supervisor or supervisors for the**  
 24 **judicial district** [THE NAMES OF THE NEWSPAPERS] in which the notice is  
 25 **broadcast** [PUBLISHED, AND THE DATES OF PUBLICATION IN THE  
 26 NEWSPAPERS].

27 \* **Sec. 13.** AS 15.15.198 is amended to read:

28 **Sec. 15.15.198. Voter not on official registration list.** (a) If a voter's name  
 29 does not appear on the official registration list in the precinct in which the voter seeks  
 30 to vote, the election judge shall affirmatively advise the voter that the voter may cast  
 31 a **special review** [QUESTIONED] ballot and the voter shall be allowed to vote a

1        **special review** [QUESTIONED] ballot.

2                (b) A person whose registration is inactive under AS 15.07.130(b) and who  
3 votes a **special review** [QUESTIONED] or absentee ballot shall have the ballot  
4 counted if

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

7                        (2) the person signs a statement to that effect; and

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

9        \* **Sec. 14.** AS 15.15.215(a) is amended to read:

10                (a) A voter who casts a **special review** [QUESTIONED] ballot shall vote the  
11 ballot in the same manner as prescribed for other voters. The voter shall insert the  
12 ballot into a secrecy sleeve, the election judge shall remove the numbered stub from  
13 the ballot, and the voter shall put the secrecy sleeve into an envelope on which the  
14 statement the voter previously signed is located. The envelope shall be sealed and  
15 deposited in the ballot box. When the ballot box is opened, the envelopes shall be  
16 segregated, counted, compared to the voting list, and delivered to the official or body  
17 supervising the election. The merits of the question shall be determined by this  
18 official or body in accordance with the procedure prescribed for **special review**  
19 [QUESTIONED] votes in AS 15.20.207.

20        \* **Sec. 15.** AS 15.15.225(c) is amended to read:

21                (c) A voter who cannot exhibit a required form of identification shall be  
22 allowed to vote a **special review** [QUESTIONED] ballot.

23        \* **Sec. 16.** AS 15.15.350(a) is amended to read:

24                (a) The director may adopt regulations prescribing the manner in which the  
25 precinct ballot count is accomplished so as to assure accuracy in the count and to  
26 expedite the process. The election board shall account for all ballots by completing  
27 a ballot statement containing (1) the number of official ballots received; (2) the number  
28 of official ballots voted; (3) the number of official ballots spoiled; (4) the number of  
29 official ballots unused and destroyed. The board shall count the number of **special**  
30 **review** [QUESTIONED] ballots and shall compare that number to the number of  
31 [QUESTIONED] voters **whose ballots are subject to special review** in the register.

1 Discrepancies shall be noted and the numbers included in the certificate prescribed by  
2 AS 15.15.370. The election board shall count the ballots in a manner that allows  
3 watchers to see the ballots when opened and read. A [NO] person handling the ballot  
4 after it has been taken from the ballot box and before it is placed in the envelope for  
5 mailing may **not** have a marking device in hand or remove a ballot from the  
6 immediate vicinity of the polls.

7 \* **Sec. 17.** AS 15.15.380 is amended to read:

8 **Sec. 15.15.380. Payment of election board members.** The director shall pay  
9 each election board member for time spent at election duties, including the receiving  
10 of instructions. Election board **chair** [CHAIRMEN] and the **chair** [CHAIRMAN] and  
11 members of the absentee ballot, **special review** [QUESTIONED] ballot, and state  
12 ballot counting review boards shall be paid for time spent at their election duties. The  
13 director shall set the compensation to be paid under this section by regulation.

14 \* **Sec. 18.** AS 15.15.430(a) is amended to read:

15 (a) The review of ballot counting by the director shall include only **a review**

16 (1) [A REVIEW] and comparison of the tallies of hand-marked ballots  
17 in the election poll books with the precinct election certificates to correct any  
18 mathematical error in the count of hand-marked ballots;

19 (2) [A REVIEW] of the tallies of write-in votes and a review of  
20 election certificates as provided by law from precincts using punch-card ballots;

21 (3) [A REVIEW] of absentee and **special review** [QUESTIONED]  
22 ballots as prescribed by law.

23 \* **Sec. 19.** AS 15.20.015 is amended to read:

24 **Sec. 15.20.015. Moving from election district just before election.** A person  
25 who meets all voter qualifications except that listed in AS 15.05.010(4) is qualified to  
26 vote by absentee ballot in the election district in which the person formerly resided if  
27 the person lived in that election district for at least 30 days immediately before  
28 changing residence; **however, the person's ballot shall be counted under**  
29 **AS 15.20.211(a).**

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

31 **Sec. 15.20.071. Absentee voting by personal representative.** (a) A qualified

1 voter with a disability who, because of that disability, is unable to go to a polling place  
2 to vote may vote an absentee ballot through a personal representative.

3 (b) The voter must apply in writing to the following election officials, at the  
4 times specified, for an absentee ballot:

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

7 (2) to an election supervisor

8 (A) after a date announced by the director under  
9 AS 15.20.048(b); and

10 (B) on or after the 15th day before an election up to and  
11 including the day of the election;

12 (3) to an absentee voting official at an absentee voting station  
13 designated under AS 15.20.045(b) at a time when the absentee voting station is in  
14 operation; or

15 (4) to a member of the precinct election board on election day.

16 (c) The voter's application must include the following:

17 (1) the name and full residence address of the voter;

18 (2) a form of identification for the voter that meets the requirements  
19 established by the director for absentee voting by mail under AS 15.20.081(f);

20 (3) the full name of the personal representative; and

21 (4) the voter's signature or mark.

22 (d) The election official shall issue the ballot and voter's certificate, which  
23 includes the date and location from which the ballot was issued, upon

24 (1) receipt of the written application of the voter that meets the  
25 requirements of (c) of this section;

26 (2) presentation of identification by the personal representative; and

27 (3) completion by the personal representative of a certification that  
28 includes the personal representative's name, residence and mailing addresses, type and  
29 number of identification, and signature and the name of the voter on whose behalf the  
30 ballot is requested.

31 (e) The personal representative shall deliver the absentee ballot and other

1 absentee voting materials to the voter as soon as practicable. The voter shall proceed  
 2 to mark the ballot in secret, to place the ballot in the secrecy sleeve, and to place the  
 3 secrecy sleeve in the envelope provided. On the voter's certificate portion of the  
 4 envelope, the voter shall state the name of the personal representative who delivered  
 5 the absentee ballot, shall state that, because of a disability, the voter is unable to go  
 6 to a polling place to vote, and shall sign the voter's certificate in the presence of the  
 7 personal representative. The personal representative shall witness and date the  
 8 signature of the voter. The voter shall return the absentee ballot to the personal  
 9 representative by a time reasonably calculated to be necessary for the personal  
 10 representative to deliver the material to an election official before 8:00 p.m. on election  
 11 day. The personal representative shall

12 (1) deliver the ballot and voter certificate to an election official not  
 13 later than 8:00 p.m. on election day; and

14 (2) certify on the form requested under (d)(3) of this section the date  
 15 and time the voter's absentee ballot and certificate were delivered to the election  
 16 official.

17 (f) Notwithstanding (e) of this section, if a qualified voter's disability  
 18 precludes the voter from performing any of the requirements of (e) of this section, the  
 19 personal representative may perform those requirements on the voter's behalf, except  
 20 the voting decision.

21 (g) The voter's employer, an agent of the voter's employer, or an officer or  
 22 agent of the voter's union may not act as a personal representative for the voter. A  
 23 candidate for office at an election may not act as a personal representative for a voter  
 24 in the election.

25 \* **Sec. 21.** AS 15.20.081(b) is amended to read:

26 (b) An application requesting delivery of an absentee ballot to the applicant  
 27 by mail must be received by the division of elections not less than seven days before  
 28 the election for which the absentee ballot is sought. An application for an absentee  
 29 ballot for a state election from a qualified voter requesting delivery of an absentee  
 30 ballot to the applicant by electronic transmission must be received by the division of  
 31 elections not **later than 5:00 p.m. Alaska time on the day** [LESS THAN FOUR

1 DAYS] before the election for which the absentee ballot is sought. An absentee ballot  
 2 application submitted by mail under this section must permit the person to register to  
 3 vote under AS 15.07.070 and to request an absentee ballot for each state election held  
 4 within that calendar year for which the voter is eligible to vote. An absentee ballot  
 5 application submitted by electronic transmission under this section may not include a  
 6 provision that permits a person to register to vote under AS 15.07.070.

7 \* **Sec. 22.** AS 15.20.190 is amended to read:

8 **Sec. 15.20.190. Appointment, duties, and compensation of district counting**  
 9 **boards.** (a) Thirty days before the date of an election, the election supervisors shall  
 10 appoint, in the same manner provided for the appointment of election judges prescribed  
 11 in AS 15.10.150, district absentee ballot counting boards and district special review  
 12 [QUESTIONED] ballot counting boards, each composed of at least four members. At  
 13 least one member of each board must be a member of the same political party of  
 14 which the governor is a member, and at least one member of each board must be a  
 15 member of the political party whose candidate for governor received the second largest  
 16 number of votes in the preceding gubernatorial election. The district boards shall  
 17 assist the election supervisors in counting the absentee and special review  
 18 [QUESTIONED] ballots and shall receive the same compensation paid election judges  
 19 under AS 15.15.380.

20 (b) The election supervisor shall appoint a counting team or teams to aid the  
 21 district absentee ballot counting board in counting absentee ballots and the district  
 22 special review [QUESTIONED] ballot counting board in counting special review  
 23 [QUESTIONED] ballots. There shall be four counters on each counting team, no more  
 24 than two of whom may be members of the same political party.

25 \* **Sec. 23.** AS 15.20.205 is amended to read:

26 **Sec. 15.20.205. District examination of special review ballots [TIME OF**  
 27 **DISTRICT QUESTIONED BALLOT COUNTING REVIEW].** (a) On the second  
 28 day following the day of the election, the election supervisor or the supervisor's  
 29 designee, in the presence and with the assistance of the district special review  
 30 [QUESTIONED] ballot counting board, shall examine [REVIEW] all voter certificates  
 31 of special review [QUESTIONED] ballots received by that date. The examination

1 [REVIEW] of **the special review** [QUESTIONED] ballots shall continue at times  
2 designated by the election supervisor until completed.

3 (b) Counting of **special review** [QUESTIONED] ballots **that** [WHICH] have  
4 been **examined** [REVIEWED] shall begin on the third day following the day of the  
5 election and shall continue at times designated by the election supervisor until all  
6 **special review** [QUESTIONED] ballots **examined** [REVIEWED] and eligible for  
7 counting have been counted. The counting teams shall report the count to the district  
8 **special review** [QUESTIONED] ballot counting board.

9 (c) The district **special review** [QUESTIONED] ballot counting board shall  
10 certify the **special review** [QUESTIONED] ballot totals as soon as the count is  
11 completed but no later than the 10th day following the election.

12 (d) **Special review** [QUESTIONED] ballots received after certification of the  
13 count shall be forwarded immediately to the director by the most expeditious service.

14 \* **Sec. 24.** AS 15.20.207 is amended to read:

15 **Sec. 15.20.207. Procedure for district special review [QUESTIONED]**  
16 **ballot examination [REVIEW].** (a) The district **special review** [QUESTIONED]  
17 ballot counting board shall examine each **special review** [QUESTIONED] ballot  
18 envelope and shall determine whether the [QUESTIONED] voter **whose ballot is**  
19 **subject to special review** is qualified to vote at the election and whether the **special**  
20 **review** [QUESTIONED] ballot has been properly cast.

21 \* **Sec. 25.** AS 15.20.207(b) is amended to read:

22 (b) A **special review** [QUESTIONED] ballot may not be counted if  
23 (1) the voter has failed to properly execute the certificate; or  
24 (2) an official or the witnesses authorized by law to attest the voter's  
25 certificate fail to execute the certificate.

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

27 (c) Any person present at the district **special review** [QUESTIONED] ballot  
28 **examination** [REVIEW] may challenge the name of a [QUESTIONED] voter **whose**  
29 **ballot is subject to special review** when read from the voter's certificate on the  
30 envelope if the person has good reason to suspect that the [QUESTIONED] voter  
31 **whose ballot is subject to special review** is not qualified to vote, is disqualified, or

1 has voted at the same election. The person making the challenge shall specify the  
2 basis of the challenge in writing. The district special review [QUESTIONED] ballot  
3 counting board by majority vote may refuse to accept and count the special review  
4 [QUESTIONED] ballot of a person properly challenged under grounds listed in (b) of  
5 this section.

6 \* **Sec. 27.** AS 15.20.207(d) is amended to read:

7 (d) The election supervisor shall place all rejected special review  
8 [QUESTIONED] ballots in a separate envelope with statements of challenge. The  
9 envelope shall be labeled "rejected special review [QUESTIONED] ballots" and shall  
10 be forwarded to the director with the election certificates and other returns.

11 \* **Sec. 28.** AS 15.20.207(e) is amended to read:

12 (e) If a special review [QUESTIONED] ballot is not rejected, the envelope  
13 shall be opened and the secrecy sleeve containing the special review [QUESTIONED]  
14 ballot shall be placed in a container and mixed with other secrecy sleeves containing  
15 special review [QUESTIONED] ballots.

16 \* **Sec. 29.** AS 15.20.207(f) is amended to read:

17 (f) The secrecy sleeves shall be drawn from the container, the special review  
18 [QUESTIONED] ballots shall be removed from the secrecy sleeves, and the special  
19 review [QUESTIONED] ballots counted at the times specified in AS 15.20.205 and  
20 according to the rules for determining properly marked ballots in AS 15.15.360.

21 \* **Sec. 30.** AS 15.20.207(g) is amended to read:

22 (g) Upon completion of the special review [QUESTIONED] ballot examination  
23 [REVIEW], the election supervisor shall prepare an election certificate for execution by the  
24 district special review [QUESTIONED] ballot counting board [,] and shall forward the  
25 original certificate and returns to the director as soon as the count is completed but no later  
26 than the 11th day following the election.

27 \* **Sec. 31.** AS 15.20.207(h) is amended to read:

28 (h) The director shall prepare and mail to each [QUESTIONED] voter whose  
29 special review [QUESTIONED] ballot was rejected under this section a summary of  
30 the reason that the challenge to the special review [QUESTIONED] ballot was upheld  
31 and the special review [QUESTIONED] ballot was rejected.

1 \* **Sec. 32.** AS 15.20.207(j) is amended to read:

2 (j) In addition to mailing the materials under (i)(1) of this section, for a  
3 [QUESTIONED] voter whose **special review** [QUESTIONED] primary election ballot  
4 was rejected, not later than the deadline set out in (i)(1) of this section, the director  
5 shall

6 (1) determine whether, from the information obtained under  
7 AS 15.07.070(h), the voter's name may be entered on the voter registration list;

8 (2) if the voter is eligible, register the voter in accordance with the  
9 information submitted by the voter under AS 15.07.070(h); and

10 (3) confirm or deny the registration **under this subsection** by written  
11 notice mailed to the voter.

12 \* **Sec. 33.** AS 15.20.211(a) is amended to read:

13 (a) If a qualified voter of the state votes a ballot for an election district other  
14 than the election district in which the voter is registered, the votes cast for statewide  
15 candidates and for statewide ballot propositions and statewide questions shall be  
16 counted. If the qualified voter voted for a candidate for the state senate from the  
17 senate district in which the voter is a resident, the vote shall be counted. **If the**  
18 **qualified voter voted on a judicial retention question in the judicial district in**  
19 **which the voter is a resident, the vote shall be counted.** The votes cast for  
20 candidates or ballot propositions or questions not appearing on the ballot of the district  
21 in which the voter is a resident may not be counted.

22 \* **Sec. 34.** AS 15.20.211(e) is amended to read:

23 (e) In addition to mailing the materials under (d)(1) of this section, for a  
24 [QUESTIONED] voter whose **special review** [QUESTIONED] primary election ballot  
25 was partially counted, not later than the deadline set out in (d)(1) of this section, the  
26 director shall

27 (1) determine whether, from the information obtained under  
28 AS 15.07.070(h), the voter's name may be entered on the voter registration list;

29 (2) if the voter is eligible, register the voter in accordance with the  
30 information submitted by the voter under AS 15.07.070(h); and

31 (3) confirm or deny the registration **under this subsection** by written

1 notice mailed to the voter.

2 \* **Sec. 35.** AS 15.20.220 is amended to read:

3 **Sec. 15.20.220. Procedure for state review.** (a) When the director and  
4 appointed party representatives have completed the review of ballots cast at the voting  
5 precincts, they shall proceed to review the absentee and special review  
6 [QUESTIONED] ballot votes certified by the district counting boards. The review of  
7 the absentee and special review [QUESTIONED] ballot vote certified by the district  
8 counting boards shall be accomplished by reviewing the tallies of the recorded vote to  
9 check for mathematical error and by comparing the totals with the election certificate  
10 of results.

11 (b) The state review board shall review and count absentee ballots under  
12 AS 15.20.081(e) and (h) and special review [QUESTIONED] ballots that have been  
13 forwarded to the director and that have not been reviewed or counted by a district  
14 counting board.

15 \* **Sec. 36.** AS 15.20.480 is amended to read:

16 **Sec. 15.20.480. Procedure for recount.** In conducting the recount, the  
17 director shall review all ballots whether the ballots were counted at the precinct or by  
18 computer or by the district absentee counting board or the special review  
19 [QUESTIONED] ballot counting board to determine which ballots, or part of ballots,  
20 were properly marked and which ballots are to be counted in the recount, and shall  
21 check the accuracy of the original count, the precinct certificate and the review. The  
22 director shall check the number of ballots and special review [QUESTIONED] ballots  
23 cast in a precinct against the registers and shall check absentee ballots voted against  
24 absentee ballots distributed. The director shall count absentee ballots received before  
25 the completion of the recount. For administrative purposes, the director may join and  
26 include two or more applications in a single review and count of votes. The rules in  
27 AS 15.15.360 governing the counting of hand-marked ballots and the rules in  
28 AS 15.20.730 governing the counting of punch-card ballots shall be followed in the  
29 recount. The ballots and other election material must remain in the custody of the  
30 director during the recount, and the highest degree of care shall be exercised to protect  
31 the ballots against alteration or mutilation. The recount shall be completed within 10

1 days. The director may employ additional personnel necessary to assist in the recount.

2 \* **Sec. 37.** AS 15.20.620(b) is amended to read:

3 (b) In addition to the test specified in (a) of this section, other tests shall be  
4 made to ensure that the system is functioning properly

5 (1) at least one day before the election at a time specified by the data  
6 processing review board presiding officer;

7 (2) on the day of the election one hour before the polls close;

8 (3) immediately after the final vote tabulation is complete;

9 (4) approximately one hour before the processing of the **special review**  
10 [QUESTIONED] and absentee ballots; and

11 (5) immediately after the final vote tabulation of **special review**  
12 [QUESTIONED] and absentee ballots is complete.

13 \* **Sec. 38.** AS 15.20.640(c) is amended to read:

14 (c) The ballots containing write-in votes shall be banded together and placed  
15 behind the other undamaged ballot cards **that** [WHICH] have been voted. The  
16 envelope containing **special review** [QUESTIONED] ballots shall be banded to the  
17 computer-ready ballots, and the bundle placed in a special container and sealed, with  
18 the seal signed by the election board members.

19 \* **Sec. 39.** AS 15.20.670 is amended to read:

20 **Sec. 15.20.670. Receipt of ballots by control board.** The control board shall

21 (1) cut the seal and remove all ballots and envelopes from the special  
22 container;

23 (2) insert the proper header and end cards [INTO THE BALLOTS];

24 (3) place the ballot bundles and unprocessable ballots envelope in a tray  
25 for delivery to the computer room; and

26 (4) give the **envelopes** [ENVELOPE] containing **special review**  
27 [QUESTIONED] ballots to the election supervisor.

28 \* **Sec. 40.** AS 15.20.700(a) is amended to read:

29 (a) The ballots **that** [WHICH] have been counted in the computer room shall  
30 be sealed by the data processing review board or the designated counting team. The  
31 sealed ballots shall then be transported to a designated place of security. The **special**

1        review [QUESTIONED] ballots shall be sealed and given to the election supervisor  
2        for tallying.

3        \* **Sec. 41.** AS 15.20.740 is amended to read:

4                **Sec. 15.20.740. Special review [QUESTIONED] punch-card ballots.** The  
5        procedure for examining [REVIEWING] and counting special review  
6        [QUESTIONED] punch-card ballots is the same procedure established in AS 15.20.205  
7        and 15.20.207 for hand-marked ballots except that special review [QUESTIONED]  
8        punch-card ballots may be processed by the computer from the third through the 10th  
9        day following the election. The data processing review board shall supervise the count  
10       and shall follow the procedure established in AS 15.20.680 and 15.20.685.

11       \* **Sec. 42.** AS 15.20.800(a) is amended to read:

12                (a) The director may conduct an election by mail if it is held at a time other  
13        than when the general, [PARTY] primary, or municipal election is held.

14       \* **Sec. 43.** AS 15.20 is amended by adding a new section to read:

15                                **Article 6. Optically Scanned Voting.**

16                **Sec. 15.20.900. Optically scanned ballot tabulation.** (a) Notwithstanding  
17        any other provisions of this title, the director may adopt regulations that provide  
18        procedures for the tabulation of optically scanned ballots, including procedures for

19                        (1) tests of the counting programs developed for each precinct tabulator  
20        to ensure that the system is functioning properly;

21                        (2) security for the voting and tabulation of ballots;

22                        (3) the transmission and accumulation of vote totals to assure the  
23        integrity of the vote counting process;

24                        (4) observation by the public of the counting process in the regional  
25        offices; and

26                        (5) the disposition of ballots.

27                (b) The state ballot counting review board established under AS 15.10.180  
28        shall test the counting programs for the tabulation of optically scanned ballots and  
29        certify their accuracy in accordance with the regulations adopted under (a) of this  
30        section.

31       \* **Sec. 44.** AS 15.58.020 is amended to read:

1           **Sec. 15.58.020. Contents of pamphlet.** Each election pamphlet **must**  
2 [SHALL] contain

3                   (1) photographs and campaign statements submitted by eligible  
4 candidates for elective office in the region;

5                   (2) information and recommendations filed under AS 15.58.050 on  
6 judicial officers subject to a retention election in the region;

7                   (3) a map of the election district or districts of the region;

8                   (4) sample ballots for election districts of the region;

9                   (5) an absentee ballot application;

10                  (6) for each ballot proposition submitted to the voters by initiative or  
11 referendum petition or by the legislature,

12                           (A) the full text of the proposition specifying constitutional or  
13 statutory provisions proposed to be affected;

14                           (B) the ballot title and the summary of the proposition prepared  
15 by the director or by the lieutenant governor;

16                           (C) a neutral summary of the proposition prepared by the  
17 Legislative Affairs Agency;

18                           (D) statements submitted which advocate voter approval or  
19 rejection of the proposition not to exceed 500 words;

20                   (7) for each bond question, a statement of the scope of each project as  
21 it appears in the bond authorization;

22                   (8) a maximum of two pages of material submitted by each political  
23 party;

24                   (9) additional information on voting procedures that the lieutenant  
25 governor considers necessary;

26                   (10) for the question whether a constitutional convention shall be  
27 called,

28                           (A) a full statement of the question placed on the ballot;

29                           (B) statements not to exceed 500 words that advocate voter  
30 approval or rejection of the question;

31                   **(11) under AS 37.13.170, the Alaska permanent fund annual income**

1 **statement and balance sheet for the two fiscal years preceding the publication of**  
2 **the election pamphlet.**

3 \* **Sec. 45.** AS 15.58.030(a) is amended to read:

4 (a) No later than **August 30** [JULY 15] of a presidential election year,  
5 candidates for the offices of the United States President and Vice-President may file  
6 with the lieutenant governor photographs and statements advocating their candidacy.

7 \* **Sec. 46.** AS 15.58.030(d) is amended to read:

8 (d) Pages on which candidates' photographs or statements appear must be  
9 clearly identified with the words "**provided and** paid for by the candidate."

10 \* **Sec. 47.** AS 15.58.030(f) is amended to read:

11 (f) A candidate's photograph must be [A] 5" x 7" **in size and must have been**  
12 [BLACK AND WHITE GLOSSY PRINT] taken within the past five years. The  
13 photograph must be limited to the head, neck, and shoulders of the candidate.

14 \* **Sec. 48.** AS 23.20.526(d) is amended to read:

15 (d) For the purposes of AS 23.20.525(a)(4) - (6) and (14), the term  
16 "employment" does not apply to service performed

17 (1) by a duly ordained, commissioned, or licensed minister of a church  
18 in the exercise of the person's ministry or by a member of a religious order in the  
19 exercise of duties required by the order;

20 (2) in a facility conducted for the purpose of carrying out a program  
21 of rehabilitation for individuals whose earning capacity is impaired by age or physical  
22 or mental deficiency or injury or providing remunerative work for individuals who,  
23 because of their impaired physical or mental capacity, cannot be readily absorbed in  
24 the competitive labor market by an individual receiving the rehabilitation or  
25 remunerative work;

26 (3) as part of an unemployment work-relief or work-training program  
27 assisted or financed in whole or in part by any federal agency or any agency of a state  
28 or political subdivision of the state, by an individual receiving work relief or work  
29 training;

30 (4) for a state hospital by an inmate of a prison or correctional  
31 institution;

1 (5) in the employ of a school, college, or university [,] if the service  
 2 is performed by a student who is enrolled and is regularly attending classes at the  
 3 school, college, or university;

4 (6) by an individual under the age of 22 who is enrolled at a nonprofit  
 5 or public educational institution **that** [WHICH] normally maintains a regular faculty  
 6 and curriculum and normally has a regularly organized body of students in attendance  
 7 at the place where its educational activities are carried on as a student in a full-time  
 8 program, taken for credit at the institution, which combines academic instruction with  
 9 work experience [,] if the service is an integral part of the program [,] and the  
 10 institution has so certified to the employer, except that this paragraph does not apply  
 11 to service performed in a program established for or on behalf of an employer or group  
 12 of employers;

13 (7) in the employ of a hospital [,] if the service is performed by a  
 14 patient of the hospital, as defined in AS 23.20.520;

15 (8) in the employ of the state or a political subdivision of the state if  
 16 the service is performed by an individual in the exercise of duties

17 (A) as a "public official" as defined in AS 39.50.200(a), any  
 18 other elected official, the fiscal analyst of the legislative finance division, the  
 19 legislative auditor of the legislative audit division, the executive director of the  
 20 Legislative Affairs Agency, and the directors of the divisions within the  
 21 Legislative Affairs Agency;

22 (B) as a member of the Alaska Army National Guard or Alaska  
 23 Air National Guard or Alaska Naval Militia; [OR]

24 (C) as an employee serving on only a temporary basis in case  
 25 of fire, storm, snow, earthquake, flood, or similar emergency; **or**

26 **(D) as an election official or election worker if the amount**  
 27 **of remuneration received by the individual during the calendar year for**  
 28 **services as an election official or election worker is less than \$1,000;**

29 (9) in the employ of

30 (A) a church or a convention or association of churches; or

31 (B) an organization which is operated primarily for religious

1 purposes and which is operated, supervised, controlled, or principally supported  
2 by a church or a convention or association of churches.

3 \* **Sec. 49.** AS 36.30.850(b)(7) is amended to read:

4 (7) contracts for the preparation **and transportation** of ballots under  
5 **AS 15** [AS 15.15.030];

6 \* **Sec. 50.** AS 46.40.150 is amended to read:

7 **Sec. 46.40.150. Elections in coastal resource service areas.** Organization  
8 elections under AS 46.40.130 and other elections, including recall elections conducted  
9 under AS 46.40.140, shall be administered by the lieutenant governor in the general  
10 manner provided in AS 15 (Election Code). In addition, the lieutenant governor may  
11 adopt regulations necessary to the conduct of coastal resource service area board  
12 elections. The state shall pay all election costs. **Elections supervised by the**  
13 **lieutenant governor under AS 46.40.110 - 46.40.180 may be conducted by mail as**  
14 **permitted by AS 15.20.800.**