

CS FOR SENATE BILL NO. 183(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 5/6/98
Referred: Finance

Sponsor(s): SENATE 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; relating to election notices; relating to mail elections;
3 relating to certain voting procedures; relating to the transportation of ballots;
4 relating to the official election pamphlet and certain immunity from liability
5 regarding claims arising from publication of the official election pamphlet; and
6 exempting certain election workers from federal unemployment tax."

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

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

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

12 * **Sec. 2.** AS 15.07.010 is amended to read:

13 **Sec. 15.07.010. Registration of voters.** The precinct election judges at any

1 election shall allow a person to vote whose name is on the official registration list for
2 that precinct and who is qualified under AS 15.05. A person whose name is not on
3 the official registration list shall be allowed to vote a **special review** [QUESTIONED]
4 ballot.

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

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

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

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

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

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

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

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

1 obtain a transfer as provided in (c) of this section shall vote a "special review
2 [QUESTIONED] ballot" in the precinct in which the voter resides.

3 * **Sec. 7.** AS 15.07.100 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

10 * **Sec. 10.** AS 15.15.070(b) is amended to read:

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

17 * **Sec. 11.** AS 15.15.070(h) is amended to read:

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

25 * **Sec. 12.** AS 15.15.198(a) is amended to read:

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

30 * **Sec. 13.** AS 15.15.215(a) is amended to read:

31 (a) A voter who casts a **special review** [QUESTIONED] ballot shall vote the

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

10 * **Sec. 14.** AS 15.15.225(c) is amended to read:

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

13 * **Sec. 15.** AS 15.15.350(a) is amended to read:

14 (a) The director may adopt regulations prescribing the manner in which the
 15 precinct ballot count is accomplished so as to assure accuracy in the count and to
 16 expedite the process. The election board shall account for all ballots by completing
 17 a ballot statement containing (1) the number of official ballots received; (2) the number
 18 of official ballots voted; (3) the number of official ballots spoiled; (4) the number of
 19 official ballots unused and destroyed. The board shall count the number of **special**
 20 **review** [QUESTIONED] ballots and shall compare that number to the number of
 21 [QUESTIONED] voters **whose ballots are subject to special review** in the register.
 22 Discrepancies shall be noted and the numbers included in the certificate prescribed by
 23 AS 15.15.370. The election board shall count the ballots in a manner that allows
 24 watchers to see the ballots when opened and read. A [NO] person handling the ballot
 25 after it has been taken from the ballot box and before it is placed in the envelope for
 26 mailing may **not** have a marking device in hand or remove a ballot from the
 27 immediate vicinity of the polls.

28 * **Sec. 16.** AS 15.15.380 is amended to read:

29 **Sec. 15.15.380. Payment of election board members.** The director shall pay
 30 each election board member for time spent at election duties, including the receiving
 31 of instructions. Election board **chair** [CHAIRMEN] and the **chair** [CHAIRMAN] and

1 members of the absentee ballot, special review [QUESTIONED] ballot, and state
 2 ballot counting review boards shall be paid for time spent at their election duties. The
 3 director shall set the compensation to be paid under this section by regulation.

4 * **Sec. 17.** AS 15.15.430(a) is amended to read:

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

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

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

11 (3) [A REVIEW] of absentee and special review [QUESTIONED]
 12 ballots as prescribed by law.

13 * **Sec. 18.** AS 15.20.015 is amended to read:

14 **Sec. 15.20.015. Moving from election district just before election.** A person
 15 who meets all voter qualifications except that listed in AS 15.05.010(4) is qualified to
 16 vote by absentee ballot in the election district in which the person formerly resided if
 17 the person lived in that election district for at least 30 days immediately before
 18 changing residence, except that the person may vote only for

19 (1) statewide ballot measures and questions;

20 (2) candidates for federal or statewide office;

21 (3) candidates for state senate if the voter's former residence and
 22 present residence are in the same senate district; and

23 (4) candidates for judicial retention if the voter's former residence
 24 and present residence are in the same judicial district.

25 * **Sec. 19.** AS 15.20.030 is amended to read:

26 **Sec. 15.20.030. Preparation of ballots, envelopes, and other material.** The
 27 director shall provide ballots for use as absentee ballots in all districts. The director
 28 shall provide a small, unmarked sealable envelope [SECRECY SLEEVE] in which
 29 the voter shall initially place the marked ballot [,] and shall provide an envelope with
 30 the prescribed voter's certificate on it [,] in which the small, unmarked sealable
 31 envelope [SECRECY SLEEVE] with ballot enclosed shall be placed. The director

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

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

8 **Sec. 15.20.071. Absentee voting by personal representative.** (a) A qualified
 9 voter with a disability who, because of that disability, is unable to go to a polling place
 10 to vote may vote an absentee ballot through a personal representative.

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

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

15 (2) to an election supervisor

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

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

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

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

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

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

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

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

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

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

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

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

4 (3) completion by the personal representative of a certification that
5 includes the personal representative's name, residence and mailing address, type and
6 number of identification, and signature and the name of the voter on whose behalf the
7 ballot is requested.

8 (e) The personal representative shall deliver the absentee ballot and other
9 absentee voting materials to the voter as soon as practicable. The voter shall proceed
10 to mark the ballot in secret, place the ballot in the small unmarked envelope, seal the
11 envelope, and place the small envelope in the envelope provided. On the voter's
12 certificate portion of the envelope, the voter shall state the name of the personal
13 representative who delivered the absentee ballot, shall state that, because of a
14 disability, the voter is unable to go to a polling place to vote, and shall sign the voter's
15 certificate in the presence of the personal representative. The personal representative
16 shall witness and date the signature of the voter. The voter shall mark the ballot and
17 complete and sign the voter's certificate. The voter shall return the absentee ballot and
18 voter's certificate to the personal representative by a time reasonably calculated to be
19 necessary for the personal representative to deliver the material to an election official
20 before 8:00 p.m. on election day. The personal representative shall

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

23 (2) sign the personal certification form required under (d)(3) of this
24 section certifying the date and time that the voter's absentee ballot and voter's
25 certificate was delivered to the election official.

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

30 (g) The voter's employer, an agent of the voter's employer, or an officer or
31 agent of the voter's union may not act as a personal representative for the voter. A

1 candidate for office at an election may not act as a personal representative for a voter
2 in the election.

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

4 (b) An application requesting delivery of an absentee ballot to the applicant
5 by mail must be received by the division of elections not less than seven days before
6 the election for which the absentee ballot is sought. An application for an absentee
7 ballot for a state election from a qualified voter requesting delivery of an absentee
8 ballot to the applicant by electronic transmission must be received by the division of
9 elections not **later than 5:00 p.m. Alaska time on the day** [LESS THAN FOUR
10 DAYS] before the election for which the absentee ballot is sought. An absentee ballot
11 application submitted by mail under this section must permit the person to register to
12 vote under AS 15.07.070 and to request an absentee ballot for each state election held
13 within that calendar year for which the voter is eligible to vote. An absentee ballot
14 application submitted by electronic transmission under this section may not include a
15 provision that permits a person to register to vote under AS 15.07.070.

16 * **Sec. 22.** AS 15.20.190 is amended to read:

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

29 (b) The election supervisor shall appoint a counting team or teams to aid the
30 district absentee ballot counting board in counting absentee ballots and the district
31 **special review** [QUESTIONED] ballot counting board in counting **special review**

1 [QUESTIONED] ballots. There shall be four counters on each counting team, no more
2 than two of whom may be members of the same political party.

3 * **Sec. 23.** AS 15.20.205 is amended to read:

4 **Sec. 15.20.205. District examination of special review ballots [TIME OF**
5 **DISTRICT QUESTIONED BALLOT COUNTING REVIEW].** (a) On the second
6 day following the day of the election, the election supervisor or the supervisor's
7 designee, in the presence and with the assistance of the district **special review**
8 [QUESTIONED] ballot counting board, shall **examine** [REVIEW] all voter certificates
9 of **special review** [QUESTIONED] ballots received by that date. The **examination**
10 [REVIEW] of **special review** [QUESTIONED] ballots shall continue at times
11 designated by the election supervisor until completed.

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

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

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

23 * **Sec. 24.** AS 15.20.207(a) is amended to read:

24 (a) The district **special review** [QUESTIONED] ballot counting board shall
25 examine each **special review** [QUESTIONED] ballot envelope and shall determine
26 whether the [QUESTIONED] voter **whose ballot is subject to special review** is
27 qualified to vote at the election and whether the **special review** [QUESTIONED] ballot
28 has been properly cast.

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

30 (b) A **special review** [QUESTIONED] ballot may not be counted if
31 (1) the voter has failed to properly execute the certificate; or

1 (2) an official or the witnesses authorized by law to attest the voter's
2 certificate fail to execute the certificate.

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

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

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

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

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

20 (e) If a **special review** [QUESTIONED] ballot is not rejected, the envelope
21 shall be opened and the secrecy sleeve containing the **special review** [QUESTIONED]
22 ballot shall be placed in a container and mixed with other secrecy sleeves containing
23 **special review** [QUESTIONED] ballots.

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

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

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

30 (g) Upon completion of the **special review** [QUESTIONED] ballot
31 **examination** [REVIEW], the election supervisor shall prepare an election certificate

1 for execution by the district **special review** [QUESTIONED] ballot counting board [,]
2 and shall forward the original certificate and returns to the director as soon as the
3 count is completed but no later than the 11th day following the election.

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

5 (h) The director shall prepare and mail to each [QUESTIONED] voter whose
6 **special review** [QUESTIONED] ballot was rejected under this section a summary of
7 the reason that the challenge to the **special review** [QUESTIONED] ballot was upheld
8 and the **special review** [QUESTIONED] ballot was rejected.

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

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

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

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

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

20 * **Sec. 33.** AS 15.20.211(e) is amended to read:

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

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

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

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

31 * **Sec. 34.** AS 15.20.220 is amended to read:

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

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

13 * **Sec. 35.** AS 15.20.480 is amended to read:

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

31 * **Sec. 36.** AS 15.20.620(b) is amended to read:

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

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

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

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

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

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

11 * **Sec. 37.** AS 15.20.640(c) is amended to read:

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

17 * **Sec. 38.** AS 15.20.670 is amended to read:

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

19 (1) cut the seal and remove all ballots and envelopes from the special
20 container;

21 (2) insert the proper header and end cards into the ballots;

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

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

26 * **Sec. 39.** AS 15.20.700(a) is amended to read:

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

1 for tallying.

2 * **Sec. 40.** AS 15.20.740 is amended to read:

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

10 * **Sec. 41.** AS 15.20.800(a) is amended to read:

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

13 * **Sec. 42.** AS 15.58.020 is amended by adding a new paragraph to read:

14 (11) under AS 37.13.170, the Alaska permanent fund annual income
15 statement and balance sheet for the two fiscal years preceding the publication of the
16 election pamphlet.

17 * **Sec. 43.** AS 15.58.030(a) is amended to read:

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

21 * **Sec. 44.** AS 15.58.030(d) is amended to read:

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

24 * **Sec. 45.** AS 15.58.030(f) is amended to read:

25 (f) A candidate's photograph must be five inches by seven inches in size and
26 must have been [A 5" X 7" BLACK AND WHITE GLOSSY PRINT] taken within
27 the past five years. The photograph must be limited to the head, neck, and shoulders
28 of the candidate.

29 * **Sec. 46.** AS 15.58 is amended by adding a new section to read:

30 **Sec. 15.58.100. Immunity from suit.** A person may not bring an action
31 against the state, a state official or employee, or an election official arising out of the

1 publication of the official election pamphlet. This section does not bar an action
2 against an individual state official or employee who with malice knowingly places
3 false statements of fact into the official election pamphlet.

4 * **Sec. 47.** AS 23.20.526(d) is amended to read:

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

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

10 (2) in a facility conducted for the purpose of carrying out a program
11 of rehabilitation for individuals whose earning capacity is impaired by age or physical
12 or mental deficiency or injury or providing remunerative work for individuals who,
13 because of their impaired physical or mental capacity, cannot be readily absorbed in
14 the competitive labor market by an individual receiving the rehabilitation or
15 remunerative work;

16 (3) as part of an unemployment work-relief or work-training program
17 assisted or financed in whole or in part by any federal agency or any agency of a state
18 or political subdivision of the state, by an individual receiving work relief or work
19 training;

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

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

25 (6) by an individual under the age of 22 who is enrolled at a nonprofit
26 or public educational institution that [WHICH] normally maintains a regular faculty
27 and curriculum and normally has a regularly organized body of students in attendance
28 at the place where its educational activities are carried on as a student in a full-time
29 program, taken for credit at the institution, which combines academic instruction with
30 work experience, if the service is an integral part of the program, and the institution
31 has so certified to the employer, except that this paragraph does not apply to service

1 performed in a program established for or on behalf of an employer or group of
2 employers;

3 (7) in the employ of a hospital, if the service is performed by a patient
4 of the hospital, as defined in AS 23.20.520;

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

7 (A) as a "public official" as defined in AS 39.50.200(a), any
8 other elected official, the fiscal analyst of the legislative finance division, the
9 legislative auditor of the legislative audit division, the executive director of the
10 Legislative Affairs Agency, and the directors of the divisions within the
11 Legislative Affairs Agency;

12 (B) as a member of the Alaska Army National Guard or Alaska
13 Air National Guard or Alaska Naval Militia; or

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

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

19 (9) in the employ of

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

21 (B) an organization **that** [WHICH] is operated primarily for
22 religious purposes and **that** [WHICH] is operated, supervised, controlled, or
23 principally supported by a church or a convention or association of churches.

24 * **Sec. 48.** AS 36.30.850(b)(7) is amended to read:

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

27 * **Sec. 49.** AS 46.40.150 is amended to read:

28 **Sec. 46.40.150. Elections in coastal resource service areas.** Organization
29 elections under AS 46.40.130 and other elections, including recall elections conducted
30 under AS 46.40.140, shall be administered by the lieutenant governor in the general
31 manner provided in AS 15 (Election Code). In addition, the lieutenant governor may

1 adopt regulations necessary to the conduct of coastal resource service area board
2 elections. The state shall pay all elections costs. **Elections supervised by the**
3 **lieutenant governor under AS 46.40.110 - 46.40.180 may be conducted by mail as**
4 **permitted by AS 15.20.800.**