

CS FOR HOUSE BILL NO. 523(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 5/1/04
Referred: Finance

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

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to qualifications of voters, requirements and procedures regarding
2 independent candidates for President and Vice-President of the United States, voter
3 registration and voter registration records, voter residence, precinct boundary and
4 polling place designation and modification, recognized political parties, voters
5 unaffiliated with political parties, early voting, absentee voting, ballot design, ballot
6 counting, optically scanned and electronically generated ballots, voting electronically,
7 voting by mail, voting machines, vote tally systems, initiative, referendum, recall, and
8 definitions in the Alaska Election Code; relating to incorporation elections; and
9 providing for an effective date."

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

11 * **Section 1.** AS 15.05.020 is amended to read:

12 **Sec. 15.05.020. Rules for determining residence of voter.** For the purpose

1 of determining residence for voting, the place of residence is governed by the
2 following rules:

3 (1) A person may not be considered to have gained a residence solely
4 by reason of presence nor may a person lose it solely by reason of absence while in the
5 civil or military service of this state or of the United States or of absence because of
6 marriage to a person engaged in the civil or military service of this state or the United
7 States, while a student at an institution of learning, while in an institution or asylum at
8 public expense, while confined in public prison, while engaged in the navigation of
9 waters of this state [,] or the United States or of the high seas, while residing upon an
10 Indian or military reservation, or while residing in the Alaska Pioneers' Home.

11 (2) The residence of a person is that place in which the person's
12 habitation is fixed, and to which, whenever absent, the person has the intention to
13 return. If a person resides in one place, but does business in another, the former is the
14 person's place of residence. Temporary work sites [CONSTRUCTION CAMPS] do
15 not constitute a dwelling place.

16 (3) A change of residence is made only by the act of removal joined
17 with the intent to remain in another place. There can only be one residence.

18 (4) A person does not lose residence if the person leaves home and
19 goes to another country, state, or place in this state for temporary purposes only and
20 with the intent of returning.

21 (5) A person does not gain residence in any place to which the person
22 comes without the present intention to establish a permanent dwelling at that place.

23 (6) A person loses residence in this state if the person votes in another
24 state's election, either in person or by absentee ballot, and will not be eligible to vote
25 in this state until again qualifying under AS 15.05.010.

26 (7) [REPEALED

27 (8)] The term of residence is computed by including the day on which
28 the person's residence begins and excluding the day of election.

29 ~~(8)~~ [(9) REPEALED

30 (10)] The address of a voter as it appears on the [AN] official voter
31 registration record [CARD] is presumptive evidence of the person's voting residence.

1 This presumption is negated only **if** [BY] the voter **notifies** [NOTIFYING] the
 2 director in writing of a change of voting residence.

3 * **Sec. 2.** AS 15.07.060(a) is amended to read:

4 (a) Each applicant who requests registration or reregistration shall supply the
 5 following information:

6 (1) **the applicant's** name and sex;

7 (2) if issued, the applicant's State of Alaska driver's license number or
 8 State of Alaska identification card number, or the last four digits of the applicant's
 9 social security number;

10 (3) **the applicant's** date of birth;

11 (4) **the applicant's Alaska residence** address, **as specified in**
 12 **regulations adopted by the director** [AND OTHER NECESSARY INFORMATION
 13 ESTABLISHING RESIDENCE, INCLUDING THE TERM OF RESIDENCE IN
 14 THE STATE AND IN THE DISTRICT, IF REQUESTED];

15 (5) **a statement of** whether the applicant has previously been
 16 registered to vote in another jurisdiction, and, if so, the jurisdiction and the address of
 17 the previous registration;

18 (6) a declaration that the **applicant** [REGISTRANT] will be 18 years
 19 of age or older within 90 days **after** [OF] the date of registration;

20 (7) a declaration that the **applicant** [REGISTRANT] is a citizen of the
 21 United States;

22 (8) **the** date of application;

23 (9) **the applicant's** signature or mark;

24 (10) any former name under which the applicant was registered to vote
 25 in the state;

26 (11) an **oath** [ATTESTATION] that the information provided by the
 27 applicant in (1) - (10) of this subsection is true; and

28 (12) a certification that the applicant understands that a false statement
 29 on the application may make the applicant subject to prosecution for a misdemeanor
 30 under this title or AS 11.

31 * **Sec. 3.** AS 15.07.127 is amended to read:

1 **Sec. 15.07.127. Preparation of master register.** The director shall prepare
 2 both a statewide list and a list by precinct of the names and addresses of all persons
 3 whose names appear on the master register and their political party affiliation.
 4 **Subject to the limitations of 15.07.195(b), any** [ANY] person may obtain a copy of
 5 the list, or a part of the list, or an electronic format containing both residence and
 6 mailing addresses of voters, by applying to the director and paying to the state treasury
 7 a fee as determined by the director.

8 * **Sec. 4.** AS 15.07 is amended by adding a new section to read:

9 **Sec. 15.07.195. Certain information in voter registration records**
 10 **confidential.** (a) The following information set out in state voter registration records
 11 is confidential and is not open to public inspection:

- 12 (1) the voter's age or date of birth;
- 13 (2) the voter's social security number, or any part of that number;
- 14 (3) the voter's driver's license number;
- 15 (4) the voter's telephone number, if shown in those records;
- 16 (5) the voter's voter identification number;
- 17 (6) the voter's place of birth;
- 18 (7) the voter's signature.

19 (b) In addition to the information in (a) of this section, the name and address
 20 of a voter who has been the victim of domestic violence shall be confidential and not
 21 open to public inspection if the voter requests in writing that the voter's name and
 22 address not be released.

23 (c) Notwithstanding other provisions, and in compliance with federal law,
 24 information made confidential by this section may be released by the division

- 25 (1) to a local, state, or federal government agency, including to the
 26 child support enforcement agency created in AS 25.27.010 or the child support
 27 enforcement agency of another state; the agency receiving information under this
 28 paragraph may use the information only for governmental purposes authorized under
 29 law;
- 30 (2) in compliance with a court order;
- 31 (3) to a person holding a writ of execution against the person or

1 property of the voter; or

2 (4) if the voter about whom information has been requested has
3 provided written consent to the release.

4 * **Sec. 5.** AS 15.10.090 is repealed and reenacted to read:

5 **Sec. 15.10.090. Notice of precinct boundary or polling place designation**
6 **and modification.** The director shall give full public notice if a precinct is established
7 or abolished or if the boundaries of a precinct are designated, abolished, or modified,
8 or if the location of a polling place is changed. Public notice must include

9 (1) whenever possible, sending written notice of the change to each
10 affected registered voter in the precinct;

11 (2) providing notice of the change

12 (A) by publication three times in a local newspaper of general
13 circulation in the precinct; or

14 (B) if there is not a local newspaper of general circulation in
15 the precinct, by posting written notice in three conspicuous places as close to
16 the precinct as possible; at least one posting location must be in the precinct;

17 (3) posting notice of the change on the Internet site of the division of
18 elections; and

19 (4) providing notification of the change to the appropriate municipal
20 clerks, community councils, tribal groups, presiding officers, Native villages, and
21 village regional corporations established under 43 U.S.C. 1606 (Alaska Native Claims
22 Settlement Act).

23 * **Sec. 6.** AS 15.15.030(6) is repealed and reenacted to read:

24 (6) For each contested office in a state primary or general election, the
25 division shall rotate the order in which candidates' names appear on the ballot to
26 ensure, as much as reasonably possible, that each candidate's name appears at the top
27 of the list an equal number of times on the ballots that are distributed.

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

29 (7) The general election ballot shall be designed with the names of
30 candidates of each political party, **and of any independent candidates qualified**
31 **under AS 15.30.026**, for the office of President and Vice-President of the United

1 States placed in the same section on the ballot rather than the names of electors of
2 President and Vice-President.

3 * **Sec. 8.** AS 15.15.030(13) is amended to read:

4 (13) **The** [NOTWITHSTANDING ANY OTHER PROVISION OF
5 THIS TITLE, THE] director may provide for **the optical scanning of ballots**
6 [VOTING BY USE OF ELECTRONIC BALLOTING EQUIPMENT OR
7 OPTICALLY SCANNED BALLOTS] where the requisite equipment is available. [IF
8 THE DIRECTOR PROVIDES FOR VOTING BY USE OF ELECTRONIC
9 BALLOTING EQUIPMENT, THE DIRECTOR SHALL PROVIDE ELECTRONIC
10 BALLOTING EQUIPMENT THAT WOULD ALLOW VOTERS WITH
11 DISABILITIES, INCLUDING THOSE WHO ARE BLIND OR VISUALLY
12 IMPAIRED, TO CAST PRIVATE, INDEPENDENT, AND VERIFIABLE
13 BALLOTS.]

14 * **Sec. 9.** AS 15.15.030 is amended by adding a new paragraph to read:

15 (14) The director may provide for voting by use of electronically
16 generated ballots by a voter who requests to use a machine that produces electronically
17 generated ballots.

18 * **Sec. 10.** AS 15.15 is amended by adding a new section to read:

19 **Sec. 15.15.032. Use of electronically generated ballots.** (a) If the director
20 provides for voting by use of electronically generated ballots, the director shall
21 provide balloting equipment that would allow voters with disabilities, including those
22 who are blind or visually impaired, to cast private, independent, and verifiable ballots.
23 The director may not provide for more than one machine that produces electronically
24 generated ballots in a precinct or in a regional supervisor's office, except where the
25 director determines that additional machines are needed to accommodate the needs of
26 individuals with disabilities, including individuals with physical limitations or visual
27 impairments.

28 (b) Software for voting by use of electronically generated ballots shall be
29 tested and certified under AS 15.20.900.

30 (c) The director shall provide for a paper record of each electronically
31 generated ballot that can be

1 (1) reviewed and corrected by the voter at the time the vote is cast; and
 2 (2) used for a recount of the votes cast at an election in which
 3 electronically generated ballots were used."

4 * **Sec. 11.** AS 15.15.040 is amended by adding a new subsection to read:

5 (d) Every sample ballot containing the names of candidates must also include
 6 the following statement: "**Candidates' names may appear in a different order on**
 7 **the actual ballot.**"

8 * **Sec. 12.** AS 15.15.350(a) is amended to read:

9 (a) The director may adopt regulations prescribing the manner in which the
 10 precinct ballot count is accomplished so as to ensure [ASSURE] accuracy in the count
 11 and to expedite the process. The election board shall account for all ballots by
 12 completing a ballot statement containing (1) the number of official ballots received;
 13 (2) the number of official ballots voted; (3) the number of official ballots spoiled; (4)
 14 the number of official ballots unused and either destroyed or returned for
 15 destruction to the elections supervisor or the election supervisor's designee. The
 16 board shall count the number of questioned ballots and [SHALL] compare that
 17 number to the number of questioned voters in the register. Discrepancies shall be
 18 noted and the numbers included in the certificate prescribed by AS 15.15.370. The
 19 election board, in hand-count precincts, shall count the ballots in a manner that allows
 20 watchers to see the ballots when opened and read. A person handling the ballot after it
 21 has been taken from the ballot box and before it is placed in the envelope for mailing
 22 may not have a marking device in hand or remove a ballot from the immediate vicinity
 23 of the polls.

24 * **Sec. 13.** AS 15.20.045(b) is amended to read:

25 (b) The director may designate by regulation adopted under AS 44.62
 26 (Administrative Procedure Act) locations at which absentee voting stations will be
 27 operated for 15 days [ON OR AFTER THE 15TH DAY] before an election and on
 28 election day [UP TO AND INCLUDING THE DATE OF THE ELECTION]. The
 29 director shall supply absentee voting stations with ballots for all house districts in the
 30 state and shall designate absentee voting officials to serve at absentee voting stations.

31 * **Sec. 14.** AS 15.20.064(a) is amended to read:

1 (a) **For 15 days before an election and on election day, a** [A] qualified voter
 2 who meets the requirements set out in this section may vote **in locations designated**
 3 **by the director** [EARLY IN THE OFFICE OF AN ELECTION SUPERVISOR ON
 4 OR AFTER THE 15TH DAY BEFORE AN ELECTION UP TO AND INCLUDING
 5 ELECTION DAY].

6 * **Sec. 15.** AS 15.20.064(b) is amended to read:

7 (b) The election supervisor or other election official shall issue a ballot to the
 8 voter upon

9 (1) exhibition of proof of identification as required in AS 15.15.225;

10 (2) verification that the voter's residence address appearing on the
 11 official registration list is current [AND WITHIN THE ELECTION SUPERVISOR'S
 12 JURISDICTION]; and

13 (3) the voter's signing the early voting register.

14 * **Sec. 16.** AS 15.20.066(b) is amended to read:

15 (b) An absentee ballot that is completed and returned by the voter by
 16 electronic transmission must

17 (1) contain the following statement: "I understand that, by using
 18 electronic transmission to return my marked ballot, I am voluntarily waiving a portion
 19 of my right to a secret ballot to the extent necessary to process my ballot, but expect
 20 that my vote will be held as confidential as possible, [.]" followed by the voter's
 21 signature and date of signature; and

22 (2) be accompanied by a statement executed under oath as to the
 23 voter's identity; the statement under oath must be witnessed by

24 (A) a commissioned or noncommissioned officer of the armed
 25 forces of the United States;

26 (B) an official authorized by federal law or the law of the state
 27 in which the absentee ballot is cast to administer an oath; or

28 (C) **a** [TWO] United States **citizen** [CITIZENS] who **is** [ARE]
 29 18 years of age or older.

30 * **Sec. 17.** AS 15.20.081(d) is amended to read:

31 (d) Upon receipt of an absentee ballot by mail, the voter, in the presence of a

1 notary public, commissioned officer of the armed forces including the National Guard,
 2 district judge or magistrate, United States postal official, registration official, or other
 3 person qualified to administer oaths, may proceed to mark the ballot in secret, to place
 4 the ballot in the secrecy sleeve, to place the secrecy sleeve in the envelope provided,
 5 and to sign the voter's certificate on the envelope in the presence of an official listed in
 6 this subsection who shall sign as attesting official and shall date the signature. If none
 7 of the officials listed in this subsection is reasonably accessible, an absentee voter
 8 shall sign the voter's certificate in the presence of **one person who is a United States**
 9 **citizen and is** [TWO PERSONS OVER THE AGE OF] 18 years **of age or older**, who
 10 shall sign as **a witness** [WITNESSES] and attest to the date on which the voter signed
 11 the certificate in **the person's** [THEIR] presence, and, in addition, the voter shall
 12 provide the certification prescribed in AS 09.63.020.

13 * **Sec. 18.** AS 15.20.081(h) is amended to read:

14 (h) Except as provided in AS 15.20.480, an absentee ballot returned by mail
 15 from outside the United States or from **an overseas voter qualifying under**
 16 **AS 15.05.011** [A MILITARY APO OR FPO ADDRESS] that has been marked and
 17 mailed not later than election day may not be counted unless the ballot is received by
 18 the election supervisor not later than the close of business on the 15th day following
 19 the election.

20 * **Sec. 19.** AS 15.20.800(b) is amended to read.

21 (b) If the director conducts an election under (a) of this section by mail, the
 22 director shall send a ballot for each election described in (a) of this section to each
 23 person whose name appears on the official registration list prepared under
 24 AS 15.07.125 for that election. **The director shall send ballots by first class,**
 25 **nonforwardable mail.** The ballot shall be sent to the address stated on the official
 26 registration list unless the

27 **(1) voter has notified the director or an election supervisor of a**
 28 **different address to which the ballot should be sent; or**

29 **(2) address on the official registration list has been identified as**
 30 **being an undeliverable address** [THE DIRECTOR SHALL SEND BALLOTS BY
 31 FIRST CLASS, NONFORWARDABLE MAIL].

1 * **Sec. 20.** AS 15.20 is amended by adding a new section to article 5 to read:

2 **Sec. 15.20.910. Standards for voting machines and vote tally systems.** The
3 director may approve a voting machine or vote tally system for use in an election in
4 the state upon consideration of factors relevant to the administration of state elections,
5 including whether the Federal Election Commission has certified the voting machine
6 or vote tally system to be in compliance with the voting system standards approved by
7 the Federal Election Commission as required by 42 U.S.C. 15481(a)(5) (Help America
8 Vote Act of 2002).

9 * **Sec. 21.** AS 15.30 is amended by adding a new section to read:

10 **Sec. 15.30.026. Qualifications for independent candidates for President of**
11 **the United States; selection of candidate for Vice-President; selection of electors.**

12 (a) A person who desires to be an independent candidate for President of the United
13 States must file with the director not earlier than January 1 of a presidential election
14 year and not later than the 90th day before a presidential general election a petition
15 signed by qualified voters of the state equal in number to at least one percent of the
16 number of voters who cast ballots in an election under this chapter for President of the
17 United States at the last presidential general election. The petition must state that the
18 signers desire the named candidate for President of the United States to appear on the
19 ballot as an independent candidate for president at the next succeeding presidential
20 general election.

21 (b) In order to appear on the ballot, a candidate who has qualified for ballot
22 status under (a) of this section shall certify the following information to the director on
23 or before September 1 of the year of the presidential general election:

24 (1) the names of the electors for the independent candidate for
25 President of the United States, equal to the number of senators and representatives to
26 which the state is entitled in Congress;

27 (2) the name of a candidate for Vice-President, selected by the
28 independent candidate; and

29 (3) the name, Alaska mailing address, and signature of the candidate's
30 state campaign chair, who must be an Alaska resident.

31 * **Sec. 22.** AS 15.30.050 is amended to read:

1 **Sec. 15.30.050. Interpretation of votes cast for candidates for President**
 2 **and Vice-President [VICE PRESIDENT].** In voting for presidential electors, a vote
 3 marked for the candidates for President and **Vice-President** [VICE PRESIDENT] is
 4 considered and counted as a vote for the presidential electors of the party **or for the**
 5 **presidential electors named under AS 15.30.026, as appropriate.**

6 * **Sec. 23.** AS 15.30.090 is amended to read:

7 **Sec. 15.30.090. Duties of electors.** After any vacancies have been filled, the
 8 electors shall proceed to cast their votes for the candidates for the office of President
 9 and **Vice-President** [VICE PRESIDENT] of the party **that** [WHICH] selected them as
 10 candidates for electors, **or for the candidates for the office of President and Vice-**
 11 **President under AS 15.30.026 if the electors were named under AS 15.30.026,** and
 12 shall perform the duties of electors as required by the constitution and laws of the
 13 United States. The director shall provide administrative services and the Department
 14 of Law shall provide legal services necessary for the electors to perform their duties.

15 * **Sec. 24.** AS 15.45.030 is amended to read:

16 **Sec. 15.45.030. Form of application.** The application **must** [SHALL]
 17 include **the**

18 (1) [THE] proposed bill; [TO BE INITIATED,]

19 (2) **printed name, signature, address, and date of birth of not less**
 20 **than 100 qualified voters who will serve as sponsors; each signature page must**
 21 **include** a statement that the sponsors are qualified voters who signed the application
 22 with the proposed bill attached; **and** [,]

23 (3) [THE] designation of an initiative committee **consisting** of three **of**
 24 **the** sponsors who **subscribed to the application and** [SHALL] represent all sponsors
 25 and subscribers in matters relating to the initiative; **the designation must include the**
 26 **name, mailing address, and signature of each committee member** [, AND]

27 (4) THE SIGNATURES AND ADDRESSES OF NOT LESS THAN
 28 100 QUALIFIED VOTERS].

29 * **Sec. 25.** AS 15.45.060 is amended to read:

30 **Sec. 15.45.060. Designation of sponsors.** The qualified voters who subscribe
 31 to the application **in support of the proposed bill** are designated as sponsors. The

1 initiative committee may designate additional sponsors by giving written notice to the
2 lieutenant governor of the names and addresses of those so designated.

3 * **Sec. 26.** AS 15.45.090 is repealed and reenacted to read:

4 **Sec. 15.45.090. Preparation of petition.** The lieutenant governor shall
5 prepare a sufficient number of sequentially numbered petitions to allow full circulation
6 throughout the state. Each petition shall contain

7 (1) a copy of the proposed bill if the number of words included in both
8 the formal and substantive provisions of the bill is 500 or less;

9 (2) an impartial summary of the subject matter of the bill;

10 (3) the warning prescribed in AS 15.45.100;

11 (4) sufficient space for printed name, date of birth, signature, and
12 address of each person signing the petition;

13 (5) sufficient space at the bottom of each signature page for the
14 information required by AS 15.45.130(8); and

15 (6) other specifications prescribed by the lieutenant governor to ensure
16 proper handling and control.

17 * **Sec. 27.** AS 15.45 is amended by adding a new section to read:

18 **Sec. 15.45.105. Qualifications of circulator.** To circulate a petition booklet,
19 a person shall be

20 (1) a citizen of the United States;

21 (2) 18 years of age or older; and

22 (3) a resident of the state as determined under AS 15.05.020.

23 * **Sec. 28.** AS 15.45.120 is amended to read:

24 **Sec. 15.45.120. Manner of signing and withdrawing name from petition.**

25 Any qualified voter may subscribe to the petition by **printing the voter's name, date**
26 **of birth, and address, and by** signing the voter's name [AND ADDRESS]. A person
27 who has signed the initiative petition may withdraw the person's name only by giving
28 written notice to the lieutenant governor before the date the petition is filed.

29 * **Sec. 29.** AS 15.45.130 is repealed and reenacted to read:

30 **Sec. 15.45.130. Certification of circulator.** Before being filed, each petition
31 shall be certified by an affidavit by the person who personally circulated the petition.

1 In determining the sufficiency of the petition, the lieutenant governor may not count
 2 subscriptions on petitions not properly certified at the time of filing or corrected before
 3 the subscriptions are counted. The affidavit must state in substance that

4 (1) the person signing the affidavit meets the residency, age, and
 5 citizenship qualifications for circulating a petition under AS 15.45.105;

6 (2) the person is the only circulator of that petition;

7 (3) the signatures were made in the circulator's actual presence;

8 (4) to the best of the circulator's knowledge, the signatures are those of
 9 the persons whose names they purport to be;

10 (5) the signatures are of persons who were qualified voters on the date
 11 of signature;

12 (6) the circulator has not entered into an agreement with a person or
 13 organization in violation of AS 15.45.110(c);

14 (7) the circulator has not violated AS 15.45.110(d) with respect to that
 15 petition; and

16 (8) if the circulator has received payment or agreed to receive payment
 17 for the collection of signatures on the petition, the circulator, before circulating the
 18 petition, prominently placed in the space provided under AS 15.45.090(5) the name of
 19 each person or organization that has paid or agreed to pay the circulator for collection
 20 of signatures on the petition.

21 * **Sec. 30.** AS 15.45.200 is amended to read:

22 **Sec. 15.45.200. Display of proposed law.** The director shall provide each
 23 election board with **five** [10] copies of the proposed law being initiated, and the
 24 election board shall display **at least one copy** [THREE COPIES] of the proposed law
 25 in a conspicuous place in the room where the election is held.

26 * **Sec. 31.** AS 15.45.270 is amended to read:

27 **Sec. 15.45.270. Form of application.** The application **must** [SHALL]
 28 include

29 (1) the act to be referred;

30 (2) **a statement of approval or rejection;**

31 (3) **the printed signature, address, and date of birth of not less**

1 **than 100 qualified voters who will serve as sponsors; each signature page must**
 2 **include** a statement that the sponsors are qualified voters who signed the application
 3 with the **act to be referred and the statement of approval or rejection**
 4 [PROPOSED BILL] attached; **and**

5 **(4)** [(3)] the designation of a referendum committee **consisting** of three
 6 **of the** sponsors who **subscribed to the application and** [SHALL] represent all
 7 sponsors and subscribers in matters relating to the referendum; **the designation must**
 8 **include the name, address, and signature of each committee member** [AND

9 (4) THE SIGNATURES AND ADDRESSES OF NOT FEWER
 10 THAN 100 QUALIFIED VOTERS].

11 * **Sec. 32.** AS 15.45.290 is amended to read:

12 **Sec. 15.45.290. Designation of sponsors.** The qualified voters who subscribe
 13 to the application **in support of the referendum** are designated as sponsors. The
 14 referendum committee may designate additional sponsors by giving notice to the
 15 lieutenant governor of the names and addresses of those so designated.

16 * **Sec. 33.** AS 15.45.320 is repealed and reenacted to read:

17 **Sec. 15.45.320. Preparation of petition.** The lieutenant governor shall
 18 prepare a sufficient number of sequentially numbered petitions to allow full circulation
 19 throughout the state. Each petition shall contain

20 (1) a copy of the act to be referred, if the number of words included in
 21 both the formal and substantive provisions of the bill is 500 or less;

22 (2) the statement of approval or rejection;

23 (3) an impartial summary of the subject matter of the act;

24 (4) the warning prescribed in AS 15.45.330;

25 (5) sufficient space for the printed name, date of birth, signature, and
 26 address of each person signing the petition;

27 (6) sufficient space at the bottom of each page for the information
 28 required by AS 15.45.360(8); and

29 (7) other specifications prescribed by the lieutenant governor to ensure
 30 proper handling and control.

31 * **Sec. 34.** AS 15.45 is amended by adding a new section to read:

1 **Sec. 15.45.335. Qualifications of circulator.** To circulate a petition booklet,
2 a person shall be

3 (1) a citizen of the United States;

4 (2) 18 years of age or older; and

5 (3) a resident of the state as determined under AS 15.05.020.

6 * **Sec. 35.** AS 15.45.340 is amended by adding new subsections to read:

7 (b) A circulator may not receive payment or agree to receive payment that is
8 greater than \$1 a signature, and a person or an organization may not pay or agree to
9 pay an amount that is greater than \$1 a signature, for the collection of signatures on a
10 petition.

11 (c) A person or organization may not knowingly pay, offer to pay, or cause to
12 be paid money or other valuable thing to a person to sign or refrain from signing a
13 petition.

14 (d) A person or organization that violates (b) or (c) of this section is guilty of a
15 class B misdemeanor.

16 (e) In this section,

17 (1) "organization" has the meaning given in AS 11.81.900;

18 (2) "other valuable thing" has the meaning given in AS 15.56.030;

19 (3) "person" has the meaning given in AS 11.81.900.

20 * **Sec. 36.** AS 15.45.350 is amended to read:

21 **Sec. 15.45.350. Manner of signing and withdrawing name from petition.**

22 Any qualified voter may subscribe to the petition by **printing the voter's name, date**
23 **of birth, and address, and by** signing the voter's name [AND ADDRESS]. A person
24 who has signed the referendum petition may withdraw the person's name only by
25 giving written notice to the lieutenant governor before the date the petition is filed.

26 * **Sec. 37.** AS 15.45.360 is repealed and reenacted to read:

27 **Sec. 15.45.360. Certification of circulator.** Before being filed, each petition
28 shall be certified by an affidavit by the person who personally circulated the petition.
29 In determining the sufficiency of the petition, the lieutenant governor may not count
30 subscriptions on petitions not properly certified at the time of filing or corrected before
31 the subscriptions are counted. The affidavit must state in substance that

1 (1) the person signing the affidavit meets the residency, age, and
2 citizenship qualifications for circulating a petition under AS 15.45.335;

3 (2) the person is the only circulator of the petition;

4 (3) the signatures were made in the circulator's actual presence;

5 (4) to the best of the circulator's knowledge, the signatures are the
6 signatures of persons whose names they purport to be;

7 (5) the signatures are of persons who were qualified voters on the date
8 of signature;

9 (6) the circulator has not entered into an agreement with a person or
10 organization in violation of AS 15.45.340(b);

11 (7) the circulator has not violated AS 15.45.340(c) with respect to that
12 petition; and

13 (8) if the circulator has received payment or agreed to receive payment
14 for the collection of signatures on the petition, the circulator, before circulating of the
15 petition, prominently placed in the space provided under AS 15.45.320(6) the name of
16 each person or organization that has paid or agreed to pay the circulator for collection
17 of signatures on the petition.

18 * **Sec. 38.** AS 15.45.430 is amended to read:

19 **Sec. 15.45.430. Display of act being referred.** The director shall provide
20 each election board with **five** [10] copies of the act being referred, and the election
21 board shall display **at least one copy** [THREE COPIES] of the act in a conspicuous
22 place in the room where the election is held.

23 * **Sec. 39.** AS 15.45.500 is amended to read:

24 **Sec. 15.45.500. Form of application.** The application must include

25 (1) the name and office of the person to be recalled;

26 (2) the grounds for recall described in particular in not more than 200
27 words;

28 (3) **the printed name, signature, address, and date of birth of**
29 **qualified voters equal in number to 10 percent of those who voted in the**
30 **preceding general election in the state or in the senate or house district of the**
31 **official sought to be recalled; each signature page must include** a statement that the

1 [SPONSORS ARE] qualified voters [WHO]

2 **(A) will serve as sponsors; and**

3 **(B) signed the application with**

4 **(i) the name and office of the person to be recalled;**

5 **and**

6 **(ii) the statement of grounds for recall attached; and**

7 (4) the designation of a recall committee **consisting** of three **of the**
 8 **qualified voters** [SPONSORS] who **subscribed to the application and** shall
 9 represent all sponsors and subscribers in matters relating to the recall; **the designation**
 10 **must include the name, mailing address, and signature of each committee**
 11 **member**

12 [(5) THE SIGNATURES OF AT LEAST 100 QUALIFIED VOTERS
 13 WHO SUBSCRIBE TO THE APPLICATION AS SPONSORS FOR PURPOSES OF
 14 CIRCULATION; AND

15 (6) THE SIGNATURES AND ADDRESSES OF QUALIFIED
 16 VOTERS EQUAL IN NUMBER TO 10 PERCENT OF THOSE WHO VOTED IN
 17 THE PRECEDING GENERAL ELECTION IN THE STATE OR IN THE SENATE
 18 OR HOUSE DISTRICT OF THE OFFICIAL SOUGHT TO BE RECALLED].

19 * **Sec. 40.** AS 15.45 is amended by adding a new section to read:

20 **Sec. 15.45.515. Designation of sponsors.** The qualified voters who subscribe
 21 to the application in support of the recall are designated as sponsors. The recall
 22 committee may designate additional sponsors by giving notice to the lieutenant
 23 governor of the names, addresses, and dates of birth of those so designated.

24 * **Sec. 41.** AS 15.45.560 is repealed and reenacted to read:

25 **Sec. 15.45.560. Preparation of petition.** The director shall prepare a
 26 sufficient number of sequentially numbered petitions to allow full circulation
 27 throughout the state. Each petition shall contain

28 (1) the name and office of the person to be recalled;

29 (2) the statement of the grounds for recall included in the application;

30 (3) the statement of warning required in AS 15.45.570;

31 (4) sufficient space for the printed name, date of birth, signature, and

1 address of each person signing the petition;

2 (5) sufficient space at the bottom of each page for the information
3 required by AS 15.45.600(8); and

4 (6) other specifications prescribed by the director to ensure proper
5 handling and control.

6 * **Sec. 42.** AS 15.45.570 is amended to read:

7 **Sec. 15.45.570. Statement of warning.** Each petition **must** [AND
8 DUPLICATE COPY SHALL] include a statement of warning that a person who signs
9 a name other than the person's own to the petition, or who knowingly signs more than
10 once for the same proposition at one election, or who signs the petition while
11 knowingly not a qualified voter, is guilty of a class B misdemeanor.

12 * **Sec. 43.** AS 15.45 is amended by adding a new section to read:

13 **Sec. 15.45.575. Qualifications of circulator.** To circulate a petition booklet,
14 a person shall be

15 (1) a citizen of the United States;

16 (2) 18 years of age or older; and

17 (3) a resident of the state as determined under AS 15.05.020.

18 * **Sec. 44.** AS 15.45.580 is amended by adding new subsections to read:

19 (b) A circulator may not receive payment or agree to receive payment that is
20 greater than \$1 a signature, and a person or an organization may not pay or agree to
21 pay an amount that is greater than \$1 a signature, for the collection of signatures on a
22 petition.

23 (c) A person or organization may not knowingly pay, offer to pay, or cause to
24 be paid money or other valuable thing to a person to sign or refrain from signing a
25 petition.

26 (d) A person or organization that violates (b) or (c) of this section is guilty of a
27 class B misdemeanor.

28 (e) In this section,

29 (1) "organization" has the meaning given in AS 11.81.900;

30 (2) "other valuable thing" has the meaning given in AS 15.56.030;

31 (3) "person" has the meaning given in AS 11.81.900.

1 * **Sec. 45.** AS 15.45.590 is amended to read:

2 **Sec. 15.45.590. Manner of signing and withdrawing name from petition.**

3 Any qualified voter may subscribe to the petition by **printing the voter's name, date**
 4 **of birth, and address, and by** signing the voter's name [AND ADDRESS]. A person
 5 who has signed the petition may withdraw the person's name only by giving written
 6 notice to the director before the date the petition is filed.

7 * **Sec. 46.** AS 15.45.600 is repealed and reenacted to read:

8 **Sec. 15.45.600. Certification of circulator.** Before being filed, each petition

9 shall be certified by an affidavit by the person who personally circulated the petition.
 10 In determining the sufficiency of the petition, the lieutenant governor may not count
 11 subscriptions on petitions not properly certified at the time of filing or corrected before
 12 the subscriptions are counted. The affidavit must state in substance that

13 (1) the person signing the affidavit meets the residency, age, and
 14 citizenship qualifications for circulating a petition under AS 15.45.575;

15 (2) the person is the only circulator of the petition;

16 (3) the signatures were made in the circulator's actual presence;

17 (4) to the best of the circulator's knowledge, the signatures are the
 18 signatures of persons whose names they purport to be;

19 (5) the signatures are of persons who were qualified voters on the date
 20 of signature;

21 (6) the circulator has not entered into an agreement with a person or
 22 organization in violation of AS 15.45.580(b);

23 (7) the circulator has not violated AS 15.45.580(c) with respect to that
 24 petition; and

25 (8) if the circulator has received payment or agreed to receive payment
 26 for the collection of signatures on the petition, the circulator, before circulating of the
 27 petition, prominently placed in the space provided under AS 15.45.560(5) the name of
 28 each person or organization that has paid or agreed to pay the circulator for collection
 29 of signatures on the petition.

30 * **Sec. 47.** AS 15.45.680 is amended to read:

31 **Sec. 15.45.680. Display of grounds [BASES] for and against recall.** The

1 director shall provide each election board in the state or in the senate or house district
 2 of the person subject to recall with **five** [10] copies of the statement of the grounds for
 3 recall included in the application and **five** [10] copies of the statement of not more
 4 than 200 words made by the official subject to recall in justification of the official's
 5 conduct in office. The person subject to recall may provide the director with the
 6 statement within 10 days after the date the director gave notification that the petition
 7 was properly filed. The election board shall post **at least one copy** [THREE COPIES]
 8 of the statements for and against recall in **a** [THREE] conspicuous **place** [PLACES] in
 9 the polling place.

10 * **Sec. 48.** AS 15.60 is amended by adding a new section to read:

11 **Sec. 15.60.003. Voters unaffiliated with political parties.** The director shall
 12 consider a voter to be a voter registered as

13 (1) "nonpartisan" and without a preference for a political party if the
 14 voter registers as nonpartisan on a voter registration form;

15 (2) "undeclared" if the voter

16 (A) registers as undeclared on a voter registration form;

17 (B) fails to declare an affiliation with a political group or
 18 political party on a voter registration form; or

19 (C) declares an affiliation with an entity other than a political
 20 party or political group on a voter registration form; or

21 (3) "other" if the voter declares on a voter registration form an
 22 affiliation with a political group.

23 * **Sec. 49.** AS 15.60 is amended by adding a new section to read:

24 **Sec. 15.60.008. Recognized political party status.** (a) A political group that
 25 the director has not recognized as a political party may obtain recognized political
 26 party status if, on or before May 31 of the first election year for which the political
 27 group seeks recognition, the political group

28 (1) files an application with the director;

29 (2) submits bylaws to the director and the United States Department of
 30 Justice as required of political parties in AS 15.25.014; and

31 (3) meets the definition of a political party in AS 15.60.010.

1 (b) The director shall verify that each political group seeking recognized
 2 political party status under (a) of this section and each recognized political party meets
 3 the definition of a political party in AS 15.60.010.

4 (c) The director shall perform a verification described in (b) of this section at
 5 least once a month after the date of certification of the preceding general election. For
 6 purposes of (b) of this section, the director shall verify that the voters who have
 7 submitted registration to the division of elections are qualified under AS 15.05.010
 8 and have declared affiliation with the political group or recognized political party for
 9 which the verification is performed.

10 (d) Within 10 days after a verification under (c) of this section, the director
 11 shall provide to a political group seeking recognized political party status under (a) of
 12 this section written notification when the political group has obtained recognized
 13 political party status.

14 (e) The director may not withdraw recognized political party status from a
 15 political group that no longer meets the definition of political party except following
 16 the verification immediately after a general election at which a governor was elected.
 17 The director shall provide written notification to the political party of the withdrawal
 18 of recognized political party status.

19 * **Sec. 50.** AS 15.60.010(21) is amended to read:

20 (21) "political party" means an organized group of voters that
 21 represents a political program and that

22 (A) [EITHER] nominated a candidate for governor who
 23 received at least three percent of the total votes cast for governor at the
 24 preceding general election **at which a governor was elected;**

25 (B) **nominated a candidate for United States senator who**
 26 **received at least three percent of the total votes cast for United States**
 27 **senator at the preceding general election or at the most recent general**
 28 **election at which a governor was elected;**

29 (C) **nominated a candidate for United States representative**
 30 **who received at least three percent of the total votes cast for United States**
 31 **representative at the preceding general election or at the most recent**

1 **general election at which a governor was elected;** or

2 **(D)** has registered voters in the state equal in number to at least
3 three percent of the total votes cast for governor at the preceding general
4 election **at which a governor was elected;**

5 * **Sec. 51.** AS 15.60.010 is amended by adding new paragraphs to read:

6 (38) "electronically generated ballot" means any ballot other than a
7 paper ballot that is physically marked by the voter using a writing instrument or a
8 mechanical device;

9 (39) "optically scanned ballot" means a paper ballot designed to be
10 read by an optical scanning machine;

11 (40) "reregistration" means the submission of a registration form by a
12 voter whose registration was inactivated on the master register maintained under
13 AS 15.07 and the director's reactivation of that registration in accordance with that
14 chapter; in this paragraph, "a voter whose registration was inactivated" does not
15 include a voter whose registration was inactivated under AS 15.07.130 and whose
16 ballot may be counted under AS 15.15.198.

17 * **Sec. 52.** AS 29.05.110(b) is amended to read:

18 (b) A **qualified** voter who **is registered to vote** [HAS BEEN A RESIDENT
19 OF THE AREA] within the proposed municipality **at least** [FOR] 30 days before the
20 date of the election order may vote.

21 * **Sec. 53.** AS 29.05.110(c) is amended to read:

22 (c) Areawide borough powers included in an incorporation petition are
23 considered to be part of the incorporation question. In an election for the incorporation
24 of a second class borough, each nonareawide power to be exercised is placed
25 separately on the ballot. Adoption of a nonareawide power requires a majority of the
26 votes cast on the question, and the vote is limited to the **qualified** voters **who are**
27 **registered to vote** [RESIDING] in the proposed borough but outside all cities in the
28 proposed borough.

29 * **Sec. 54.** AS 29.05.110 is amended by adding a new subsection to read:

30 (f) In this section, "qualified voter" has the meaning in AS 15.60.010.

31 * **Sec. 55.** AS 15.10.020(b) and AS 15.20.048 are repealed.

1 * **Sec. 56.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 VOTING BY MAIL AND ELECTRONICALLY. Not later than March 1, 2005, the
4 director of the division of elections shall provide a report to the legislature on the feasibility,
5 costs, and benefits of authorizing a system of voting by mail and electronically.

6 * **Sec. 57.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 APPLICABILITY. (a) The changes made by secs. 23 - 46 of this Act apply to an
9 application for an initiative, referendum, or recall filed with the lieutenant governor on or
10 after the effective date of this Act.

11 (b) Under AS 15.15.032(c), added by sec. 9 of this Act, for ballots cast in elections in
12 2004 and 2005, the director of elections shall provide for a paper record only to the extent
13 technologically feasible, and only to the extent that federal matching funds are available for
14 equipment needed to provide a paper record.

15 (c) To the extent permitted, the director of elections shall expend federal funds
16 available to implement the provisions of this Act to obtain the equipment necessary to provide
17 a paper record of ballots electronically generated by equipment the state owns on the effective
18 date of this Act, before additional machines that produce electronically generated ballots are
19 purchased.

20 * **Sec. 58.** The uncodified law of the State of Alaska is amended by adding a new section to
21 read:

22 TRANSITION. An initiative, referendum, or recall for which an application was filed
23 with the lieutenant governor before the effective date of this Act is subject to the provisions of
24 AS 15.45 as they existed on the day before the effective date of this Act.

25 * **Sec. 59.** The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

27 REVISOR'S INSTRUCTION. The revisor of statutes is instructed to change the
28 heading of art. 5 of AS 15.20 from "Article 5. Optically Scanned Voting" to "Article 5.
29 Optically Scanned Voting; Voting Machine or Tally System Standards."

30 * **Sec. 60.** This Act takes effect immediately under AS 01.10.070(c).