

SENATE BILL NO. 76

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/21/05

Referred: State Affairs, Judiciary

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 registration through a power of**
4 **attorney, voter registration using scanned documents, voter residence, precinct**
5 **boundary and polling place designation and modification, recognized political parties,**
6 **voters unaffiliated with a political party, early voting, absentee voting, application for**
7 **absentee ballots through a power of attorney, or by scanned documents, ballot design,**
8 **ballot counting, voting by mail, voting machines, vote tally systems, initiative,**
9 **referendum, recall, and definitions in the Alaska Election Code; relating to**
10 **incorporation elections; and providing for an effective date."**

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

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

1 **Sec. 15.05.020. Rules for determining residence of voter.** For the purpose
 2 of determining residence for voting, the place of residence is governed by the
 3 following rules:

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

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

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

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

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

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

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

30 (8) 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 the voter notifies the director in writing of a
2 change of voting residence.

3 * **Sec. 2.** AS 15.07.050 is amended to read:

4 **Sec. 15.07.050. Manner of registration.** Registration may be made

5 (1) in person before a registration official or through a voter
6 registration agency;

7 (2) **by another individual on behalf of the voter if the voter has**
8 **executed a written power of attorney specifically authorizing that other**
9 **individual to register the voter;**

10 (3) by mail; or

11 (4) [(3)] by facsimile transmission, **scanning**, or another method of
12 electronic transmission that the director approves.

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

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

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

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

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

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

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

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

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

- 1 (8) **the** date of application;
- 2 (9) **the applicant's** signature or mark;
- 3 (10) any former name under which the applicant was registered to vote
4 in the state;
- 5 (11) an **oath** [ATTESTATION] that the information provided by the
6 applicant in (1) - (10) of this subsection is true; and
- 7 (12) a certification that the applicant understands that a false statement
8 on the application may make the applicant subject to prosecution for a misdemeanor
9 under this title or AS 11.

10 * **Sec. 4.** AS 15.07.070(b) is amended to read:

11 (b) To register by mail or by facsimile, **scanning**, or other electronic
12 transmission approved by the director under AS 15.07.050, the director, the area
13 election supervisor, or a voter registration agency shall furnish, at no cost to the voter,
14 forms prepared by the director on which the registration information required under
15 AS 15.07.060 shall be inserted by the voter, **by a person on behalf of the voter if**
16 **that person is designated to act on behalf of the voter in a power of attorney as**
17 **set out in AS 15.07.050**, or by a person on behalf of the voter if the voter is physically
18 incapacitated. The director may require proof of identification of the applicant as
19 required by regulations adopted by the director under AS 44.62 (Administrative
20 Procedure Act). Upon receipt and approval of the completed registration forms, the
21 director or the election supervisor shall forward to the voter an acknowledgment, and
22 the voter's name shall immediately be placed on the master register. If the registration
23 is denied, the voter shall immediately be informed in writing that registration was
24 denied and the reason for denial. When identifying information has been provided by
25 the voter as required by this chapter, the election supervisor shall forward to the voter
26 a registration card.

27 * **Sec. 5.** AS 15.07.127 is amended to read:

28 **Sec. 15.07.127. Preparation of master register.** The director shall prepare
29 both a statewide list and a list by precinct of the names and addresses of all persons
30 whose names appear on the master register and their political party affiliation.
31 **Subject to the limitations of 15.07.195, any** [ANY] person may obtain a copy of the

1 list, or a part of the list, or an electronic format containing both residence and mailing
 2 addresses of voters, by applying to the director and paying to the state treasury a fee as
 3 determined by the director.

4 * **Sec. 6.** AS 15.10.090 is amended to read:

5 **Sec. 15.10.090. Notice of precinct boundary designation and modification.**

6 The director shall give full public notice when precinct boundaries are designated and
 7 when the boundaries of a precinct are modified or when a precinct is established or
 8 abolished. Public notice **must** [SHALL] include

9 **(1)** [, BUT IS NOT LIMITED TO,] the publication **of notice** on three
 10 different days in a daily newspaper of general circulation; [,] if **possible, the**
 11 **newspaper shall be one that is available generally in the house district** [SUCH A
 12 NEWSPAPER IS PUBLISHED IN THE HOUSE DISTRICT] where the precinct is
 13 located; **however, if a daily newspaper of general circulation is not generally**
 14 **available in that house district, public notice must include** [, BY] posting written
 15 notice in **a** [THREE] conspicuous **place** [PLACES] in the designated precinct;

16 **(2) posting on the division of elections' Internet web site;** [,] and

17 **(3)** [BY] notification to appropriate municipal clerks.

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

19 (7) The general election ballot shall be designed with the names of
 20 candidates of each political party, **and of any independent candidates qualified**
 21 **under AS 15.30.026,** for the office of President and Vice-President of the United
 22 States placed in the same section on the ballot rather than the names of electors of
 23 President and Vice-President.

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

25 (a) The director may adopt regulations prescribing the manner in which the
 26 precinct ballot count is accomplished so as to **ensure** [ASSURE] accuracy in the count
 27 and to expedite the process. The election board shall account for all ballots by
 28 completing a ballot statement containing (1) the number of official ballots received;
 29 (2) the number of official ballots voted; (3) the number of official ballots spoiled; (4)
 30 the number of official ballots unused and **either** destroyed **or returned for**
 31 **destruction to the elections supervisor or the election supervisor's designee.** The

1 board shall count the number of questioned ballots and [SHALL] compare that
 2 number to the number of questioned voters in the register. Discrepancies shall be
 3 noted and the numbers included in the certificate prescribed by AS 15.15.370. The
 4 election board, in hand-count precincts, shall count the ballots in a manner that allows
 5 watchers to see the ballots when opened and read. A person handling the ballot after it
 6 has been taken from the ballot box and before it is placed in the envelope for mailing
 7 may not have a marking device in hand or remove a ballot from the immediate vicinity
 8 of the polls.

9 * **Sec. 9.** AS 15.20.064(a) is amended to read:

10 (a) For 15 days before an election and on election day, a qualified voter who
 11 meets the requirements set out in this section may vote in locations designated by the
 12 director **by January 1 of an election year.**

13 * **Sec. 10.** AS 15.20.066(b) is amended to read:

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

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

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

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

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

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

29 * **Sec. 11.** AS 15.20.081(a) is amended to read:

30 (a) A qualified voter may apply by mail or by **facsimile, scanning, or other**
 31 electronic transmission to the director for an absentee ballot. **Another person may**

1 **apply for an absentee ballot on behalf of a qualified voter if that person is**
 2 **designated to act on behalf of the voter in a written power of attorney that**
 3 **specifically authorizes the other person to apply for an absentee ballot on behalf**
 4 **of the voter.** The application must include the address or, if the application requests
 5 delivery of an absentee ballot by electronic transmission, the telephone electronic
 6 transmission number, to which the absentee ballot is to be returned, the applicant's full
 7 Alaska residence address, and the applicant's signature. However, a person residing
 8 outside the United States and applying to vote absentee in federal elections in
 9 accordance with AS 15.05.011 need not include an Alaska residence address in the
 10 application.

11 * **Sec. 12.** AS 15.20.081(d) is amended to read:

12 (d) Upon receipt of an absentee ballot by mail, the voter, in the presence of a
 13 notary public, commissioned officer of the armed forces including the National Guard,
 14 district judge or magistrate, United States postal official, registration official, or other
 15 person qualified to administer oaths, may proceed to mark the ballot in secret, to place
 16 the ballot in the secrecy sleeve, to place the secrecy sleeve in the envelope provided,
 17 and to sign the voter's certificate on the envelope in the presence of an official listed in
 18 this subsection who shall sign as attesting official and shall date the signature. If none
 19 of the officials listed in this subsection is reasonably accessible, an absentee voter
 20 shall sign the voter's certificate in the presence of **one person who is a United States**
 21 **citizen and is** [TWO PERSONS OVER THE AGE OF] 18 years **of age or older**, who
 22 shall sign as **a witness** [WITNESSES] and attest to the date on which the voter signed
 23 the certificate in **the person's** [THEIR] presence, and, in addition, the voter shall
 24 provide the certification prescribed in AS 09.63.020.

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

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

1 * **Sec. 14.** AS 15.20.800(b) is amended to read.

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

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

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

13 * **Sec. 15.** AS 15.20 is amended by adding a new section to article 5 to read:

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

21 * **Sec. 16.** AS 15.30 is amended by adding a new section to read:

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

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

1 general election.

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

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

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

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

12 * **Sec. 17.** AS 15.30.050 is amended to read:

13 **Sec. 15.30.050. Interpretation of votes cast for candidates for President**
14 **and Vice-President [VICE PRESIDENT].** In voting for presidential electors, a vote
15 marked for the candidates for President and **Vice-President** [VICE PRESIDENT] is
16 considered and counted as a vote for the presidential electors of the party **or for the**
17 **presidential electors named under AS 15.30.026, as appropriate.**

18 * **Sec. 18.** AS 15.30.090 is amended to read:

19 **Sec. 15.30.090. Duties of electors.** After any vacancies have been filled, the
20 electors shall proceed to cast their votes for the candidates for the office of President
21 and **Vice-President** [VICE PRESIDENT] of the party **that** [WHICH] selected them as
22 candidates for electors, **or for the candidates for the office of President and Vice-**
23 **President under AS 15.30.026 if the electors were named under AS 15.30.026,** and
24 shall perform the duties of electors as required by the constitution and laws of the
25 United States. The director shall provide administrative services and the Department
26 of Law shall provide legal services necessary for the electors to perform their duties.

27 * **Sec. 19.** AS 15.45.030 is amended to read:

28 **Sec. 15.45.030. Form of application.** The application **must** [SHALL]
29 include **the**

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

31 (2) **printed name, 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 proposed bill attached; **and** [,]

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

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

10 * **Sec. 20.** AS 15.45.060 is amended to read:

11 **Sec. 15.45.060. Designation of sponsors.** The qualified voters who subscribe
 12 to the application **in support of the proposed bill** are designated as sponsors. The
 13 initiative committee may designate additional sponsors by giving written notice to the
 14 lieutenant governor of the names, [AND] addresses, **and dates of birth** of those so
 15 designated.

16 * **Sec. 21.** AS 15.45.090 is repealed and reenacted to read:

17 **Sec. 15.45.090. Preparation of petition.** (a) 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 proposed bill if the number of words included in both
 21 the formal and substantive provisions of the bill is 500 or less;

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

23 (3) the statement of warning prescribed in AS 15.45.100;

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

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

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

30 (b) Upon request of the initiative committee, the lieutenant governor shall
 31 report to the committee the number of persons who voted in the preceding general

1 election.

2 * **Sec. 22.** AS 15.45 is amended by adding a new section to read:

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

5 (1) a citizen of the United States;

6 (2) 18 years of age or older; and

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

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

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

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

14 * **Sec. 24.** AS 15.45.130 is repealed and reenacted to read:

15 **Sec. 15.45.130. Certification of circulator.** Before being filed, each petition
16 shall be certified by an affidavit by the person who personally circulated the petition.
17 In determining the sufficiency of the petition, the lieutenant governor may not count
18 subscriptions on petitions not properly certified at the time of filing or corrected before
19 the subscriptions are counted. The affidavit must state in substance that

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

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

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

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

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

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

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

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

6 * **Sec. 25.** AS 15.45.200 is amended to read:

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

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

12 **Sec. 15.45.270. Form of application.** The application **must** [SHALL]
 13 include

14 (1) the act to be referred;

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

16 (3) **the printed name, signature, address, and date of birth of not**
 17 **less than 100 qualified voters who will serve as sponsors; each signature page**
 18 **must include** a statement that the sponsors are qualified voters who signed the
 19 application with the **act to be referred and the statement of approval or rejection**
 20 [PROPOSED BILL] attached; **and**

21 (4) [(3)] the designation of a referendum committee **consisting** of three
 22 **of the** sponsors who **subscribed to the application and** [SHALL] represent all
 23 sponsors and subscribers in matters relating to the referendum; **the designation must**
 24 **include the name, mailing address, and signature of each committee member**
 25 [AND

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

28 * **Sec. 27.** AS 15.45.290 is amended to read:

29 **Sec. 15.45.290. Designation of sponsors.** The qualified voters who subscribe
 30 to the application **in support of the referendum** are designated as sponsors. The
 31 referendum committee may designate additional sponsors by giving notice to the

1 lieutenant governor of the names, [AND] addresses, **and dates of birth** of those so
2 designated.

3 * **Sec. 28.** AS 15.45.320 is repealed and reenacted to read:

4 **Sec. 15.45.320. Preparation of petition.** (a) 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 act to be referred, if the number of words included in
8 both the formal and substantive provisions of the act is 500 or less;

9 (2) the statement of approval or rejection;

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

11 (4) the statement of warning prescribed in AS 15.45.330;

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

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

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

18 (b) Upon request of the referendum committee, the lieutenant governor shall
19 report to the committee the number of persons who voted in the preceding general
20 election

21 * **Sec. 29.** AS 15.45 is amended by adding a new section to read:

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

24 (1) a citizen of the United States;

25 (2) 18 years of age or older; and

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

27 * **Sec. 30.** AS 15.45.340 is amended by adding new subsections to read:

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

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

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

6 (e) In this section,

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

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

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

10 * **Sec. 31.** AS 15.45.350 is amended to read:

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

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

16 * **Sec. 32.** AS 15.45.360 is repealed and reenacted to read:

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

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

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

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

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

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

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

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

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

8 * **Sec. 33.** AS 15.45.430 is amended to read:

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

13 * **Sec. 34.** AS 15.45.500 is amended to read:

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

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

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

18 (3) **the printed name, signature, address, and date of birth of**
19 **qualified voters equal in number to 10 percent of those who voted in the**
20 **preceding general election in the state or in the senate or house district of the**
21 **official sought to be recalled; each signature page must include** a statement that the
22 [SPONSORS ARE] qualified voters [WHO]

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

24 **(B) signed the application with the name and office of the**
25 **person to be recalled and** the statement of grounds for recall attached; **and**

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

31 [(5) THE SIGNATURES OF AT LEAST 100 QUALIFIED VOTERS

1 WHO SUBSCRIBE TO THE APPLICATION AS SPONSORS FOR PURPOSES OF
2 CIRCULATION; AND

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

7 * **Sec. 35.** AS 15.45 is amended by adding a new section to read:

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

12 * **Sec. 36.** AS 15.45.560 is repealed and reenacted to read:

13 **Sec. 15.45.560. Preparation of petition.** (a) The director shall prepare a
14 sufficient number of sequentially numbered petitions to allow full circulation
15 throughout the state. Each petition shall contain

- 16 (1) the name and office of the person to be recalled;
17 (2) the statement of the grounds for recall included in the application;
18 (3) the statement of warning required in AS 15.45.570;
19 (4) sufficient space for the printed name, date of birth, signature, and
20 address of each person signing the petition;
21 (5) sufficient space at the bottom of each signature page for the
22 information required by AS 15.45.600(8); and
23 (6) other specifications prescribed by the director to ensure proper
24 handling and control.

25 (b) Upon request of the recall committee, the lieutenant governor shall report
26 to the committee the number of persons who voted in the preceding general election,
27 in the state or in the district of the official sought to be recalled by the recall
28 committee.

29 * **Sec. 37.** AS 15.45.570 is amended to read:

30 **Sec. 15.45.570. Statement of warning.** Each petition **must** [AND
31 DUPLICATE COPY SHALL] include a statement of warning that a person who signs

1 a name other than the person's own to the petition, or who knowingly signs more than
 2 once for the same proposition at one election, or who signs the petition while
 3 knowingly not a qualified voter, is guilty of a class B misdemeanor.

4 * **Sec. 38.** AS 15.45 is amended by adding a new section to read:

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

7 (1) a citizen of the United States;

8 (2) 18 years of age or older; and

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

10 * **Sec. 39.** AS 15.45.580 is amended by adding new subsections to read:

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

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

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

20 (e) In this section,

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

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

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

24 * **Sec. 40.** AS 15.45.590 is amended to read:

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

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

30 * **Sec. 41.** AS 15.45.600 is repealed and reenacted to read:

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

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

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

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

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

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

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

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

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

17 (8) if the circulator has received payment or agreed to receive payment
 18 for the collection of signatures on the petition, the circulator, before circulating of the
 19 petition, prominently placed in the space provided under AS 15.45.560(5) the name of
 20 each person or organization that has paid or agreed to pay the circulator for collection
 21 of signatures on the petition.

22 * **Sec. 42.** AS 15.45.680 is amended to read:

23 **Sec. 15.45.680. Display of grounds [BASES] for and against recall.** The
 24 director shall provide each election board in the state or in the senate or house district
 25 of the person subject to recall with **five** [10] copies of the statement of the grounds for
 26 recall included in the application and **five** [10] copies of the statement of not more
 27 than 200 words made by the official subject to recall in justification of the official's
 28 conduct in office. The person subject to recall may provide the director with the
 29 statement within 10 days after the date the director gave notification that the petition
 30 was properly filed. The election board shall post **at least one copy** [THREE COPIES]
 31 of the statements for and against recall in **a** [THREE] conspicuous **place** [PLACES] in

1 the polling place.

2 * **Sec. 43.** AS 15.60 is amended by adding a new section to read:

3 **Sec. 15.60.003. Voters unaffiliated with a political party.** The director shall
4 consider a voter to be a voter registered as

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

7 (2) "undeclared" if the voter

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

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

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

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

15 * **Sec. 44.** AS 15.60 is amended by adding a new section to read:

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

20 (1) files an application with the director;

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

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

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

27 (c) The director shall perform a verification described in (b) of this section at
28 least once a month after the date of certification of the preceding general election. For
29 purposes of (b) of this section, the director shall verify that the voters who have
30 submitted registration to the division of elections are qualified under AS 15.05.010
31 and have declared affiliation with the political group or recognized political party for

1 which the verification is performed.

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

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

11 * **Sec. 45.** AS 15.60.010 is amended by adding a new paragraph to read:

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

18 * **Sec. 46.** AS 29.05.110(b) is amended to read:

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

22 * **Sec. 47.** AS 29.05.110(c) is amended to read:

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

30 * **Sec. 48.** AS 29.05.110 is amended by adding a new subsection to read:

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

1 * **Sec. 49.** AS 15.10.020(b) and AS 15.20.048 are repealed.

2 * **Sec. 50.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 **APPLICABILITY.** The changes made by secs. 19 - 42 of this Act apply to an
5 application for an initiative, referendum, or recall filed with the lieutenant governor on or
6 after the effective date of this Act.

7 * **Sec. 51.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

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

12 * **Sec. 52.** This Act takes effect immediately under AS 01.10.070(c).