

T A B L E O F C O N T E N T S

	<u>Page</u>
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
29	
ARTICLE I. QUALIFICATION OF VOTERS	1
ARTICLE II. ELECTION DISTRICTS AND OFFICIALS	3
ARTICLE III. GENERAL PROCEDURE FOR ELECTIONS	8
ARTICLE IV. SPECIAL PROCEDURES FOR ELECTIONS	23
Part 1. Absentee Voting	23
Part 2. Voting Machines	31
Part 3. Election Recounts	36
Part 4. Election Contests	40
ARTICLE V. PRIMARY ELECTIONS AND NOMINATIONS	41
Part 1. Party Primary Election	41
Part 2. Nominations for General Election by Petition	45
ARTICLE VI. NATIONAL ELECTIONS	47
Part 1. President	47
Part 2. United States Congress	49
ARTICLE VII. STATE ELECTIONS	49
Part 1. Executive	49
Part 2. Legislative	50
Part 3. Judiciary	50
ARTICLE VIII. SPECIAL ELECTIONS AND APPOINTMENTS	51
Part 1. United States Senate	51
Part 2. United States House of Representatives	54
Part 3. Governor and Secretary of State	56
Part 4. Legislature	58
ARTICLE IX. INITIATIVE, REFERENDUM AND RECALL	62
Part 1. Initiative	62
Part 2. Referendum	67
Part 3. Recall	72

1	ARTICLE X. CONSTITUTIONAL AMENDMENTS AND CONVENTIONS	79
2	Part 1. Constitutional Amendments	79
3	Part 2. Constitutional Conventions	80
4	ARTICLE XI. ELECTION OFFENSES AND PENALTIES	80
5	ARTICLE XII. FORMAL PROVISIONS	86
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL

1 IN THE HOUSE

2 HOUSE BILL NO. 252

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act to codify and revise the law re-
7 lating to state elections and to provide
8 a comprehensive election code."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 ARTICLE I

11 QUALIFICATION OF VOTERS

12 Section 1.01. GENERAL VOTER QUALIFICATION. Any person who
13 has the following qualifications may vote at any election:

- 14 (1) A citizen of the United States,
15 (2) At least 19 years of age,
16 (3) A resident of the state for at least one year
17 immediately preceding the election,
18 (4) A resident of the election district in which he
19 seeks to vote for at least 30 days immediately preceding the
20 election, and
21 (5) An ability to read or write the English language
22 unless prevented by physical disability.

23 Sec. 1.02. SPECIAL VOTER QUALIFICATIONS. Any person who
24 has the following qualifications may vote at any election:

- 25 (1) A citizen of the United States,
26 (2) A resident of the state for at least one year
27 immediately preceding the election,
28 (3) A resident of the election district in which he
29 seeks to vote for at least 30 days immediately preceding the

1 election, and

2 (4) Having legally voted in the general election of
3 November 4, 1924.

4 Sec. 1.03. RULES FOR DETERMINING RESIDENCE OF VOTER. For
5 the purpose of determining residence for voting, the place of
6 residence of any person is governed by the following rules:

7 (1) The residence of a person is that place in which
8 his habitation is fixed, and to which, whenever he is absent,
9 he has the intention to return.

10 (2) The place where a man's family resides is pre-
11 sumed to be his place of residence, but any man who takes up
12 or continues his abode with the intention of remaining at a
13 place other than where his family resides is a resident where
14 he abides.

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

18 (4) A person does not gain or lose a residence solely
19 by reason of his presence or absence while employed in the ser-
20 vice of the United States or of this state, or while a student
21 of any institution of learning, or while kept in any institu-
22 tion or asylum at public expense, or while confined in any
23 public prison or while residing upon any Indian or military
24 reservation.

25 (5) No member of the armed forces of the United States
26 is a resident of this state solely by reason of being stationed
27 within the state.

28 (6) A person does not lose his residence if he leaves
29 his home and goes to another country, state, or place within

1 this state for temporary purposes only and with the intention
2 of returning.

3 (7) A person does not gain a residence in a place to
4 which he comes for temporary purposes only.

5 (8) A person loses his residence in this state if he
6 votes in an election held in another state.

7 (9) The term of residence is computed by including
8 the day on which the person's residence commences and by exclud-
9 ing the day of election.

10 Sec. 1.04. VOTER DISQUALIFICATION FOR FELONY CONVICTION.

11 No person may vote who has been convicted either by the state
12 courts of Alaska, by the courts of any other state or by the
13 federal courts, of a felony involving moral turpitude unless his
14 civil rights have been restored by law or by the proper authority
15 in the jurisdiction in which the person was convicted. Felonies
16 involving moral turpitude include, but are not limited to, the
17 crimes of murder, abortion, rape, robbery, kidnapping, burglary,
18 incest, and other crimes which are punishable by imprisonment
19 in the penitentiary under Alaska law and which involve conduct
20 contrary to justice, honesty, modesty, or good morals.

21 Sec. 1.05. VOTER DISQUALIFICATION FOR UNSOUND MIND. No
22 person may vote who has been judicially determined to be of un-
23 sound mind unless the disability has been removed.

24 ARTICLE II

25 ELECTION DISTRICTS AND OFFICIALS

26 Sec. 2.01. PRECINCT BOUNDARIES INITIALLY ESTABLISHED. The
27 state is divided into the election precincts as established for
28 the general election of October, 1958, or as subsequently amended
29 as prescribed by law, and shall remain so divided until the

1 precinct boundaries are modified, or the precinct is abolished
2 or a precinct is established as required by the provisions of
3 this code.

4 Sec. 2.02. PRECINCT BOUNDARIES MODIFIED BY SECRETARY OF
5 STATE. The secretary of state may modify the boundary of any
6 precinct and may establish or abolish any precinct in the terri-
7 tory outside cities and organized boroughs.

8 Sec. 2.03. PRECINCT BOUNDARIES MODIFIED BY ORGANIZED BOR-
9 OUGH. The assembly of every organized borough may modify the
10 boundary of any precinct and may establish or abolish any pre-
11 cinct in the territory within the borough, excluding any cities
12 therein.

13 Sec. 2.04. PRECINCT BOUNDARIES MODIFIED BY CITY. Each
14 city council, whether the city is situated within or outside any
15 organized borough, may modify the boundary of any precinct and
16 may establish or abolish any precinct in the city.

17 Sec. 2.05. RESTRICTION ON PRECINCT BOUNDARY MODIFICATION.
18 No precinct may include territory lying within more than one
19 election district.

20 Sec. 2.06. GENERAL DUTY AND STANDARDS FOR PRECINCT BOUN-
21 DARY MODIFICATION. The secretary of state, borough assembly,
22 and city council shall modify the boundary of any precinct, and
23 shall establish or abolish any precinct in their respective
24 territory if the action serves the convenience of the voters
25 and assures the efficient administration of election laws.

26 Sec. 2.07. SPECIFIC DUTY AND STANDARD FOR PRECINCT BOUN-
27 DARY MODIFICATION. If at any election more than 500 voters
28 cast paper ballots or more than 700 voters cast voting machine
29 ballots in one precinct, the secretary of state, the borough

1 assembly or the city council, as the case may be, shall modify the
2 boundary of the precinct to prevent the casting of paper ballots
3 by more than 500 voters or the casting of voting machine ballots
4 by more than 700 voters in the precinct at the next election.

5 Sec. 2.08. PRECINCT BOUNDARY IDENTIFICATION. Each precinct
6 shall be given an appropriate name or number and be clearly de-
7 fined so the boundaries can be readily determined.

8 Sec. 2.09. DATES FOR DESIGNATING PRECINCT BOUNDARY. The
9 secretary of state, borough assembly, and city council shall de-
10 signate the boundaries of all precincts within their jurisdiction
11 for the primary and general election on May 1 of each general
12 election year, and for every special election held at a time other
13 than with a general or primary election, on a date not more than
14 40 days prior to the date of the special election.

15 Sec. 2.10. NOTICE OF PRECINCT BOUNDARY DESIGNATION AND
16 MODIFICATION. The secretary of state, borough assembly, and city
17 council, shall give full public notice when precinct boundaries
18 are designated and when the boundaries of any precinct are modi-
19 fied or when a precinct is established or abolished within their
20 respective territories. Public notice shall include, but is not
21 limited to, the posting of written notice in three conspicuous
22 public places in each precinct which boundaries are being modified

23 Sec. 2.11. JUDICIAL REVIEW OF PRECINCT BOUNDARY. Any per-
24 son aggrieved by any determination of precinct boundaries by the
25 secretary of state, any borough assembly or city council, may
26 bring a civil action to have the determination reviewed by any
27 appropriate remedy in the superior court.

28 Sec. 2.12. DESIGNATION OF ELECTION MAGISTRATES. At least
29 60 days prior to the date of any election, the supreme court shall

1 designate a district magistrate or deputy magistrate as an elec-
2 tion magistrate for each election district to assist in the admin-
3 istration of elections within the territory of the election dis-
4 trict lying outside organized boroughs and cities. At the time
5 of making the designation, the supreme court shall notify the
6 secretary of state of the names of the election magistrates.

7 Sec. 2.13. APPOINTMENT OF ELECTION BOARD BY ELECTION
8 MAGISTRATES. The election magistrate for each election district
9 shall appoint an election board, composed of three judges, for
10 each precinct outside organized boroughs and cities from among
11 the qualified voters of each of the precincts for which they
12 are appointed. One judge shall be designated chairman and be
13 primarily responsible for the administration of the election
14 in the precinct. The other two judges shall perform the duties
15 of clerks of the election. No more than two judges shall be of
16 the same political party. At the time of making the appoint-
17 ments, the election magistrate shall notify the secretary of
18 state the name and full local mailing address of the designated
19 chairman and other judges of the election board in each pre-
20 cinct.

21 Sec. 2.14. APPOINTMENT OF COUNTER BY ELECTION MAGISTRATES.
22 The election magistrate shall also appoint two persons as
23 counters of ballots in each precinct outside organized boroughs
24 and cities in which the number of paper ballot votes cast exceeded
25 200 in the last preceding primary or general election. The
26 appointments shall be made from among the qualified voters in
27 the precincts from which they are appointed, with the two
28 counters not being of the same political party. The secretary
29 of state shall determine and notify each election magistrate of

1 the designated precincts in which the law requires counters to
2 be appointed.

3 Sec. 2.15. APPOINTMENT OF ELECTION BOARD BY BOROUGH
4 ASSEMBLY. The assembly of each organized borough shall appoint
5 an election board, composed of three judges and two clerks, for
6 each precinct outside cities within the borough from among the
7 qualified voters in precincts from which they are appointed.
8 One judge shall be designated chairman and be primarily respon-
9 sible for the administration of the election in the precinct.
10 No more than two judges and one clerk may be of the same poli-
11 tical party.

12 Sec. 2.16. APPOINTMENT OF ELECTION BOARD BY CITY COUNCIL.
13 The city council shall appoint an election board, composed of
14 three judges and two clerks, for each precinct in the city from
15 among the qualified voters in precincts from which they are
16 appointed. One judge shall be designated chairman who shall be
17 responsible for the administration of the election in the pre-
18 cinct. No more than two judges and one clerk may be of the
19 same political party.

20 Sec. 2.17. DATE AND NOTICE OF APPOINTMENT OF ELECTION
21 BOARDS AND COUNTERS. The assembly of each organized borough, the
22 city council, and each election magistrate, shall make their
23 respective appointments and give notice thereof at least 30 days
24 prior to the date of any election.

25 Sec. 2.18. APPOINTMENT AND PRIVILEGES OF WATCHERS. Each
26 candidate for office or nomination may appoint one person as
27 watcher in each precinct. The watcher may be present at a
28 position within the place of voting which affords a full view of
29 all action of the election board taken from the time the polls

1 are opened until the ballots are finally counted and the result
2 certified by the election board. The election board may require
3 each watcher to present a certificate showing him to be the
4 watcher appointed by the candidate he represents and signed by
5 the candidate.

6 Sec. 2.19. APPOINTMENT OF PARTY REPRESENTATIVES FOR STATE
7 CANVASS. The governor shall appoint two persons from each poli-
8 tical party to participate in the canvassing of the vote by the
9 secretary of state. Each person who was appointed and served re-
10 ceives the same compensation paid election judges. Each poli-
11 tical party may present to the governor a list of three or more
12 names from which the governor shall select the persons to re-
13 present the party. The list of names may be submitted in writing
14 at least 30 days before the date of the election. The persons
15 to represent the party on the canvassing board may be selected by
16 the state party central committee or in any other manner pres-
17 cribed by the by-laws of the party. The list of names shall be
18 certified by the chairman of the state central committee of the
19 party or by any two members of the central committee in the ab-
20 sence of the chairman.

21 ARTICLE III

22 GENERAL PROCEDURE FOR ELECTIONS

23 Sec. 3.01. GENERAL ADMINISTRATIVE SUPERVISION BY SECRETARY
24 OF STATE. The secretary of state shall provide general adminis-
25 trative supervision over the conduct of state elections and may
26 issue any regulations necessary for the administration of
27 elections to protect the interest of the voter and assure adminis-
28 trative efficiency.

29 Sec. 3.02. DATE OF GENERAL ELECTION. The general election

1 is held on the Tuesday after the first Monday in November in every
2 even numbered year.

3 Sec. 3.03. PREPARATION OF OFFICIAL BALLOT. The secretary
4 of state shall prepare the official general and separate ballot to
5 facilitate fairness, simplicity and clarity in the voting proce-
6 dure, to reflect most accurately the intent of the voter, and to
7 expedite the administration of elections. The following direc-
8 tives shall be followed when applicable.

9 (1) The secretary of state shall determine the size of
10 the ballot, the type of print, any necessary additional instruc-
11 tion notes to voters, and other similar matters of form not pro-
12 vided by law.

13 (2) The general election ballot shall be printed on white
14 paper and designed with the following sequence of offices and with
15 the names of candidates for the offices of governor and secretary
16 of state in the same section and candidates for the offices of Uni-
17 ted States senator, United States representative, state senator
18 and state representative in separate sections. The political party
19 or independent affiliation of each candidate shall be indicated by
20 a designation following the name of the candidate. Blanks shall
21 be provided for the names of other candidates not nominated.

22 (3) The general election ballot shall be designed with
23 the position of names of the candidates changed in each section as
24 many times as there are candidates in the section in which there
25 are the most names. As nearly as possible, an equal number of
26 ballots shall be printed after each change. In making the
27 changes of position, the name of the candidate at the head of
28 each section shall be taken and placed at the bottom of the
29 section and the column moved up so that the name that before was

1 second is first after the change. After the ballots are printed,
2 they shall be placed in separate stacks, one stack for each
3 change of position. The ballots shall then be gathered by taking
4 one from each stack, the intention being that every other ballot
5 in the accumulated stack of ballots shall have the names of the
6 candidates in a different position.

7 (4) The general election ballot shall be designed with
8 the names of candidates of each political party for the office
9 of president and vice-president of the United States placed in the
10 same section on the ballot rather than the names of electors of
11 president and vice-president.

12 (5) The general or special election ballot shall be de-
13 signed with the title and proposition for any initiative, referen-
14 dum, or constitutional amendment formulated as prescribed by law
15 and placed on the ballot in the manner prescribed by the
16 secretary of state. Provision shall be made for marking the
17 proposition "For" or "Against."

18 (6) The general or special election ballot shall be de-
19 signed with the question of whether a constitutional convention
20 shall be called placed on the ballot in the following manner:
21 "Shall there be a constitutional convention?" Provision shall be
22 made for marking the question "Yes" or "No."

23 (7) A separate state-wide or judicial district-wide
24 ballot shall be designed with the question of whether a justice
25 or judge seeking to succeed himself shall be approved or rejected
26 in substantially the following manner: "Shall _____ be
27 retained as justice of the supreme court for ten years?" or
28 "Shall _____ be retained as judge of the superior court
29 for six years?" Provision shall be made for marking the question

1 "Yes" or "No."

2 (8) When the legislature by law authorizes a state
3 debt for capital improvements, the secretary of state shall place
4 the question of whether the specific authorization shall be
5 ratified by placing on the next general election ballot the
6 question in the following manner: "Shall the state debt for
7 capital improvements authorized by Chapter _____, SLA _____,
8 entitled 'An Act _____' be ratified?" Provisions
9 shall be made for marking the question "Yes" or "No."

10 Sec. 3.04. PREPARATION OF OTHER ELECTION MATERIALS. The
11 secretary of state shall prescribe the form of and prepare
12 tinted sample ballots, the original and duplicate registers,
13 oaths of office of judges, challenge oaths, tally sheets, in-
14 structions to voters, warning notices and other forms and supplies
15 required for the election.

16 Sec. 3.05. DISTRIBUTION OF ELECTION MATERIALS. The secre-
17 tary of state shall distribute an adequate supply of sample and
18 official ballots, registers, oaths, and other forms and supplies
19 required for the election to the city clerks, borough clerks,
20 and chairmen of election boards in precincts outside cities and
21 organized boroughs not less than 25 days before the date for
22 the election. City and borough clerks shall transfer the
23 necessary election forms and supplies to the election boards
24 within their respective jurisdictions.

25 Sec. 3.06. PROCUREMENT OF POLLING PLACES AND OTHER SUPPLIES.
26 At least 10 days before the date of the election, the borough
27 assembly, the city council, and the election board in precincts
28 outside organized boroughs and cities shall secure, and are auth-
29 orized to contract to secure, polling places for holding the elec-

tion, including alternate emergency locations, suitable ballot boxes which will assure security and an adequate number of voting booths or screens, pens and pencils. Not less than one voting booth or screen shall be furnished for each 100 votes or fractional part thereof, cast in the previous election. The secretary of state may issue rules prescribing the type of polling place for holding the election and the requirements regarding ballot boxes, voting booths, screens, and other supplies to assure administrative economy and to protect the secrecy of the ballot. The state, through the office of secretary of state, shall pay the cost of any necessary election expenses incurred in securing a place for holding the election, a suitable ballot box, and an adequate number of voting booths, screens, and other supplies.

Sec. 3.07. PUBLIC NOTICE OF ELECTION REQUIRED. At least 10 days before the date of the election the secretary of state shall give, and is authorized to contract to give, full public notice of the election and may select any manner reasonably calculated to give actual knowledge of the election to the voters. Public notice shall include, but is not limited to, the posting of written notice in three conspicuous places in each precinct and printed notice for three days in five daily newspapers of general circulation in the state. The secretary of state may prescribe the manner of notice which shall be given by clerks of organized boroughs, city clerks, and election boards. The notice shall specifically include, but is not limited to, the date of the election, the boundary of the precinct, the location of the polling place, the hours between which the polling places will be open, the offices to which candidates are to be nominated or elected, and the subject of the propositions and of questions which are to be voted upon. Notice may be given by

1 use of newspapers, television, radio, printed posters, and any
2 similar means of communication. The state, through the office
3 of secretary of state, shall pay the cost of any necessary elec-
4 tion expenses incurred in giving notice of any election.

5 Sec. 3.08. TIME FOR OPENING AND CLOSING POLLS. On the day
6 of election, the election boards shall open the polls at eight
7 o'clock in the morning, shall close the polls at eight o'clock
8 in the evening, and shall keep them open during the time between
9 these hours. The hour shall be determined by the standard time,
10 or daylight saving time, that is applicable to the polling place.

11 Sec. 3.09. VOTING IN PERSON ONLY AT RESIDENT PRECINCT. On
12 election day a qualified voter voting in person may vote only at
13 the polling place in the precinct of his residence.

14 Sec. 3.10. TIME OFF FOR VOTING. Any qualified voter who
15 does not have sufficient time outside his working hours within
16 which to vote at any state election may, without loss of pay,
17 take off as much working time as will enable him to vote. If
18 any employee has two consecutive hours in which to vote, either
19 between the opening of the polls and the beginning of his regular
20 working shift, or between the end of his regular working shift
21 and the closing of the polls, he shall be deemed to have suffi-
22 cient time outside his working hours within which to vote.

23 Sec. 3.11. GENERAL DUTIES AND OATH OF ELECTION BOARD. The
24 election board shall supervise the election in the precinct.
25 Before entering upon the duties of office, each election judge
26 shall take an oath to honestly, faithfully, and promptly perform
27 the duties of his office. Any appointed judge, whether or not
28 having himself subscribed to the oath, may administer the oath
29 to another judge.

1 Sec. 3.12. FILLING VACANCIES IN ELECTION BOARD. If any
2 appointed judge or clerk fails to appear and subscribe to the
3 oath on election day or becomes incapacitated during the time
4 of the election or canvass, the qualified voters present shall
5 elect by a majority viva voce vote, any qualified voter present
6 to fill the vacancy.

7 Sec. 3.13. MAJORITY DECISION OF ELECTION BOARD. The de-
8 cision of the majority of judges determines the action that the
9 election board shall take regarding any question which arises
10 during the course of the election.

11 Sec. 3.14. PERMITTED USE OF UNOFFICIAL BALLOTS. If no
12 official ballots or election supplies are received, or if an
13 insufficient number of either are received, or if either have
14 been destroyed or lost, the election board shall provide, and the
15 voters may use, substitute ballots and other election materials
16 to indicate the intent of the voter. The election board shall cer-
17 tify to the facts which prevented the use of the official ballots
18 and materials and shall include the certificate in the election
19 returns to the secretary of state. Failure to certify to the
20 facts, or include the certificate as required, does not invalidate
21 any ballots. Upon disclosure that unofficial ballots have been
22 used without a certification as required, the secretary of state
23 shall notify the chairman of the election board by telephone or
24 telegraph of his failure to properly certify the ballots. The
25 secretary of state may accept the required certificate made by
26 telegraph and count the ballots if the certificate is proper and
27 actually delivered to the secretary of state within five days of
28 the date that the chairman of the election board was notified.

29 Sec. 3.15. OFFICIAL OPENING OF POLLS. On the day and hour
H.B. #252

1 of election, the election board shall announce that the polls are
2 open and receive the voters.

3 Sec. 3.16. PROHIBITION OF POLITICAL DISCUSSION BY ELECTION
4 BOARD. During the hours that the polls are open, no judge or
5 clerk may discuss any political party, candidate or issue.

6 Sec. 3.17. PROHIBITION OF POLITICAL PERSUASION NEAR
7 ELECTION POLLS. During the hours the polls are open, no person
8 who is in the polling place or within 100 feet of any entrance
9 thereto, may attempt to persuade any person to vote for or against
10 any candidate, proposition or question. The election judges shall
11 post warning notices at the required distance in the form and
12 manner prescribed by the secretary of state.

13 Sec. 3.18. KEEPING OF ORIGINAL REGISTER. The judges shall
14 keep the original register in which each voter before receiving
15 his ballot shall sign his name and give his address. The signing
16 of the register constitutes a declaration by the voter that he
17 is qualified to vote.

18 Sec. 3.19. KEEPING OF DUPLICATE REGISTER. Clerks shall
19 keep the duplicate register which includes the names of persons
20 who vote, the names of persons who offer to vote but are refused,
21 and a brief statement of the basis of the refusal.

22 Sec. 3.20. QUESTIONING OF VOTER OF DOUBTFUL QUALIFICATION.
23 Any election judge may question any person of doubtful qualifica-
24 tion attempting to vote. Upon a satisfactory showing that the
25 person is qualified to vote, the election judge shall allow the
26 person to vote. If an election judge is doubtful as to the
27 ability of a person to speak the English language, a satisfactory
28 showing is made by the person briefly conversing with the elec-
29 tion judge by the use of simple English words. If an election

1 judge is doubtful as to the ability of a person to read the
2 English language, a satisfactory showing is made by a person
3 reading a section in the state constitution as selected by the
4 election judge or reading a paragraph not exceeding 100 words
5 of any available reading materials selected by the election judge.
6 If an election judge is doubtful as to whether there is a physical
7 disability preventing the speaking or reading of the English
8 language, a satisfactory showing is made by a written notarized
9 statement made by a licensed physician that the person is so
10 disabled.

11 Sec. 3.21. CHALLENGING OF VOTERS OF SUSPECT QUALIFICATION.
12 Every election judge and election clerk shall challenge, and every
13 watcher and other person qualified to vote in the precinct may
14 challenge any person attempting to vote if the challenger has
15 good reason to suspect that the challenged person is not quali-
16 fied to vote. Any challenged person before voting shall sub-
17 scribe to an oath and affidavit provided by the secretary of
18 state attesting to the fact that in each particular the person
19 meets all the qualifications of a voter or that the person legally
20 voted in the general election of November 4, 1924 and meeting
21 the residency requirements of a qualified voter, that he is not
22 disqualified, that he has not voted at the same election and
23 stating the place from which the person came immediately prior
24 to living in the precinct in which he now offers to vote and
25 the length of time of his residence in the former place. After
26 the challenged person has taken the oath and signed the affidavit,
27 the person may vote. If the challenged person refuses to take
28 the oath or sign the affidavit, the person may not vote.

29 Sec. 3.22. ADMINISTRATION OF OATHS. Any judge may administer

1 to a voter any oath that is necessary in the administration of
2 the election.

3 Sec. 3.23. PROVIDING BALLOT TO VOTER. When the voter is
4 determined, or has certified that he is, qualified to vote, the
5 election judge shall give him an official ballot. The voter
6 shall retire to a booth or screen to mark the ballot for the
7 candidates of his choice.

8 Sec. 3.24. ASSISTING VOTER BY JUDGE. Any judge may assist
9 any qualified voter who is incapable of reading, of marking the
10 ballot or of signing his name.

11 Sec. 3.25. DISPOSITION OF IMPROPERLY MARKED BALLOT. If any
12 voter improperly marks or otherwise damages a ballot, the voter
13 may request and the election board shall provide him with
14 another ballot, with a maximum of three, and the board shall re-
15 tain the improperly marked or damaged ballot.

16 Sec. 3.26. RETURNING BALLOT BY VOTER. When the voter has
17 marked his ballot, he shall fold the ballot and return it to the
18 judge who shall deposit it in the ballot box in the presence of
19 the voter. Separate ballot boxes may be used for separate ballots.

20 Sec. 3.27. PROHIBITING THE LEAVING OF THE POLLING PLACE
21 WITH BALLOT. No voter may leave the polling place with the
22 official ballot that he received to mark.

23 Sec. 3.28. PROHIBITING THE EXHIBITION OF MARKED BALLOTS.
24 No voter may exhibit his ballot to an election official or any
25 other person so as to enable any person to ascertain how the
26 voter marked his ballot.

27 Sec. 3.29. PROHIBITING THE IDENTIFICATION OF BALLOTS. No
28 election official may, while the polls are open, open any ballot
29 received from a voter, or mark a ballot by folding or otherwise

1 so as to be able to recognize it, or otherwise attempt to learn
2 how any voter marked his ballot, or allow the same to be done by
3 any other person.

4 Sec. 3.30. PROHIBITING THE COUNT OF EXHIBITED BALLOTS.

5 No election official may place in the ballot box any ballot known
6 to have been unlawfully exhibited by the voter. Any ballot
7 unlawfully exhibited shall be retained and placed with the im-
8 properly marked or damaged ballots.

9 Sec. 3.31. OFFICIAL CLOSING OF POLLS. Fifteen minutes
10 before and at the time of closing the polls, the election board
11 shall announce the present time and the time of closing the polls.

12 Sec. 3.32. VOTERS IN LINE WHEN POLLS CLOSE. Every quali-
13 fied voter present and in line at the time prescribed for closing
14 the polls may vote.

15 Sec. 3.33. IMMEDIATE COMMENCEMENT OF CANVASS. When the
16 polls are closed and the last vote has been cast, the election
17 board and clerks or counters shall immediately proceed to open
18 the ballot box and to count and canvass the votes cast. The
19 election board shall continue the canvass without adjournment
20 until the canvass is complete.

21 Sec. 3.34. REPORT, OATH, AND VACANCIES OF COUNTERS.

22 Counters shall report to the election board at the time the polls
23 close to assume their duties to assist the election board in
24 counting and canvassing the vote. Before undertaking any duties
25 of office, each counter shall subscribe to an oath to honestly,
26 faithfully, impartially, and promptly carry out the duties of
27 his position. Any judge may administer the oath. If an appointed
28 counter fails to appear and subscribe to the oath at the time the
29 polls close, the election board shall appoint any qualified

1 voter present to fill the vacancy.

2 Sec. 3.35. GENERAL PROCEDURE FOR CANVASS. The secretary
3 of state shall issue rules prescribing the manner in which the
4 precinct canvass is accomplished so as to assure accuracy in the
5 count and to expedite the process. The election board or
6 counters shall canvass the ballots in a manner that allows watch-
7 ers to see the ballots when opened and read. No person handling
8 the ballot after it has been taken from the ballot box and before
9 it is placed in the envelope for mailing may have a pencil in
10 hand.

11 Sec. 3.36. RULES FOR DETERMINING MARK ON BALLOTS. The
12 election board shall canvass and count the votes according to
13 the following rules:

14 (1) A voter may mark his ballot by the use of checks,
15 cross marks or plus signs.

16 (2) A failure to properly mark a ballot as to one or
17 more candidates does not itself invalidate the entire ballot.

18 (3) If a voter marks fewer names than there are per-
19 sons to be elected to the office, a vote shall be counted for
20 each candidate properly marked.

21 (4) If a voter marks more names than there are persons
22 to be elected to the office, the votes for candidates for that
23 office shall not be counted.

24 (5) The mark shall be counted only if it is substan-
25 tially within the square provided.

26 (6) Improper marks on the ballot shall not be counted
27 and shall not invalidate marks for candidates properly made.

28 (7) Erasures and corrections do not invalidate the
29 entire ballot.

1 (8) A vote marked for the candidate for president or
2 vice-president of the United States is deemed and counted as a
3 vote for the election of the presidential electors.

4 Sec. 3.37. COMPLETION OF CANVASS. When the canvass is com-
5 pleted, and in no event later than the day after the election, the
6 election board or counters shall make a certificate of the results
7 in duplicate. The certificate includes the number of votes cast
8 for each candidate, for and against each proposition, yes or no on
9 each question, and any additional information prescribed by the
10 secretary of state. The election board shall send one copy of the
11 certificate, the original register, all the ballots cast, all ball-
12 ots improperly marked, damaged and unlawfully exhibited properly
13 identified, and all oaths and affidavits made, in one package to
14 the secretary of state. The board shall send the duplicate certi-
15 ficate and the duplicate register to the city clerk, the borough
16 clerk, or their respective election magistrates in precincts out-
17 side organized boroughs and cities. The secretary of state shall
18 prescribe the manner in which the ballots, registers and all other
19 election records and materials are thereafter preserved, transfer-
20 red and destroyed to assure adequate protection.

21 Sec. 3.38. REMUNERATION OF ELECTION JUDGES, CLERKS AND COUN-
22 TERS. The state, through the office of secretary of state, shall
23 pay each judge, clerk, and counter \$1.50 per hour for time spent
24 at their election duties, including the receiving of instructions,
25 but in no event shall a judge or clerk receive compensation of less
26 than \$15.00.

27 Sec. 3.39. CERTIFYING ELECTION EXPENSES. The secretary of
28 state shall prescribe the manner of certifying, auditing and paying
29 election expenses, including the cost of giving notice, renting

1 polling places, embursing judges, clerks and counters, securing a
2 ballot box, postage, and stationery, and obtaining similar elec-
3 tion necessities.

4 Sec. 3.40. PREPARATION OF VOTER LIST. The secretary of state
5 shall prepare both a statewide alphabetical list and an alphabeti-
6 cal list by precinct of the names and addresses of all persons who
7 voted in the election and their political party affiliation if the
8 party affiliation was specifically declared by the voter. Any per-
9 son may obtain a copy of the list, or a part thereof, by applying
10 to the secretary of state and paying to the state treasury the
11 cost of reproduction as determined by the secretary of state.

12 Sec. 3.41. DETERMINATION OF PLURAL VOTING. The secretary
13 of state shall check the names of each voter to determine if a
14 person has cast more than one general ballot in the same elec-
15 tion. Upon a determination that a person has cast more than one
16 general ballot, the secretary of state shall notify the attorney
17 general to proceed to prosecute in the manner provided in the
18 state rules of criminal procedure.

19 Sec. 3.42. DUTY TO CANVASS VOTE. The secretary of state
20 shall canvass the vote with the assistance of and in the presence
21 of the appointed representatives from the political parties.

22 Sec. 3.43. SCOPE OF CANVASS. The canvass by the secretary
23 of state shall include (1) a review and comparison of the tallies
24 of paper ballots in the election poll books with the precinct
25 election certificates to correct any mathematical error in the
26 count of paper ballots, (2) a review of the tallies of irregular
27 machine ballots and a comparison of election certificates as pro-
28 vided by law from precincts using voting machines, and (3) the
29 count and canvass of absentee ballots as prescribed by law.

1 Sec. 3.44. DATES FOR OPENING AND CLOSING STATE CANVASS.

2 The state canvass shall begin six days after the election and
3 be continued daily, except Sundays, until completed. The secre-
4 tary of state shall close the canvass when he is satisfied that
5 no missing precinct certificate of election would, if received,
6 change the result of the election. If no election certificate
7 has been received from any precinct the secretary of state may
8 secure from the city or borough clerk or the election magistrate
9 and may count a certified copy of the duplicate election certi-
10 ficate of the precinct. If the secretary has reason to believe
11 that a missing precinct certificate, if received, would affect
12 the result of the election, the secretary of state shall await
13 the receipt of the certificate until four o'clock in the after-
14 noon on the 15th day after the date of election. Any certificate
15 not actually delivered to the secretary of state by four o'clock
16 on the 15th day after the election shall not be counted at the
17 canvass.

18 Sec. 3.45. CERTIFICATION OF STATE CANVASS. Upon completion
19 of the canvass, the secretary of state shall certify the person
20 receiving the largest number of votes for the office for which he
21 was a candidate as elected to that office and shall certify the
22 approval of any justice or judge not rejected by a majority of
23 the voters voting on the question. The secretary of state shall
24 issue to the elected candidates and approved justices and judges,
25 a certificate of their election or approval. The secretary of
26 state shall also certify the results of any proposition and
27 other question.

28 Sec. 3.46. DETERMINATION OF TIE VOTES. If two or more
29 candidates tie in having the highest number of votes for the

1 same office for which there is to be elected only one candidate,
2 the secretary of state shall so notify the candidates who are
3 tied. The secretary of state shall notify the candidates of a
4 reasonably suitable time and place to determine the successful
5 candidate by lot. After the determination has been made by lot,
6 the secretary of state shall so certify. The determination by
7 lot, however, shall not preclude the right of the defeated can-
8 didate to a recount of votes.

9 Sec. 3.47. PRESERVATION OF ELECTION BALLOTS, PAPERS AND
10 MATERIALS. The secretary of state shall preserve all precinct
11 election certificates, ballots and other election papers and
12 materials for two years after the election. The secretary of
13 state may permit the inspection of election materials upon call
14 by Congress, the state legislature or a court of competent juris-
15 diction.

16 ARTICLE IV.

17 SPECIAL PROCEDURES FOR ELECTIONS

18 Part 1. Absentee Voting

19 Sec. 4.01. PERSONS WHO MAY VOTE ABSENTEE. Any qualified
20 voter may vote absentee at any election,

21 (1) if he believes that he will be unavoidably absent
22 from the place of his residence on election day, whether within
23 the state or not, and will be more than two miles from the place
24 of voting in the precinct in which he has his residence, or

25 (2) if he will be unable to be present at the polls
26 because of physical disability, or

27 (3) if he believes he will be unable to be present at
28 the polls because of the physical inaccessibility of the polling
29 place located more than two miles from the voter's residence.

1 Sec. 4.02. PROVISION FOR GENERAL ADMINISTRATIVE SUPERVISION.

2 The secretary of state shall provide general administrative
3 supervision over the conduct of absentee voting and may issue
4 any rules necessary to the administration of absentee voting to
5 assure efficiency and encourage voter participation. The secre-
6 tary of state shall issue instructions to absentee voters re-
7 garding the procedure for absentee voting. One set of instruc-
8 tions shall accompany each absentee ballot.

9 Sec. 4.03. PREPARATION OF BALLOTS, ENVELOPES AND OTHER
10 MATERIAL. The secretary of state shall provide the paper ballots
11 prepared for use at the polls as the absentee ballots. The
12 secretary of state shall provide a small blank envelope in which
13 the voter shall initially place the marked ballot and shall
14 provide a larger envelope with the prescribed voter's certificate
15 on the back in which the smaller envelope with ballot enclosed
16 shall be placed. The secretary of state shall prescribe the form
17 of and prepare the voter's certificate, envelopes and other
18 material used in absentee voting. The voter's certificate shall
19 include an oath that the voter is a qualified voter in all
20 respects, a blank for the voter's signature, a certification
21 that the affiant properly executed the marking of the ballot and
22 identified himself, and blanks for the attesting witnesses.

23 Sec. 4.04. DISTRIBUTION OF BALLOTS, ENVELOPES AND
24 OTHER MATERIAL. The secretary of state shall distribute the
25 absentee ballots, envelopes and other absentee voting
26 material to the proper election officials prior to the
27 date upon which a person may first apply for an absentee
28 ballot.

29 Sec. 4.05. REQUIREMENT OF FULL PUBLIC NOTICE. The secretary

1 of state shall give full public notice of the dates and manner
2 of voting absentee and may select any means of communication
3 permitted to be used in giving notice of the date and time of
4 the general election.

5 Sec. 4.06. APPLICATION TO BOROUGH CLERK IN PERSON OR BY A
6 REPRESENTATIVE. Any qualified voter who is a resident of an
7 organized borough but not a resident of any city therein may
8 apply, in person or by a personal representative, for an absentee
9 ballot to the clerk of the borough.

10 Sec. 4.07. APPLICATION TO CITY CLERK IN PERSON OR BY A
11 REPRESENTATIVE. Any qualified voter who is a resident of a city
12 either within or without any organized borough may apply, in
13 person or by a personal representative, for an absentee ballot
14 to the clerk of the city of his residence.

15 Sec. 4.08. APPLICATION TO ELECTION MAGISTRATE IN PERSON
16 BY A REPRESENTATIVE OR BY MAIL. Any qualified voter who is a
17 resident of a territory lying outside any organized borough or
18 city may apply, in person, by a personal representative or by
19 mail, for an absentee ballot to the election magistrate appointed
20 to serve in the election district of the resident voter. The
21 application by mail shall include the name of the applicant and
22 both his present address to which the absentee ballot shall be
23 returned and his full local Alaska resident address.

24 Sec. 4.09. APPLICATION TO SECRETARY OF STATE BY MAIL. Any
25 qualified voter may apply by mail for an absentee ballot to the
26 secretary of state. The application shall include the name of
27 the applicant and both his present address to which the absentee
28 ballot shall be returned and his full local Alaska resident
29 address.

1 Sec. 4.10. DATE FOR APPLICATION IN PERSON. Any qualified vo-
2 ter may make application for an absentee ballot in person on any
3 day not more than 40 days, nor less than one day before the date
4 of any election, but not more than 20 days nor less than one day
5 before the date of any special election held to recall an elected
6 official or to fill a vacancy in the office of United States rep-
7 resentative or governor and secretary of state.

8 Sec. 4.11. DATE FOR APPLICATION BY PERSONAL REPRESENTATIVE.
9 Any qualified voter may make application for an absentee ballot
10 through a personal representative on the date of or not more than
11 20 days before the date of any election.

12 Sec. 4.12. DATE FOR APPLICATION BY MAIL. Any qualified voter
13 may make application for an absentee ballot by mail if postmarked
14 not more than 90 days nor less than four days before any election.

15 Sec. 4.13. PROCEDURE ON APPLICATION IN PERSON. Upon receipt
16 of an application in person for an absentee ballot, the election
17 official authorized to issue the ballot shall examine the appli-
18 cant regarding his qualifications as a voter. If the official
19 is satisfied that the applicant is a qualified voter and may vote
20 absentee, he shall issue the ballot to the applicant. A satis-
21 factory showing that a voter is qualified may be made in the
22 same manner provided for a satisfactory showing of qualifications
23 before an election judge.

24 Sec. 4.14. PROCEDURE ON APPLICATION BY PERSONAL REPRESENTA-
25 TIVE. Upon receipt of any application by personal representa-
26 tive, the election official authorized to issue the ballot shall
27 provide the ballot and other absentee voting material if the
28 application is accompanied by a letter from a licensed physician
29 or a statement signed by two qualified voters stating that the

1 applicant will be unable to go to the polling place because of
2 physical disability.

3 Sec. 4.15. PROCEDURE ON APPLICATION BY MAIL. Upon receipt
4 of an application by mail for an absentee ballot, the secretary
5 of state or election magistrate shall immediately airmail the
6 ballot and other absentee voting material to the applicant, if
7 the application includes the name and both the present address
8 and the full local resident address of the applicant.

9 Sec. 4.16. CASTING VOTE IN PERSON. Upon receipt of an ab-
10 sentee ballot in person, the voter, in the presence of the elec-
11 tion official from whom he received the ballot, shall proceed to
12 mark the ballot in secret, to place the ballot in the small blank
13 envelope, to place the small envelope in the larger envelope, and
14 to sign the voter's certificate on the back of the larger envelope
15 in the presence of the election official, and return the ballot
16 properly enclosed in the envelopes to the election official who
17 shall sign as attesting witness. The election official shall not
18 accept any ballot that has been unlawfully exhibited by any absen-
19 tee voter. If the absentee voter improperly marks or otherwise
20 damages a ballot, the voter may request, and the election official
21 shall provide him with another ballot with a maximum of three and
22 shall retain the improperly marked or damaged ballot.

23 Sec. 4.17. CASTING VOTE BY PERSONAL REPRESENTATIVE OR BY
24 MAIL. Upon receipt of an absentee ballot through a personal
25 representative or by mail, the voter, whether in or outside the
26 state, in the presence of any attesting witnesses including any
27 election official, notary public, two qualified voters, commis-
28 sioned officer of the armed forces including the National Guard,
29 a district magistrate, deputy magistrate, United States

1 postmaster, United States assistant postmaster, or other person
2 qualified to administer oaths, may proceed to mark the ballot in
3 secret, to place the ballot in the small blank envelope, to place
4 the small envelope in the larger envelope, and to sign the voter's
5 certificate on the back of the larger envelope in the presence of
6 the above-listed official or described persons who shall sign as
7 attesting witness. The voter may then return the ballot properly
8 enclosed in the envelopes, by personal representative to the elec-
9 tion official who provided the ballot or by the most expeditious
10 mail service, postmarked not later than the day of the election,
11 to the secretary of state.

12 Sec. 4.18. PAYMENT OF FEE BY STATE. No person may receive a
13 fee from the voter for attesting to any voter's certificate re-
14 quired in voting absentee. Any person who attests to a voter's
15 certificate and is authorized by law to receive a fee for adminis-
16 tering an oath, may submit a voucher within 30 days after the date
17 of the election to the secretary of state. The state, through
18 the office of the secretary of state, shall pay the fees incurred
19 for attesting to any voter's certificate for absentee voting as
20 an election expense.

21 Sec. 4.19. DISPOSITION OF BALLOTS. The election magistrate
22 shall immediately transmit by the most expeditious mail service,
23 executed absentee ballots in his possession to the secretary of
24 state. The city and borough clerk shall retain executed absentee
25 ballots for purposes of local canvass.

26 Sec. 4.20. PREPARATION OF VOTING LIST. The secretary of
27 state, borough clerk, and city clerk shall prepare and post, for
28 public inspection, a current list of the names and addresses of
29 persons who have voted absentee.

1 Sec. 4.21. APPOINTMENT, DUTIES AND COMPENSATION OF LOCAL CAN-
2 VASSING BOARD. Thirty days prior to the date of any election, the
3 city council and borough assembly shall appoint local absentee
4 ballot canvassing boards composed of two members not of the same
5 political party. If the absentee ballot vote to be counted ex-
6 ceeds 200, the city council or borough assembly may appoint an ad-
7 ditional two members not of the same political party. The local
8 board shall assist the borough or city clerk, as the case may be,
9 to count and canvass the absentee ballots cast in person or by a
10 representative before the borough or city clerk, and shall receive
11 the same compensation paid election judges.

12 Sec. 4.22. TIME OF LOCAL CANVASS. Immediately upon the clos-
13 ing of the polls, the city and borough clerk in the presence and
14 with the assistance of the local absentee ballot canvassing board,
15 shall proceed to count and canvass the absentee ballots and shall
16 continue the canvass without any recess until the ballots are
17 canvassed.

18 Sec. 4.23. PROCEDURE FOR LOCAL CANVASS. The local canvass
19 shall be conducted according to the following procedure. No bal-
20 lot shall be counted if the voter fails to properly execute the
21 affidavit, if the officer or other persons authorized by law to
22 administer the oath fails to affix his signature, or if the voter
23 fails to enclose his marked ballot within the small envelope pro-
24 vided. The city or borough clerk and any member of the local ab-
25 sentee ballot canvassing board may challenge the name of any ab-
26 sentee voter when read from the voter's certificate on the back of
27 the large envelope, if he has good reason to suspect that the
28 challenged voter is not qualified to vote, is disqualified, or has
29 voted at the same election. The person making the challenge shall

1 specify the basis of the challenge in writing and by affidavit.
2 The city or borough clerk, with the concurrence of at least one
3 member of the local board, may refuse to accept and count the ab-
4 sentee ballot of any person properly challenged. If the absentee
5 ballot is refused, the city or borough clerk shall return a copy
6 of the statement of the challenge to the absentee voter, and shall
7 enclose all rejected ballots in a separate envelope with statements
8 of challenge. The envelope shall be labeled "rejected ballots"
9 and shall be forwarded to the secretary of state with the election
10 certificates and other returns. If the absentee ballot is not re-
11 fused, the large envelope shall be opened, the smaller, inner
12 blank envelope shall be placed in a container and mixed with other
13 blank absentee ballot envelopes. After all names of absentee vot-
14 ers have been read and opportunity for challenges to be made, ac-
15 cepted or rejected, the mixed smaller blank envelopes shall be
16 drawn from the container, opened, and the ballots counted accord-
17 ing to the rules of determining properly marked ballots as are
18 provided for counting by the election board. Upon completion of
19 the canvass, the borough or city clerk shall prepare an election
20 certificate of results in the manner provided for the preparation
21 of election certificates by precinct election boards, and
22 shall forward the original certificates and returns to the
23 secretary of state no later than the day after the date of the
24 election.

25 Sec. 4.24. PROCEDURE FOR STATE CANVASS. When the secretary
26 of state and appointed party representatives have completed the
27 canvass of paper ballots cast at the voting precincts and the
28 canvass of voting machine ballots, they shall proceed (1) to
29 count and canvass the absentee ballots cast by mail and cast in

1 person or by personal representative before election magistrates,
2 and (2) to canvass the absentee ballot votes cast and counted in
3 cities and organized boroughs. The count and canvass of absentee
4 ballots cast by mail and cast in person or by personal represen-
5 tative before election magistrates shall be accomplished accord-
6 ing to the procedure and rules provided for the local canvass by
7 the city and borough clerk. The canvass of the absentee ballot
8 vote cast in cities and boroughs shall be accomplished by review-
9 ing the tallies of the recorded vote to check for any mathematical
10 error and by comparing the totals with the election certificate
11 of results.

12 Part 2. Voting Machines

13 Sec. 4.41. AUTHORIZATION OF USE. Voting machines may be
14 used in any election.

15 Sec. 4.42. AUTHORIZATION OF PURCHASE WITH LOCAL FUNDS.
16 Any city council or borough assembly may purchase or rent any
17 voting machine that meets the minimum requirements prescribed
18 by the secretary of state for use in any precinct within the city
19 or organized borough.

20 Sec. 4.43. PRESCRIBING MINIMUM REQUIREMENTS. The secre-
21 tary of state shall prescribe the minimum requirements of voting
22 machines and with the assistance of the Department of Admin-
23 istration, may conduct tests necessary to determine the ade-
24 quacy of any particular type or make of machine. Any person,
25 company or corporation may apply to the secretary of state to
26 examine their voting machine and to certify the machine as
27 meeting the minimum requirements prescribed by law. The
28 minimum requirements shall be prescribed to insure secrecy to
29 the voter, to permit voting both for candidates and on pro-

1 positions and questions, to prevent improper voting in primary
2 elections, to minimize error in marking ballots, and to assure
3 accuracy in counting returns.

4 Sec. 4.44. PREPARATION OF MACHINE BALLOTS. Upon request
5 of the secretary of state, the clerk of each city and organized
6 borough shall report the serial number of voting machines which
7 will be used in each precinct at the next election. The secre-
8 tary of state shall prepare and distribute the required number
9 of machine ballots or ballot labels for each candidate and for
10 each proposition or question. The secretary of state shall
11 prescribe (1) the sequence of offices, questions, and propositions
12 as will most nearly conform to the sequence on paper ballots,
13 and (2) the order of the names of candidates for the machine
14 ballots in each precinct to assure that every second precinct
15 has a different sequence of names of candidates so far as
16 practicable by changing the order of names for each office so
17 that each name appears substantially an equal number of times
18 at the top, at the bottom, and at each intermediate place.

19 Sec. 4.45. CONDUCT OF INSTRUCTIONAL MEETINGS. The borough
20 and city clerks shall, within 21 days of the election, conduct
21 meetings for the purpose of instructing judges about the operation
22 of voting machines and their duties. Each judge shall attend
23 one meeting preceding the election at which he is to serve and
24 shall receive the same hourly compensation as provided by law
25 when serving on election day.

26 Sec. 4.46. GENERAL DUTIES OF BOROUGH AND CITY CLERKS.
27 Upon receipt of the ballot labels, the clerk of the borough or
28 city shall place them in the ballot frames upon the machines in
29 a manner as directed by the secretary of state. The clerk shall

1 set the counters at zero and lock the operating device. He
2 shall keep a record of which machine was used in each precinct.

3 Sec. 4.47. PREPARATION OF VOTER INSTRUCTIONS. The secre-
4 tary of state shall prescribe special instructions to assure
5 the proper use and operation of the voting machines which the
6 clerk of the city or borough shall give to the election boards
7 and which election boards shall give to voters in precincts
8 using voting machines.

9 Sec. 4.48. DELIVERY OF VOTING MACHINES. The clerk of the
10 city or borough shall deliver voting machines to the election
11 board of each precinct using the machines. Delivery shall be
12 made in sufficient time to check the voting machines and place
13 them for use prior to the opening of the polls.

14 Sec. 4.49. PREPARATION OF VOTING MACHINES. Before open-
15 ing the polls, the election board shall see if the counters
16 are set at zero and if the ballot labels are arranged pro-
17 perly. If the counters and ballot labels are improperly
18 set, the board may not unlock the operating device but shall
19 notify the clerk of the city or borough. The clerk shall
20 reset the counters or properly arrange the ballot labels.
21 If the counters and ballot labels are properly set, the
22 board shall unlock the operating device at the time the
23 polls are open.

24 Sec. 4.50. PLACEMENT OF VOTING MACHINE. The election board
25 shall place the machine in a position that will assure the se-
26 crecy of the ballot and adequate supervision by the election
27 board.

28 Sec. 4.51. PROVISION FOR IRREGULAR BALLOTS. Ballots cast
29 for any person whose name does not appear on the machine may be

1 referred to as irregular ballots. Irregular ballots may be cast
2 only in a general or special election and may be deposited,
3 written or affixed in or upon the device provided on the machine
4 for that purpose.

5 Sec. 4.52. REQUIREMENT FOR INSTRUCTION. Any qualified
6 voter may receive instruction by the election board with the aid
7 of any instruction cards and mechanical model of the machine.
8 At least one judge shall at all times be in attendance to
9 provide instruction with cards or a mechanical model of the
10 machine.

11 Sec. 4.53. PROVISION FOR ASSISTANCE. Election judges and
12 clerks may assist any voter who is incapable of reading or
13 operating the voting machine.

14 Sec. 4.54. PROCEDURE UPON VOTING. After receiving necessary
15 instruction or with the assistance from an election official,
16 any qualified voter may proceed to any vacant voting machine
17 booth and cast his vote.

18 Sec. 4.55. PROCEDURE ON MALFUNCTION. If a machine mal-
19 functions during the election, the election board shall lock the
20 machine to prevent its further use. The board may use any re-
21 serve voting machine which the clerk of the city or borough may
22 have available or may use paper ballots to proceed with the
23 voting.

24 Sec. 4.56. COUNTING OF VOTES CAST. After the polls are
25 closed, the election board shall lock the operating mechanism
26 of the machine. The board, in the presence of any watchers,
27 shall proceed to uncover the registering counters, read the vote,
28 including the irregular ballots, and compute the totals. In
29 computing the vote, the board may not count any irregular ballot

1 cast for any person for any office whose name appears on the
2 machine as a candidate for that office. If two or more machines,
3 or if a machine and paper ballots were both used in the precinct,
4 the board shall compute the sum of the totals from each.

5 Sec. 4.57. PROCEDURE UPON COMPLETING COUNT. When the
6 count is completed, the election board shall make a certificate
7 of results in duplicate. The certificate shall include the
8 number of votes cast for each candidate, for and against each
9 proposition and yes or no on each question and any further in-
10 formation in the manner prescribed by the secretary of state.
11 The board shall then send one copy of the certificate, all
12 irregular ballots, the original register, all oaths and affidavits
13 made in one envelope to the secretary of state.

14 Sec. 4.58. DISPOSITION OF VOTING MACHINE AND SUPPLIES.
15 The election board shall return the locked voting machine and
16 send the duplicate certificate and register to the city or
17 borough clerk. The secretary of state shall prescribe the manner
18 in which the registers and other election materials are preserved,
19 transferred and destroyed. The voting machine shall remain
20 locked against use for a period of at least 30 days and as much
21 longer as may be necessary or advisable because of any existing
22 or threatened election contest, except that any voting machine
23 may be opened and all data and figures therein examined upon
24 order of any judge of a court having jurisdiction.

25 Sec. 4.59. LOCAL CANVASS BY CITY AND BOROUGH CLERKS. The
26 city and borough clerks shall canvass the vote by checking the
27 figures on the duplicate certificate against the figures on the
28 counting device and the irregular ballots on the voting machine.
29 If a mistake has been made, the clerk shall recall the election

1 board and the board shall issue a corrected election certificate.
2 If no mistake has been made, the clerk shall certify to the sec-
3 retary of state the correct figures verifying the election board's
4 certificate of results.

5 Sec. 4.60. PROCEDURE FOR STATE CANVASS. The state canvass
6 of votes cast by voting machine shall include only a comparison
7 of the election certificates furnished by the election boards
8 with the certifications from the city and borough clerks.

9 Part 3. Election Recounts

10 Sec. 4.71. AUTHORIZATION OF RECOUNT APPLICATION. Any defeated
11 candidate or any ten qualified voters who believe there has been
12 a mistake made by an election official or by the canvassing board
13 in counting the votes in any election may file an application
14 within five days after the completion of the state canvass to
15 the secretary of state for a recount of the votes from any parti-
16 cular precinct or any election district and for any particular
17 office, proposition, or question. However, the application may
18 be filed only within three days after the completion of the state
19 canvass after the general election for a recount of votes cast
20 for the office of governor and secretary of state.

21 Sec. 4.72. FORM OF APPLICATION. The application shall
22 state in substance the basis of the belief that a mistake has
23 been made, the particular election precinct or election district
24 for which the recount is to be held, the particular office,
25 proposition, or question for which the recount is to be held,
26 and that the person making the application is a candidate or that
27 the ten persons making the application are qualified voters. The
28 candidate or persons making the application shall designate by
29 full name and mailing address two persons who shall represent

1 the applicant and be present and assist during the recount. Any
2 person may be named representative, including the candidate
3 himself or any person signing the application, and the represen-
4 tatives shall be paid in the same amount and manner as election
5 judges. Applications by ten qualified voters shall also include
6 the designation of one of the number as chairman. The candidate
7 or persons making the application shall sign the application
8 and shall print or type their full name and mailing address.

9 Sec. 4.73. REQUIREMENT OF DEPOSIT. The application shall
10 include a deposit in cash, by certified check or by bond with
11 a surety approved by the secretary of state. The amount of the
12 deposit is \$15.00 for each precinct; or if more than ten precincts
13 in any election district are included in the recount, the amount
14 of deposit is \$150.00 for each election district. However, if
15 the recount includes an office for which candidates received a
16 tie vote, or a question or proposition for which there was a
17 tie vote on the issue, the application need not include any de-
18 posit. If on the recount a candidate other than the candidate
19 who had received the original election certificate is declared
20 elected, or if the vote on recount is determined to be four per
21 cent or more in excess of the vote reported by the state canvass
22 for the candidate applying for the recount or in favor or opposed
23 to the question or proposition as stated in the application,
24 the deposit shall be refunded.

25 Sec. 4.74. DETERMINATION OF DATE OF RECOUNT. If the sec-
26 retary of state determines the application is substantially in
27 the required form, he shall fix the date of the recount to be
28 held within two days after the receipt of an application re-
29 questing a recount of the general election votes cast for the

1 office of governor and secretary of state and within four days
2 after the receipt of an application requesting a recount for any
3 other office, question, or proposition.

4 Sec. 4.75. REQUIREMENT OF NOTICE. The secretary of state
5 shall give the candidate or designated chairman signing the
6 application, the two persons appointed to represent the applicant
7 during the recount, and other directly interested parties notice
8 of the time and place of the recount in person, by telegraph,
9 or by telephone.

10 Sec. 4.76. PROCEDURE FOR RECOUNT. In conducting the recount,
11 the secretary of state, or his appointed representative, shall
12 review all paper and machine ballots whether or not the ballots
13 were counted at the precinct to determine which ballots, or
14 parts of ballots, were properly marked and which ballots are to
15 be counted in the recount, and may check the accuracy of the
16 original count, the precinct certificate and the canvass. For
17 administrative purposes, the secretary of state may join and inc-
18 lude two or more applications in a single review and count of
19 votes. The rule governing the counting of marked ballots by the
20 election board shall be followed in the recount. The ballots
21 and other election material shall remain in the custody of the
22 secretary of state during the recount and the highest degree of
23 care shall be exercised to protect the ballots against altera-
24 tion or mutilation. The recount shall proceed daily except
25 Sundays without adjournment until completed, and shall be com-
26 pleted within five days except Sundays. The secretary of state
27 may employ any additional personnel necessary to assist in the
28 recount.

29 Sec. 4.77. CERTIFICATION OF RESULTS. If it is determined

1 by the recount that the plurality of votes were cast for a candi-
2 date other than the one who received the certificate of election
3 or nomination, the secretary of state shall revoke any prior cer-
4 tificate and issue a certificate of election or nomination to the
5 elected or nominated candidate as determined by the recount. If
6 it is determined by the recount that the original certification of
7 the results of any proposition or question was improper, or that the
8 the proposition or question should have been certified as having
9 received the required vote, the secretary of state shall revoke
10 the certificate improperly issued and properly certify the results

11 Sec. 4.78. PROVISION FOR APPEAL TO COURTS. Any candidate
12 or persons who requested a recount who have reason to believe an
13 error has been made in the recount (1) involving any question or
14 proposition may appeal to the superior court in accordance with
15 applicable court rules governing appeals in civil matters, and (2)
16 involving candidates for the office of governor and secretary of
17 state may appeal to the supreme court in accordance with rules
18 as may be promulgated by the court. Appeal shall be filed within
19 five days of the completion of the recount. Upon order of the
20 court, the secretary of state shall furnish the record of the
21 recount taken including all ballots, registers and other election
22 materials and papers pertaining to the election contest. The
23 appeal shall be heard by the court sitting without a jury. The
24 inquiry in the appeal shall extend to the questions whether the
25 secretary of state has properly determined what ballots, parts
26 of ballots or marks for candidates on ballots are valid and
27 to which candidate or division on the question or proposition the
28 vote should be attributed. The court shall enter judgment
29 either setting aside, modifying, or affirming the action of the

1 secretary of state on recount.

2 Sec. 4.79. PROVISION FOR APPEAL TO LEGISLATURE OR CONGRESS.

3 Any candidate or persons who requested a recount who have reason
4 to believe an error has been made in the recount involving a
5 candidate for the general election for the state legislature or
6 Congress, may appeal to the chamber in which the candidate seeks
7 membership in accordance with applicable rules of the legislature
8 or Congress. Upon request of the legislature or Congress, the
9 secretary of state shall furnish the record of the recount taken
10 including all ballots, registers and other election materials
11 and papers pertaining to the election contest.

12 Part 4. Election Contests

13 Sec. 4.81. GROUNDS FOR ELECTION CONTEST. Any defeated
14 candidate or ten qualified voters may contest the nomination or
15 election of any person or the approval or rejection of any ques-
16 tion or proposition upon one or more of the following grounds:
17 (1) malconduct, fraud, or corruption on the part of any election
18 official sufficient to change the result of the election; (2)
19 when the person certified as elected or nominated is not
20 qualified as required by law; (3) any corrupt prac-
21 tice as defined by law sufficient to change the results of the
22 election.

23 Sec. 4.82. JURISDICTION AND TIME FOR CONTEST. The action
24 may be brought in the superior court within ten days after the
25 date of any election.

26 Sec. 4.83. JUDGMENT OF COURT. The judge shall pronounce
27 judgment on which candidate was duly elected or nominated and
28 whether the question or proposition was duly accepted or re-
29 jected. The secretary of state shall issue any new election

1 certificate to correctly reflect the judgment of the court. If
2 the court decides that the election resulted in a tie vote,
3 the secretary of state shall immediately proceed to determine
4 the election by lot as is provided by law. If the court decides
5 that no candidate was duly elected or nominated, the judgment
6 shall be that the contested election be set aside.

7 ARTICLE V

8 PRIMARY ELECTIONS AND NOMINATIONS

9 Part 1. Party Primary Election

10 Sec. 5.01. PROVISION FOR PRIMARY ELECTION. At the party
11 primary election, political parties shall nominate their can-
12 didates for the elective state executive and state and national
13 legislative offices to be placed on the next general election
14 ballot.

15 Sec. 5.02. DATE OF PRIMARY ELECTION. The party primary
16 election is held on the Tuesday after the first Monday in August
17 in every even-numbered year.

18 Sec. 5.03. REQUIREMENTS OF DECLARATION OF PARTY CANDIDACY.
19 Any member of a political party who seeks to become a candidate
20 of the party in the primary election shall execute and file a
21 declaration of candidacy. The declaration shall be executed
22 under oath before an officer authorized to take acknowledgments
23 and shall state in substance: (1) the full name of the candidate,
24 (2) the full resident address of the candidate, (3) the full
25 mailing address of the candidate, (4) if the candidacy is for
26 the office of state senator or state representative, the elec-
27 tion or senate district of which the candidate is a resident,
28 (5) the office for which the candidate seeks nomination, (6) the
29 name of the political party of which he is a candidate for

1 nomination, (7) the date of the primary election at which the
2 candidate declares himself to be a candidate, (8) that the can-
3 didate meets the specific residency requirements of the office for
4 which he is a candidate, (9) that the candidate will meet the
5 specific citizenship requirements of the office for which he is a
6 candidate, (10) if the candidacy is for the office of governor,
7 secretary of state, state senator or state representative, that
8 the candidate will be a qualified voter as required by law, (11)
9 that the candidate will meet the specific age requirements of the
10 office for which he is a candidate, (12) that the candidate has
11 been a member of the named party for at least two years prior to
12 the filing of the declaration, (13) that the candidate requests
13 that his name be placed on the party primary ballot, and (14)
14 that the required fee accompanies the declaration.

15 Sec. 5.04. MANNER AND DATE OF FILING DECLARATION. The
16 declaration is filed by either (1) the actual physical delivery
17 of the declaration with the secretary of state by mail or in
18 person on or before the first day of May of the year in which a
19 general election is held for the office, or (2) the actual
20 physical delivery by telegraph of a copy in substance of the
21 statements made in the declaration to the secretary of state on
22 or before the first day of May of the year in which a general
23 election is held for the office and also the original declaration
24 delivered to the secretary of state postmarked on or before the
25 first day of May of the year in which a general election is held
26 for the office.

27 Sec. 5.05. REQUIREMENT OF FILING FEE. At the time the declar-
28 ation is filed, each candidate shall pay a filing fee to the sec-
29 retary of state, payable to the general fund of the state treasury.

1 The filing fee for candidates for office of governor, secretary of
2 state, United States senator, and United States representative
3 is \$40.00. The filing fee for candidates for office of state
4 senator and state representative is \$30.00.

5 Sec. 5.06. PREPARATION AND DISTRIBUTION OF BALLOTS. The
6 primary ballot shall be prepared and distributed by the secretary
7 of state in the manner prescribed for general election ballots,
8 except as specifically provided otherwise for the primary elec-
9 tion. The secretary of state shall place the names of all can-
10 didates who have properly filed in separate columns for each
11 political party, and a column heading shall indicate their party
12 affiliation. The names of candidates shall be grouped according
13 to offices, with each office having a separate section. Within
14 each column the names for each office shall be rotated as pro-
15 vided for the general election ballot. The column at the left
16 hand side of the ballot shall contain the names of the candidates
17 of the political party that received the largest number of votes
18 for the office of governor at the last preceding general elec-
19 tion.

20 Sec. 5.07. SPECIAL PROVISIONS ON COUNTING BALLOTS. No
21 voter may vote for any person whose name is not on the ballot or
22 vote for candidates in more than one column. Votes cast for a
23 person whose name is not on the ballot shall not be counted, but
24 writing in a candidate's name does not invalidate the entire ballot.
25 Ballots cast with votes for candidates in more than one party
26 column shall not be counted, and the entire ballot is invalid.

27 Sec. 5.08. DECLARATION OF PARTY PREFERENCE. Before obtain-
28 ing a ballot, voters may declare their party preference but are
29 not required to do so as a condition for receiving a ballot.

1 Sec. 5.09. GENERAL PROCEDURE FOR CONDUCT OF PRIMARY
2 ELECTION. Unless specifically provided otherwise, all provisions
3 regarding the conduct of the general election shall govern the
4 conduct of the party primary election, including, but not limited
5 to, provisions concerning voter qualification; provisions regard-
6 ing the duties, powers, rights, and obligations of the secretary
7 of state, of other election officials, and of cities and organized
8 boroughs; provision for notification of the election; provisions
9 regarding payment of election expenses; provisions regarding
10 employees being allowed time from work to vote; provisions for
11 the counting, canvassing and certification of returns; provisions
12 for the determination of tie votes and of recount, contests and
13 appeal; and provisions for absentee voting and the use of voting
14 machines.

15 Sec. 5.10. PLACEMENT OF NOMINEES ON GENERAL ELECTION BALLOT.
16 The secretary of state shall place the name of the candidate
17 receiving the highest number of votes for any office by any
18 political party on the general election ballot.

19 Sec. 5.11. FILLING VACANCIES BY PARTY PETITION. If any
20 candidate nominated at the party primary election dies, with-
21 draws, or becomes disqualified from holding office for which he
22 is nominated after the primary election and ten days or more
23 before the general election, the vacancy may be filled by party
24 petition. The secretary of state shall place the name of the
25 person nominated by party petition on the general election ballot
26 or if the general election ballot has been prepared, the secretary
27 of state, or the election officials directed by the secretary of
28 state, shall prepare, print, and distribute a sufficient number
29 of gummed labels or stickers bearing the name of the candidate

1 to fill the vacancy to each voting precinct with instructions
2 that the election judges shall place one of the stickers or labels
3 on the appropriate place on each ballot before the ballot is
4 handed to the voter.

5 Sec. 5.12. REQUIREMENTS FOR PARTY PETITION. Party peti-
6 tions for the nomination of candidates shall state in substance
7 that the political party desires and intends to support the
8 named candidate for the named office and requests that the name
9 of the proposed candidate be placed on the general election
10 ballot. The petition may be filed no later than ten days before
11 the date of the general election.

12 Sec. 5.13. SELECTION OF NOMINEES FOR PARTY PETITION. The
13 nominees of political parties by party petition may be selected
14 for statewide offices by the party central committee or in any
15 other manner prescribed by the party by-laws, and the petition
16 for statewide offices shall be signed by the chairman of the
17 central committee or in his absence by any two members of the
18 committee. The nominees of political parties by party petition
19 may be selected for district-wide offices by the respective
20 party district committee or in any other manner prescribed by
21 the party by-laws, and the petition for district-wide offices
22 shall be signed by the chairman of the party district committee,
23 or in his absence by any two members of the party committee,
24 or in any other manner prescribed by the party by-laws. The
25 petition may be delivered in person, by mail or by tele-
26 graph.

27 Part 2. Nominations for General
28 Election by Petition

29 Sec. 5.51. PROVISION FOR INDEPENDENT CANDIDATE NOMINATIONS.

1 Candidates not representing any political party are nominated by
2 petition.

3 Sec. 5.52. DATE OF FILING PETITION. The petition is filed
4 with the secretary of state by actual physical delivery in person
5 or by mail before the date of the party primary election in the
6 year in which a general election shall be held for the office.

7 Sec. 5.53. REQUIRED NUMBER OF SIGNATURES FOR STATEWIDE
8 OFFICE. Petitions for the nomination of candidates for the
9 office of governor, secretary of state, United States senator
10 and United States representative shall be signed by not less than
11 250 qualified voters.

12 Sec. 5.54. REQUIRED NUMBER OF SIGNATURES FOR DISTRICT-
13 WIDE OFFICE. Petitions for the nomination of candidates for the
14 office of state senator or state representative shall be signed
15 by not less than 50 qualified voters of the election or senate
16 district in which the proposed nominee desires to be a candidate.

17 Sec. 5.55. REQUIREMENTS FOR PETITION. The petition shall
18 state in substance: (1) the full name of the candidate, (2)
19 the full resident address of the candidate, (3) the full mail-
20 ing address of the candidate, (4) if the candidacy is for the
21 office of state senator or state representative, the election
22 or senate district of which the candidate is a resident, (5)
23 the office for which the candidate is nominated, (6) the date
24 of the election at which the candidate seeks election, (7) that
25 the candidate meets, or will meet, as required by law, the
26 specific requirements of the office for which he is a candidate,
27 (8) that the subscribers are qualified voters of the
28 state or election or senate district in which the candidate
29 resides, (9) that the subscribers intend to vote for the

1 candidate at the general election, (10) that the subscribers
2 request that the candidate's name be placed on the ballot, and
3 (11) that the proposed candidate accepts the nomination and will
4 serve if elected, with the statement signed by the proposed can-
5 didate.

6 Sec. 5.56. PLACEMENT OF NAMES ON GENERAL ELECTION BALLOT.
7 The secretary of state shall place the names of persons who have
8 been properly nominated by petition on the general election ballot.

9 Sec. 5.57. WITHDRAWAL OF CANDIDATE'S NAME. If any candi-
10 date nominated by petition shall die or withdraw after the
11 petition has been filed and before the first day of September
12 of the election year, the secretary of state shall not place the
13 name of the candidate on the general election ballot.

14 ARTICLE VI

15 NATIONAL ELECTIONS

16 Part 1. President

17 Sec. 6.01. PROVISION FOR APPOINTMENT OF ELECTORS. Elec-
18 tors of president and vice-president of the United States are
19 appointed by election at the general election in presidential
20 election years.

21 Sec. 6.02. NUMBER AND MANNER OF SELECTING CANDIDATES.
22 Each political party shall select a number of candidates for
23 electors of president and vice-president of the United States
24 equal to the number of senators and representatives to which the
25 state is entitled in Congress. The candidates for electors shall
26 be selected by the state party convention or in any other manner
27 prescribed by the by-laws of the party. The chairman and sec-
28 retary of the state convention or any other party official
29 designated by the party by-laws, shall certify a list of the

1 names of candidates for electors to the secretary of state on or
2 before the first day of September in presidential election years.

3 Sec. 6.03. QUALIFICATION OF ELECTORS. Any qualified voter
4 except a United States senator or representative or person hold-
5 ing an office of trust or profit under the United States may be
6 selected as a candidate for elector.

7 Sec. 6.04. REQUIREMENT OF PARTY PLEDGE. The party shall
8 require from each candidate for elector a pledge that as an
9 elector he shall vote for the candidates nominated by the party
10 of which he is a candidate.

11 Sec. 6.05. INTERPRETATION OF VOTES CAST FOR CANDIDATES FOR
12 PRESIDENT AND VICE-PRESIDENT. In voting for presidential elec-
13 tors, a vote marked for the candidates for president and vice-
14 president is deemed and counted as a vote for the presidential
15 electors of the party.

16 Sec. 6.06. NOTIFICATION OF ELECTORS. When the results of
17 the election of presidential electors has been determined, the
18 secretary of state shall send a certificate of election to each
19 elector and shall notify the electors of the time and place of
20 their meeting and of their duties as electors.

21 Sec. 6.07. PLACE AND TIME OF MEETING. The electors shall
22 meet at the office of the secretary of state or other place
23 designated by him at 11:00 o'clock in the morning on the first
24 Monday after the second Wednesday in December following their
25 election. If Congress fixes a different day for the meeting,
26 the electors shall meet on the day designated by the Act of
27 Congress.

28 Sec. 6.08. FILLING OF VACANCIES. If there is a vacancy
29 caused by death, failure to attend, ineligibility or other cause,

1 the electors shall fill the vacancy by plurality vote.

2 Sec. 6.09. DUTIES OF ELECTORS. After any vacancies have
3 been filled, the electors shall proceed to cast their votes for
4 the candidates for the office of president and vice-president of
5 the party which selected them as candidates for electors and
6 shall perform the duties of electors as required by the consti-
7 tution and laws of the United States. The secretary of state
8 shall provide any administrative services and the Department
9 of Law shall provide any legal services necessary for the elec-
10 tors to perform their duties.

11 Sec. 6.10. COMPENSATION OF ELECTORS. Each elector shall
12 receive from the state treasury the same per diem and mileage
13 allowed members of the legislature.

14 Part 2. United States Congress

15 Sec. 6.31. PROVISIONS FOR ELECTION OF UNITED STATES
16 SENATORS. A United States senator shall be elected at the
17 general election held in the year 1960 and at the general elec-
18 tion every sixth year thereafter. A United States senator shall
19 be elected at the general election held in the year 1962 and at
20 the general election every sixth year thereafter.

21 Sec. 6.32. PROVISIONS FOR ELECTION OF UNITED STATES
22 REPRESENTATIVES. A United States representative in Congress
23 shall be elected from each congressional district at the general
24 election in 1960 and at the general election every second year
25 thereafter.

26 ARTICLE VII

27 STATE ELECTIONS

28 Part 1. Executive

29 Sec. 7.01. ELECTION OF GOVERNOR AND SECRETARY OF STATE.

1 A governor and secretary of state shall be elected at the general
2 election in 1962 and every four years thereafter.

3 Part 2. Legislative

4 Sec. 7.31. ELECTION OF STATE SENATOR. One half of the
5 state senators, according to the apportionment schedule for
6 members of the senate, shall be elected from their appropriate
7 senate district at each general election.

8 Sec. 7.32. ELECTION OF STATE REPRESENTATIVES. One or more
9 state representatives, according to the apportionment schedule
10 for members of the house of representatives, shall be elected
11 from each election district at each general election.

12 Part 3. Judiciary

13 Sec. 7.51. APPROVAL OR REJECTION OF SUPREME COURT JUSTICE.
14 Each supreme court justice shall be subject to approval or
15 rejection at the first general election held more than three
16 years after his appointment. If approved, he shall thereafter
17 be subject to approval or rejection in a like manner every tenth
18 year.

19 Sec. 7.52. FILING DECLARATION BY SUPREME COURT JUSTICE.
20 Each justice seeking to succeed himself to office shall file
21 with the secretary of state a declaration of candidacy not less
22 than 90 days before the date of the general election at which
23 approval or rejection is requisite.

24 Sec. 7.53. PLACING NAME OF SUPREME COURT JUSTICE ON BALLOT.
25 The secretary of state shall place the name of any justice who
26 has properly filed a declaration of candidacy on a separate
27 statewide nonpartisan ballot for the general election at which
28 approval is sought.

29 Sec. 7.54. APPROVAL OR REJECTION OF SUPERIOR COURT JUDGE.

1 Each superior court judge shall be subject to approval or rejec-
2 tion at the first general election held more than three years af-
3 ter his appointment. If approved, he shall thereafter be subject
4 to approval or rejection in a like manner every sixth year.

5 Sec. 7.55. FILING DECLARATION BY SUPERIOR COURT JUDGE.

6 Each judge seeking to succeed himself to office shall file with
7 the secretary of state a declaration of candidacy not less than
8 90 days before the date fixed for the general election at which
9 approval or rejection is requisite.

10 Sec. 7.56. DETERMINATION OF JUDICIAL DISTRICT IN WHICH TO
11 SEEK APPROVAL. The judge shall seek approval in the judicial dis-
12 trict to which he was originally appointed, except in case of as-
13 signments and transfers with the judge's consent, in which case he
14 shall seek approval in the judicial district where he has served
15 the major portion of his term or where he last stood for election.
16 The judge shall designate on his declaration of candidacy the
17 judicial district to which he was appointed, except in case of
18 assignments and transfers in which case he shall designate the
19 district where he has served the major portion of his term or
20 where he last stood for election.

21 Sec. 7.57. PLACING NAME OF SUPERIOR COURT JUDGE ON BALLOT.

22 The secretary of state shall place the name of any judge who has
23 properly filed a declaration of candidacy on a separate nonpartis-
24 an judicial district-wide ballot for the general election at
25 which approval is sought.

26 ARTICLE VIII

27 SPECIAL ELECTIONS AND APPOINTMENTS

28 Part 1. United States Senate

29 Sec. 8.01. CONDITIONS AND TIME OF FILLING VACANCY BY

1 APPOINTMENT. When a vacancy occurs in the office of United States
2 senator, the governor, within 30 days, shall appoint a qualified
3 person to fill the vacancy. However, if the remainder of the term
4 of the predecessor in office will expire or if the vacancy will be
5 filled by a special election before the senate will next meet, con-
6 vene, or reconvene, the governor shall not fill the vacancy.

7 Sec. 8.02. QUALIFICATION OF APPOINTEE. The appointee shall
8 be a member of the same political party as that which nominated
9 the predecessor in office. If the predecessor in office was not
10 nominated by a political party, the governor may appoint any
11 qualified person.

12 Sec. 8.03. CONDITIONS FOR FULL, UNEXPIRED TERM APPOINTMENT.
13 If the vacancy is for an unexpired term of two years plus five
14 full calendar months or less, the appointment shall be for the re-
15 mainder of the unexpired term.

16 Sec. 8.04. CONDITIONS FOR PART-TERM APPOINTMENT AND SPECIAL
17 ELECTION. If the vacancy is for an unexpired term of more than
18 two years plus five full calendar months, the governor shall call
19 a special election by proclamation and the appointment shall ex-
20 pire on the date the United States senate first meets, convenes,
21 or reconvenes, following the certification of the results of the
22 special election by the secretary of state.

23 Sec. 8.05. DATE OF SPECIAL ELECTION. The special election to
24 fill the vacancy shall be held on the date of the first general
25 election which is held more than three full calendar months after
26 the vacancy occurs.

27 Sec. 8.06. PROCLAMATION OF SPECIAL ELECTION. The governor
28 shall issue the proclamation calling the special election at least
29 80 days before the election, but failure to comply with this

1 provision does not affect the validity of the special election.

2 Sec. 8.07. TERM OF ELECTED SENATOR. At the special elec-
3 tion, a United States senator shall be elected to fill the remain-
4 der of the unexpired term. The person elected shall take office
5 on the date the United States senate first meets, convenes, or re-
6 convenes following the certification of the results of the special
7 election by the secretary of state.

8 Sec. 8.08. SELECTION OF NOMINEES IN MANNER PROVIDED FOR
9 GENERAL ELECTION. If the vacancy in the office of United States
10 senator occurs one calendar month or more before the filing date
11 for the party primary election, candidates for the special elec-
12 tion shall be nominated in the manner provided for the nomination
13 of candidates for general elections.

14 Sec. 8.09. DESIGNATION OF NOMINEES BY PETITION. If
15 the vacancy occurs less than one calendar month before the filing
16 date for the party primary election and more than three calendar
17 months before the next general election, candidates shall be nomi-
18 nated by petition transmitted by actual delivery to the secretary
19 of state on or before the first of September immediately preceding
20 the special election.

21 Sec. 8.10. REQUIREMENTS OF PETITION FOR INDEPENDENT
22 CANDIDATES. Petitions for the nomination of candidates not repres-
23 enting any political party shall be signed by at least 250 quali-
24 fied voters, and shall state in substance that which is required in
25 petitions for nomination for general elections provided in Sec.5.55.

26 Sec. 8.11. REQUIREMENTS OF PETITION BY POLITICAL
27 PARTY. Petitions for the nomination of candidates of political
28 parties shall state in substance that the political party desires
29 and intends to support the named candidate for the office of

1 United States senator at the special election and requests that
2 the name of the candidate be placed on the ballot.

3 Sec. 8.12. SELECTION OF POLITICAL PARTY NOMINEES. The
4 nominees of political parties to be designated by special peti-
5 tion may be selected by the state convention or by any other
6 manner as prescribed by the party by-laws, and the petition shall
7 be signed by the chairman and secretary of the state convention
8 or, if the nominee is designated by the central committee, the
9 petition shall be signed by the chairman of the central committee.

10 Sec. 8.13. GENERAL PROVISION FOR CONDUCT OF SPECIAL ELEC-
11 TION. Unless specifically provided otherwise, all provisions
12 regarding the conduct of the general election shall govern the
13 conduct of the special election of United States senators,
14 including, but not limited to, provisions concerning voter
15 qualification; provisions regarding the duties, powers, right
16 and obligations of the secretary of state, of other election
17 officials, and of cities and organized boroughs; provision for
18 notification of the election; provision for payment of election
19 expenses; provisions regarding employees being allowed time from
20 work to vote; provisions for the counting, canvassing, and
21 certification of returns; provisions for the determination of
22 the votes and of recounts, contests, and appeal; and provision
23 for absentee voting and the use of voting machines.

24 Part 2. United States

25 House of Representatives

26 Sec 8.21. CONDITION AND TIME OF CALLING SPECIAL ELECTION.
27 When a vacancy occurs in the office of United States Representa-
28 tive, the governor shall, by proclamation, call a special elec-
29 tion to be held on a date within not less than 60, nor more than

1 90, days after the date the vacancy occurred. However, if the
2 vacancy occurs on a date that is less than 60 days before, or is
3 on or after the date of the primary election in general election
4 years, the governor shall call no special election.

5 Sec. 8.22. CONDITION FOR HOLDING SPECIAL ELECTION WITH
6 PRIMARY ELECTION. If the vacancy occurs on a date within not
7 less than 60, nor more than 90, days before the date of the
8 primary election, the governor shall, by proclamation, call the
9 special election to be held on the date of such primary election.

10 Sec. 8.23. PROCLAMATION. The governor shall issue the
11 proclamation at least 50 days before the election, but failure
12 to comply with this provision does not affect the validity of
13 the special election.

14 Sec. 8.24. TERM OF ELECTED REPRESENTATIVE. At the special
15 election, a United States representative shall be elected to fill
16 the remainder of the unexpired term. The person elected shall
17 take office on the date the United States House of Representatives
18 meets, convenes, or reconvenes following the certification of
19 the results of the special election by the secretary of state.

20 Sec. 8.25. DATE OF NOMINATIONS. Candidates for the
21 special election shall be nominated by petition transmitted by
22 actual delivery to the secretary of state on or before the 20th
23 day after the vacancy occurs

24 Sec. 8.26 REQUIREMENTS OF PETITION OF INDEPENDENT CANDI-
25 DATES. Petitions for the nomination of candidates not represen-
26 ting any political party shall be signed by at least 250 quali-
27 fied voters and shall state in substance that which is required
28 for nomination petitions by Section 5.55.

29 Sec. 8.27. REQUIREMENTS OF PARTY PETITION. Petitions for

1 the nomination of candidates of political parties shall state in
2 substance that the party desires and intends to support the
3 named candidate for the office of United States representative
4 at the special election and requests that the name of the candi-
5 date nominated be placed on the ballot.

6 Sec. 8.28. SELECTION OF PARTY NOMINEES. The nominees of
7 political parties may be selected by the state convention or in
8 any other manner prescribed by the party by-laws, and the peti-
9 tion shall be signed by the chairman and secretary of the state
10 convention, or if the nominees are selected by the party central
11 committee, the petition shall be signed by the chairman of the
12 central committee.

13 Sec. 8.29. GENERAL PROVISIONS FOR CONDUCT OF SPECIAL
14 ELECTION. Unless specifically provided otherwise, all provisions
15 regarding the conduct of the general election shall govern the
16 conduct of the special election of the United States represen-
17 tative, including, but not limited to provisions specifically
18 referred to in Section 8.13.

19 Part 3. Governor and
20 Secretary of State

21 Sec. 8.31. CONDITION AND TIME OF CALLING SPECIAL ELECTION.
22 When a person appointed to succeed to the office of secretary of
23 state succeeds to the office of acting governor, the acting
24 governor shall, by proclamation, call a special election to be
25 held on a date within not less than 60, nor more than 90, days
26 after the date the vacancy in the office of the governor occurred.
27 However, if the vacancy occurs on a date that is less than 60
28 days before, or is on or after the date of the primary election
29 in years in which a governor is regularly elected, the acting

1 governor shall serve the remainder of the unexpired term and
2 shall call no special election.

3 Sec. 8.32. CONDITIONS FOR HOLDING SPECIAL ELECTION WITH
4 PRIMARY OR GENERAL ELECTION. If the vacancy occurs on a date
5 within not less than 60, nor more than 90, days before the date
6 of the primary election in years in which a governor is regularly
7 elected or if the vacancy occurs on a date within not less than
8 60, nor more than 90, days before the date of the primary or
9 general election in election years in which a governor is not
10 regularly elected, the acting governor shall, by proclamation,
11 call the special election to be held on the date of such primary
12 or general election.

13 Sec. 8.33. PROCLAMATION OF SPECIAL ELECTION. The acting
14 governor shall issue the proclamation at least 50 days before
15 the election, but failure to comply with this provision does
16 not affect the validity of the special election.

17 Sec. 8.34. TERM OF ELECTED GOVERNOR AND SECRETARY OF STATE.
18 At the special election, a governor and a secretary of state shall
19 be elected to fill the remainder of the unexpired terms and shall
20 take office on the date the results of the special election are
21 certified.

22 Sec. 8.35. DATE OF NOMINATIONS. Candidates for the special
23 election shall be nominated by petition transmitted by actual
24 delivery to the secretary of state on or before the 20th day
25 after the vacancy occurs.

26 Sec. 8.36. REQUIREMENTS OF PETITION OF INDEPENDENT
27 CANDIDATES. Petitions for the nomination of candidates not
28 representing any political party shall be signed by at least
29 250 qualified voters, shall include nominees for the office of

1 governor and secretary of state, and shall state in substance
2 that which is required for nomination petitions by Section 5.55.

3 Sec. 8.37. REQUIREMENTS OF PARTY PETITION. Petitions for
4 the nomination of candidates of political parties shall state
5 in substance that the party desires and intends to support the
6 named candidates for the offices of governor and secretary of
7 state at the special election and requests that the names of
8 the two candidates nominated be placed on the ballot.

9 Sec. 8.38. SELECTION OF PARTY NOMINEES. The nominees of
10 political parties may be selected by state convention or in any
11 other manner prescribed by the party by-laws, and the petition
12 shall be signed by the chairman and secretary of the state con-
13 vention, or if the nominees are selected by the party central
14 committee, the petition shall be signed by the chairman of the
15 central committee.

16 Sec. 8.39. GENERAL PROVISIONS FOR CONDUCT OF SPECIAL ELEC-
17 TION. Unless specifically provided otherwise, all provisions
18 regarding the conduct of the general election shall govern the
19 conduct of the special election of the governor and secretary of
20 state, including, but not limited to, provisions specifically
21 referred to in Section 8.13.

22 Part 4. Legislature

23 Sec. 8.51. CONDITION AND TIME FOR FILLING VACANCY BY
24 APPOINTMENT. When a vacancy occurs in the state legislature,
25 the governor, within 30 days, shall appoint a qualified person
26 to fill the vacancy. However, if the remainder of the term of
27 the predecessor in office will expire or if a vacancy in the state
28 senate will be filled by a special election before the legislature
29 will next meet, convene or reconvene, the governor shall not fill

1 the vacancy.

2 Sec. 8.52. QUALIFICATION AND CONFIRMATION OF APPOINTEE.

3 The appointee shall meet the qualifications of a member of the
4 legislature as prescribed in Section 2 of Article II of the state
5 constitution, shall be a member of the same political party as
6 that which nominated the predecessor in office, and shall be
7 subject to confirmation by a majority of the members of the
8 legislature who are members of the same political party which
9 nominated the predecessor in office and of the same house as was
10 the predecessor in office. If the predecessor in office was
11 not nominated by a political party or if no other member of his
12 political party is a member of his house of the legislature,
13 the appointment is not subject to confirmation.

14 Sec. 8.53. DATE OF OFFICE OF APPOINTEE. If the appoint-
15 ment is not subject to confirmation, the term of the appointee
16 shall begin on the first day the appointee is present when the
17 legislature meets, convenes, or reconvenes after the date of the
18 appointment. If the appointment is subject to confirmation,
19 the term of the appointee shall begin on the date the appointment
20 is confirmed.

21 Sec. 8.54. PROCEDURE UPON REJECTION. If an appointment is
22 rejected, the governor, within 30 days, shall appoint another
23 qualified person as provided in Section 8.52, who shall also be
24 subject to confirmation, as provided in Section 8.52.

25 Sec. 8.55. TERM OF APPOINTED REPRESENTATIVE. If the
26 vacancy is in the state house of representatives, the appointment
27 will be for the remainder of the unexpired term.

28 Sec. 8.56. CONDITIONS FOR FULL, UNEXPIRED TERM SENATE
29 APPOINTMENT. If the vacancy is for an unexpired senate term of

1 two years plus five full calendar months or less, the appoint-
2 ment shall be for the remainder of the unexpired term.

3 Sec. 8.57. CONDITIONS FOR PART-TERM SENATE APPOINTMENT AND
4 SPECIAL ELECTION. If the vacancy is for an unexpired senate
5 term of more than two years and five full calendar months, the
6 governor shall call a special election by proclamation and the
7 appointment shall expire on the date the state senate first con-
8 venes or reconvenes following the certification of the results
9 of the special election by the secretary of state.

10 Sec. 8.58. DATE OF SPECIAL ELECTION. The special election
11 to fill a vacancy in the state senate shall be held on the date
12 of the first general election held more than three full calendar
13 months after the senate vacancy occurs.

14 Sec. 8.59. PROCLAMATION OF SPECIAL ELECTION. The governor
15 shall issue the proclamation calling the special election at least
16 50 days before the election, but failure to comply with this
17 provision does not affect the validity of the special election.

18 Sec. 8.60. TERM OF ELECTED SENATOR. At the special elec-
19 tion, a state senator shall be elected to fill the remainder of
20 the unexpired term and shall take office on the date the state
21 senate first convenes or reconvenes following the certification
22 of the results of the special election by the secretary of state.

23 Sec. 8.61. SELECTION OF NOMINEES IN MANNER PROVIDED FOR
24 GENERAL ELECTION. If the vacancy in the office of state senator
25 occurs one calendar month or more before the filing date for the
26 party primary election, candidates for the special election shall
27 be nominated in the manner provided for the nomination of candi-
28 dates for general elections.

29 Sec. 8.62. DESIGNATION OF NOMINEES BY PETITION.

1 If the vacancy occurs less than one calendar month before the
2 filing date and more than three calendar months before the next
3 general election, candidates shall be nominated by petition
4 transmitted by actual delivery to the secretary of state on or
5 before the first of September immediately preceding the special
6 election.

7 Sec. 8.63. REQUIREMENTS OF PETITION FOR INDEPENDENT
8 CANDIDATES. Petitions for the nomination of candidates not
9 representing any political party shall be signed by at least 50
10 qualified voters and shall state in substance that which is re-
11 quired in petitions for nomination for general elections provided
12 in Section 5.55.

13 Sec. 8.64. REQUIREMENTS OF PETITION BY POLITICAL PARTY.
14 Petitions for the nomination of candidates of political parties
15 shall state in substance that the party desires and intends to
16 support the named candidate for the office of state senator
17 at the special election and requests that the name of the
18 candidate be placed on the ballot.

19 Sec. 8.65. SELECTION OF POLITICAL PARTY NOMINEES. The
20 nominees of political parties may be selected by the respective
21 party district committee or by any other manner as provided by
22 the party by-laws, and the petition shall be signed by the chair-
23 man of the party district committee or by any other party official
24 designated by the party by-laws.

25 Sec. 8.66. GENERAL PROVISION FOR CONDUCT OF SPECIAL ELEC-
26 TION. Unless specifically provided otherwise, all provisions
27 regarding the conduct of the general election shall govern the
28 conduct of the special election of state senators, including,
29 but not limited to, the provisions specifically referred to in

1 Section 8.13.

2 ARTICLE IX

3 INITIATIVE, REFERENDUM AND RECALL

4 Part 1. Initiative

5 Sec. 9.01. PROVISION AND SCOPE FOR USE OF THE INITIATIVE.

6 The law making powers assigned to the legislature may be exer-
7 cised by the people through the initiative. However, no initia-
8 tive may be proposed to dedicate revenues, to make or repeal
9 appropriations, to create courts, to define the jurisdiction of
10 courts or prescribe their rules, or to enact local or special
11 legislation.

12 Sec. 9.02. FILING APPLICATION. An initiative is proposed
13 by filing an application with the secretary of state.

14 Sec. 9.03. FORM OF APPLICATION. The application shall
15 include (1) the proposed bill to be initiated, (2) a statement
16 that the sponsors are qualified voters who signed the application
17 with the proposed bill attached, (3) the designation of an
18 initiative committee of three sponsors who shall represent all
19 sponsors and subscribers in matters relating to the initiative,
20 and (4) the signatures and the printed or typed name and address
21 of not less than 100 qualified voters.

22 Sec. 9.04. FORM OF PROPOSED BILL. The proposed bill shall
23 be in the following form: (1) the bill shall be confined to one
24 subject, (2) the subject of the bill shall be expressed in the
25 title, (3) the enacting clause of the bill shall be: "Be it
26 enacted by the People of the State of Alaska," (4) the bill may
27 not include subjects restricted by Sec. 9.01.

28 Sec. 9.05. MANNER OF NOTICE. Notice to the initiative
29 committee on any matter pertaining to the application and petition

1 may be served on any member of the committee in person or by mail
2 addressed to a committee member as indicated on the application.

3 Sec. 9.06. DESIGNATION OF SPONSORS. The qualified voters
4 who subscribe to the application are designated as sponsors.
5 The initiative committee may designate additional sponsors by
6 giving written notice to the secretary of state of the names and
7 addresses of those so designated.

8 Sec. 9.07. REVIEW OF APPLICATION FOR CERTIFICATION. The
9 secretary of state shall review the application and shall either
10 certify it or notify the initiative committee of the grounds for
11 denial. Upon request of the secretary of state, election offi-
12 cials shall assist in determining the qualifications of doubtful
13 sponsors.

14 Sec. 9.08. BASIS OF DENIAL OF CERTIFICATION. The secretary
15 of state shall deny certification if he determines (1) that the
16 proposed bill to be initiated is not in the required form,
17 (2) that the application is not substantially in the required
18 form, or (3) that there is an insufficient number of qualified
19 sponsors.

20 Sec. 9.09. PREPARATION OF PETITION. If the application
21 is certified, the secretary of state shall prescribe the form
22 of and prepare petitions containing (1) a copy of the proposed
23 bill, if the number of words included in both the formal and
24 substantive provisions of the bill is 500 or less, (2) an im-
25 partial summary of the subject matter of the bill, (3) the
26 warning prescribed in Section 9.11, (4) sufficient space for
27 signature and addresses, and (5) other specifications prescribed
28 by the secretary of state to assure proper handling and control.
29 Petitions, for purposes of circulation, shall be prepared by the

1 secretary of state in a number reasonably calculated to allow
2 full circulation throughout the state. The secretary of state
3 shall number each petition and shall keep a record of the
4 petition delivered to each sponsor. Upon request of the com-
5 mittee, the secretary of state shall report the number of persons
6 who voted in the preceding general election.

7 Sec. 9.10. STATEMENT OF WARNING. Each petition shall in-
8 clude a statement of warning that any person who signs any name
9 other than his own on the petition, or who signs his name more
10 than once for the same proposition at one election, or who signs
11 the petition knowing he is not a qualified voter, is guilty of
12 a felony and upon conviction shall be punished by a fine of not
13 less than \$500.00 nor more than \$1,000.00 or by imprisonment
14 in the penitentiary for not more than one year, or by both the
15 fine and imprisonment.

16 Sec. 9.11. CIRCULATION BY SPONSOR. The petitions may be
17 circulated throughout the state only by a sponsor and only in
18 person.

19 Sec. 9.12. MANNER OF SIGNING AND WITHDRAWING NAME FROM
20 PETITION. Any qualified voter may subscribe to the petition by
21 signing his name and printing or typing his name and address.
22 Any person who has signed the initiative petition may withdraw
23 his name only by giving written notice both to the secretary of
24 state and the committee prior to the date the petition is filed.

25 Sec. 9.13. CERTIFICATION OF SPONSOR. Before being filed,
26 each petition shall be certified by an affidavit by the sponsor
27 who personally circulated the petition. The affidavit shall state
28 in substance that (1) the person signing the affidavit is a
29 sponsor, (2) the person is the only circulator of that petition,

1 (3) the signatures were made in his actual presence, and (4)
2 to the best of his knowledge, the signatures are those of the
3 persons whose names they purport to be. In determining the
4 sufficiency of the petition, the secretary of state shall not
5 count subscriptions on petitions not properly certified.

6 Sec. 9.14. FILING OF PETITION. The sponsors may file the
7 initiative petition at any time with the secretary of state if
8 signed by qualified voters equal in number to ten per cent of
9 those who voted in the preceding general election and resident
10 in at least two-thirds of the election districts of the state.

11 Sec. 9.15. REVIEW OF PETITION. Within not more than 60
12 days of the date the petition was filed, the secretary of state
13 shall review the petition and shall notify the initiative com-
14 mittee whether the petition was properly or improperly filed,
15 and at which election the proposition shall be placed on the
16 ballot. Upon request from the secretary of state, election
17 officials shall assist in checking the qualification of doubtful
18 subscribers.

19 Sec. 9.16. BASES FOR DETERMINING THE PETITION WAS IMPROPER-
20 LY FILED. The secretary of state shall notify the committee that
21 the petition was improperly filed if he determines (1) that
22 there is an insufficient number of qualified subscribers, or
23 (2) that the subscribers were not resident in at least two-thirds
24 of the election districts of the state.

25 Sec. 9.17. SUBMISSION OF SUPPLEMENTARY PETITION. Upon re-
26 ceipt of notice that the filing of the petition was improper,
27 the initiative committee may amend and correct the petition by
28 circulating and filing a supplementary petition within 30 days
29 of the date that notice was given.

1 Sec. 9.18. PREPARATION OF BALLOT TITLE AND PROPOSITION.
2 If the petition is properly filed, the secretary of state, with
3 the assistance of the attorney general, shall prepare a ballot
4 title and proposition. The ballot title shall, in not more than
5 six words, indicate the general subject area of the proposition.
6 The proposition shall, in not more than 100 words, give a true
7 and impartial summary of the proposed law.

8 Sec. 9.19. PLACING PROPOSITION ON BALLOT. The secretary
9 of state shall place the ballot title and proposition on the
10 election ballot of the first statewide general, special, or
11 primary election that is held after (1) the petition and any
12 supplementary petition has been filed, (2) a legislative session
13 has convened and adjourned, and (3) a period of 120 days has
14 expired since the adjournment of the legislative session.

15 Sec. 9.20. DISPLAY OF PROPOSED LAW. The secretary of
16 state shall provide each election board with ten copies of the
17 proposed law being initiated, and the election board shall dis-
18 play three copies of the proposed law in a conspicuous place
19 in the room where the election is held.

20 Sec. 9.21. DETERMINATION OF VOID PETITION. If the secre-
21 tary of state, with the formal concurrence of the attorney
22 general, determines that an act of the legislature that is sub-
23 stantially the same as the proposed law was enacted after the
24 petition had been filed, and before the date of the election,
25 the petition is void and the secretary of state shall so notify
26 the committee.

27 Sec. 9.22. ADOPTION AND EFFECTIVE DATE OF PROPOSED LAW.
28 If a majority of the votes cast on the initiative proposition
29 favor its adoption, the proposed law is enacted, and the

1 secretary of state shall so certify. The act becomes effective
2 90 days after certification.

3 Sec. 9.23. INSUFFICIENCY OF APPLICATION OR PETITION. No
4 initiative submitted to the voters shall be held void because
5 of the insufficiency of the application or petitions by which
6 the submission was procured.

7 Sec. 9.24. JUDICIAL REVIEW. Any person aggrieved by any
8 determination made by the secretary of state may have the deter-
9 mination reviewed within 30 days of the date on which notice of
10 the determination was given by any appropriate remedy in the
11 superior court.

12 Part 2. Referendum

13 Sec. 9.31. PROVISION AND SCOPE OF USE OF REFERENDUM. The
14 people may approve or reject acts of the legislature by referen-
15 dum. However, no referendum may be applied to dedication of
16 revenues, to appropriation, to local or special legislation, or
17 to laws necessary for the immediate preservation of the public
18 peace, health or safety.

19 Sec. 9.32. FILING APPLICATION. A referendum is proposed
20 by filing an application with the secretary of state.

21 Sec. 9.33. FORM OF APPLICATION. The application shall
22 include (1) the act to be referred, (2) a statement that the
23 sponsors are qualified voters who signed the application with the
24 proposed bill attached, (3) the designation of a referendum
25 committee of three sponsors who shall represent all sponsors
26 and subscribers in matters relating to the referendum, and
27 (4) the signatures and the printed or typed name and address of
28 not less than 100 qualified voters.

29 Sec. 9.34. MANNER OF NOTICE. Notice to the referendum

1 committee on any matter pertaining to the application and peti-
2 tion may be served on any member of the committee in person or
3 by mail addressed to a committee member as indicated on the
4 application.

5 Sec. 9.35. DESIGNATION OF SPONSORS. The qualified voters
6 who subscribe to the application are designated as sponsors.
7 The referendum committee may designate additional sponsors by
8 giving notice to the secretary of state of the names and ad-
9 dresses of those so designated.

10 Sec. 9.36. TIME OF REVIEW OF APPLICATION FOR CERTIFICATION.
11 Within seven calendar days after the date the application is
12 received, the secretary of state shall canvass the application
13 and shall either certify it or notify the referendum committee
14 of the grounds for denial. Upon request of the secretary of
15 state, city and borough clerks shall assist in determining the
16 qualification of doubtful sponsors.

17 Sec. 9.37. BASIS OF DENIAL OF CERTIFICATION. The secre-
18 tary of state shall deny certification if he determines (1)
19 that the application is not substantially in the required form,
20 or (2) that there is an insufficient number of qualified spon-
21 sors, or (3) that more than 90 days has expired since the ad-
22 journment of the legislative session at which the act being re-
23 ferred was passed.

24 Sec. 9.38. PREPARATION OF PETITION. If the application is
25 certified; the secretary of state shall, within seven calendar
26 days after the date of certification, prescribe the form of,
27 and prepare, a petition containing (1) a copy of the act to be
28 referred, if the number of words included in both the formal
29 and substantive provisions of the bill is 500 or less, (2) an

1 impartial summary of the subject matter of the act, (3) the
2 warning prescribed in Section 9.40, and sufficient space for
3 signatures and addresses, and (5) other specifications pres-
4 cribed by the secretary of state to assure proper handling and
5 control. Petitions, for purposes of circulation, shall be pre-
6 pared by the secretary of state in a number reasonably calculated
7 to allow full circulation throughout the state. The secretary
8 of state shall number each petition and shall keep a record
9 of the petitions delivered to each sponsor. Upon request of
10 the referendum committee, the secretary of state shall specify
11 the number of persons who voted in the preceding general elec-
12 tion.

13 Sec. 9.39. STATEMENT OF WARNING. Each petition shall in-
14 clude a statement of warning that any person who signs any name
15 other than his own to the petition, or signs his name more than
16 once for the same proposition at one election, or who signs the
17 petition knowing he is not a qualified voter, is guilty of a
18 felony and upon conviction shall be punished by a fine of not
19 less than \$500.00 nor more than \$1,000.00 or by imprisonment
20 in the penitentiary for not more than one year, or by both the
21 fine and imprisonment.

22 Sec. 9.40. CIRCULATION BY SPONSOR. The petitions may be
23 circulated throughout the state only by a sponsor and only in
24 person.

25 Sec. 9.41. MANNER OF SIGNING AND WITHDRAWING NAME FROM
26 PETITION. Any qualified voter may subscribe to the petition by
27 signing his name and printing or typing his name and address.
28 Any person who has signed the referendum petition may withdraw
29 his name only by giving written notice both to the secretary

1 of state and the committee prior to the date the petition is
2 filed.

3 Sec. 9.42. CERTIFICATION OF SPONSOR. Before being filed,
4 each petition shall be certified by an affidavit by the sponsor
5 who circulated the petition. The affidavit shall state in sub-
6 stance that (1) the person signing the affidavit is a sponsor,
7 (2) the person is the only circulator of the petition, (3) the
8 signatures were made in his actual presence, and (4) to the
9 best of his knowledge, the signatures are the signatures of
10 persons whose names they purport to be. In determining the
11 sufficiency of the petition, the secretary of state shall not
12 count subscriptions on petitions not properly certified.

13 Sec. 9.43. FILING OF PETITION. The sponsors may file the
14 petition only within 90 days after the adjournment of the legis-
15 lative session at which the act was passed and only if signed
16 by qualified voters equal in number to ten per cent of those
17 who voted in the preceding general election and resident in at
18 least two-thirds of the election districts of the state.

19 Sec. 9.44. REVIEW OF PETITION. Within not more than 60
20 days of the date the petition was filed, the secretary of state
21 shall review the petition and shall notify the committee whether
22 the petition was properly or was improperly filed and at which
23 election the proposition shall be placed on the ballot. Upon
24 request from the secretary of state, election officials shall
25 assist in determining the qualification of doubtful subscribers.

26 Sec. 9.45. BASIS FOR DETERMINING THE PETITION WAS IMPROP-
27 ERLY FILED. The secretary of state shall notify the committee
28 that the petition was improperly filed if he determines that
29 (1) there is an insufficient number of qualified subscribers, or

1 (2) the subscribers were not resident in at least two-thirds of
2 the election districts of the state, or (3) the petition was
3 not filed within 90 days after the adjournment of the legisla-
4 tive session at which the act was passed.

5 Sec. 9.46. SUBMISSION OF SUPPLEMENTARY PETITION. Upon
6 receipt of notice that the filing of the petition was improper,
7 the committee may amend and correct the petition by circulating
8 and filing a supplementary petition within ten days of the date
9 that notice was given if 90 days have not expired after the
10 adjournment of the legislative session at which the act was
11 passed.

12 Sec. 9.47. PREPARATION OF BALLOT TITLE AND PROPOSITION.
13 The secretary of state, with the assistance of the attorney
14 general, shall prepare a ballot title and proposition if he
15 determines that the petition is properly filed. The ballot
16 title shall, in not more than six words, indicate the general
17 subject area of the act. The proposition shall, in not more
18 than 100 words, give a true and impartial summary of the act
19 being referred.

20 Sec. 9.48. PLACING PROPOSITION ON BALLOT. The secretary of
21 state shall place the ballot title and proposition on the elec-
22 tion ballot for the first statewide general, special, or primary
23 election held more than 180 days after adjournment of the legis-
24 lative session at which the act was passed.

25 Sec. 9.49. DISPLAY OF ACT BEING REFERRED. The secretary
26 of state shall provide each election board with ten copies of
27 the act being referred, and the election board shall display
28 three copies of the act in a conspicuous place in the room where
29 the election is held.

1 state public official subject to recall.

2 Sec. 9.74. FORM OF APPLICATION. The application shall
3 include (1) the name and office of the person to be recalled,
4 (2) the grounds for recall described in particular in not more
5 than 200 words, (3) a statement that the sponsors are quali-
6 fied voters who signed the application with the statement of
7 grounds for recall attached, (4) the designation of a recall
8 committee of three sponsors who shall represent all sponsors
9 and subscribers in matters relating to the referendum, (5) the
10 appointment of at least 100 qualified voters who subscribe to
11 the application as sponsors for purposes of circulation, and
12 (6) the signatures and the printed or typed name and address
13 of qualified voters equal in number to ten per cent of those who
14 voted in the preceding general election in the state or in the
15 senate or electoral district of the official sought to be re-
16 called.

17 Sec. 9.75. GROUNDS FOR RECALL. The grounds for recall are
18 (1) lack of fitness, (2) incompetence, (3) neglect of duties,
19 or (4) corruption.

20 Sec. 9.76. MANNER OF NOTICE. Notice on all matters per-
21 taining to the application and petition may be served on any
22 member of the recall committee in person or by mail addressed
23 to a committee member as indicated on the application.

24 Sec. 9.77. NOTICE OF THE NUMBER OF VOTERS. The secretary
25 of state, upon request, shall notify the recall committee of
26 the official number of persons who voted in the preceding general
27 election in the state or in the senate or electoral district
28 of the official sought to be recalled.

29 Sec. 9.78. REVIEW OF APPLICATION. The secretary of state

1 shall review the application and shall either certify it or
2 notify the recall committee of the grounds of refusal. Upon re-
3 quest of the secretary of state, election officials shall assist
4 in determining the qualification of doubtful subscribers.

5 Sec. 9.79. BASIS OF DENIAL OF CERTIFICATION. The secretary
6 of state shall deny certification if he determines that (1) the
7 application is not substantially in the required form, or (2)
8 the application was filed during the first 180 days of the term
9 of office of the official subject to recall or within less than
10 180 days of the termination of the term of office of any official
11 subject to recall, (3) the person named in the application is
12 not subject to recall, or (4) there is an insufficient number
13 of qualified subscribers.

14 Sec. 9.80. PREPARATION OF PETITION. If the secretary of
15 state certifies the application, he shall prescribe the form of,
16 and prepare, a petition containing (1) the name and office of
17 the person to be recalled, (2) the statement of the grounds
18 for recall included in the application, (3) the statement of
19 warning required in Section 9.83 and (4) sufficient space for
20 signatures and addresses, and (5) other specifications pres-
21 cribed by the secretary of state to assure proper handling and
22 control. Petitions, for purposes of circulation, shall be
23 prepared by the secretary of state in a number reasonably cal-
24 culated to allow full circulation throughout the state or through-
25 out the senate or election district of the official sought to be
26 recalled. The secretary of state shall number each petition
27 and shall keep a record of the petitions delivered to each
28 sponsor.

29 Sec. 9.81. STATEMENT OF WARNING. Each petition and

1 duplicate copy shall include a statement of warning that any
2 person who signs any name other than his own to the petition, or
3 who signs his name more than once for the same proposition at
4 one election, or who signs the petition knowing he is not a
5 qualified voter, is guilty of a felony and upon conviction shall
6 be punished by a fine of not less than \$500.00 nor more than
7 \$1,000.00 or by imprisonment in the penitentiary for not more
8 than one year, or by both the fine and the imprisonment.

9 Sec. 9.82. CIRCULATION BY SPONSOR. The petitions may be
10 circulated throughout the state or senate or election district
11 represented by the official sought to be recalled only by a
12 sponsor and only in person.

13 Sec. 9.83. MANNER OF SIGNING AND WITHDRAWING NAME FROM
14 PETITION. Any qualified voter may subscribe to the petition by
15 signing his name and printing or typing his name and address.
16 Any person who has signed the petition may withdraw his name
17 only by giving written notice both to the secretary of state
18 and the committee prior to the date the petition is filed.

19 Sec. 9.84. CERTIFICATION OF SPONSOR. Before being filed,
20 each petition shall be certified by an affidavit by the sponsor
21 who personally circulated the petition. The affidavit shall
22 state in substance that (1) the person signing the affidavit
23 is a sponsor, (2) the person is the only circulator of that
24 petition or copy, (3) the signatures were made in his actual
25 presence and (4) to the best of his knowledge, the signatures
26 are those of the persons whose names they purport to be. In
27 determining the sufficiency of the petition, the secretary of
28 state shall not count subscriptions on petitions not properly
29 certified.

1 Sec. 9.85. FILING OF PETITION. No petition may be filed
2 within less than 180 days of the termination of the term of
3 office of any state public official subject to recall. The
4 sponsor may file the petition only if signed by qualified voters
5 equal in number to 25 per cent of those who voted in the pre-
6 ceding general election in the state or in the senate or elec-
7 tion district of the official sought to be recalled.

8 Sec. 9.86. REVIEW OF PETITION. The secretary of state
9 shall review the petition within 30 days of the date of filing
10 and shall notify the recall committee and the person subject to
11 recall whether the petition was properly or improperly filed.
12 Upon request from the secretary of state, election officials
13 shall assist in determining the qualification of doubtful sub-
14 scribers.

15 Sec. 9.87. BASES FOR DETERMINING THE PETITION WAS IMPROP-
16 ERLY FILED. The secretary of state shall notify the committee
17 that the petition was improperly filed if he determines that
18 (1) there is an insufficient number of qualified subscribers, or
19 (2) the petition was filed within less than 180 days of the
20 termination of the term of office of the official subject to
21 recall.

22 Sec. 9.88. SUBMISSION OF SUPPLEMENTARY PETITION. Upon re-
23 ceipt of notice that the filing of the petition was improper,
24 the committee may amend and correct the petition by circulating
25 and filing a supplementary petition within 20 days of the date
26 that notice was given, if filed within less than 180 days of
27 the termination of the term of office of the person subject to
28 recall.

29 Sec. 9.89. CALLING SPECIAL ELECTION. If the secretary of

1 state determines the petition is properly filed and if the
2 office is not vacant, he shall prepare the ballot and shall
3 call a special election to be held on a date within not less than
4 60, nor more than 90 days after the date that notification is
5 given that the petition was properly filed. If a primary or
6 general election is to be held within not less than 60, nor more
7 than 90, days after the date that notification is given that
8 the petition was properly filed, the special election shall be
9 held on the date of the primary or general election.

10 Sec. 9.90. PREPARATION OF BALLOT. The ballot shall be
11 designed with the question of whether the public official shall
12 be recalled, placed on the ballot in the following manner:

13 "Shall _____ be recalled from the office of
14 _____?" Provision shall be made for marking the
15 question "Yes" or "No."

16 Sec. 9.91. CONDUCT OF SPECIAL ELECTION. Unless specifically
17 provided otherwise, all provisions regarding the conduct of a
18 general election shall govern the conduct of a special election
19 for the recall of a state public official, including, but not
20 limited to, provisions concerning voter qualification; provisions
21 regarding duties, powers, rights and obligations of the secretary
22 of state, of other election officials, and of cities and organized
23 boroughs; provision for notification of the election; provision
24 for the payment of election expenses; provisions regarding em-
25 ployees being allowed time from work to vote; provisions for
26 counting, canvassing and certification of returns; provision for
27 the determination of votes and of recount contests and court
28 appeal; and provisions for absentee voting and the use of voting
29 machines.

1 Sec. 9.92. DISPLAY OF BASIS FOR AND AGAINST RECALL. The
2 secretary of state shall provide each election board in the
3 state or in the senate or election district of the person sub-
4 ject to recall with ten copies of the statement of the grounds
5 for recall included in the application and ten copies of the
6 statement of not more than 200 words made by the official sub-
7 ject to recall in justification of his conduct in office. The
8 person subject to recall may provide the secretary of state with
9 his statement within ten days after the date the secretary of
10 state gave notification that the petition was properly filed.
11 The election board shall post three copies of the statements
12 for and against recall in three conspicuous places in the polling
13 place.

14 Sec. 9.93. CERTIFICATION OF ELECTION RESULTS. If a
15 majority of the votes cast on the question of recall favor the
16 removal of the official, the secretary of state shall so certify
17 and the office is vacant on the day after the date of certifica-
18 tion.

19 Sec. 9.94. FILLING VACANCY. A vacancy caused by a recall
20 is filled as a vacancy caused by any other means is filled.

21 Sec. 9.95. INSUFFICIENCY OF GROUNDS, APPLICATION, OR
22 PETITION. No recall submitted to the voters shall be held void
23 because of the insufficiency of the grounds, application, or
24 petition by which the submission was procured.

25 Sec. 9.96. JUDICIAL REVIEW. Any person aggrieved by any
26 determination made by the secretary of state may have the deter-
27 mination reviewed within 30 days of the date on which notice of
28 determination was given by any appropriate remedy in the superior
29 court.

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ARTICLE X

CONSTITUTIONAL AMENDMENTS AND CONVENTIONS

Part 1. Constitutional Amendments

Sec. 10.01. PREPARATION OF PROPOSITION FOR CONSTITUTIONAL AMENDMENT. The secretary of state shall prepare a ballot title and proposition for each amendment to the state constitution proposed by the legislature or by a constitutional convention.

Sec. 10.02. DESCRIPTION OF BALLOT TITLE AND PROPOSITION. The ballot title shall, in not more than six words, indicate the general subject area of the act. The proposition shall, in not more than 100 words, give a true and impartial summary of the amendment proposed.

Sec. 10.03. PLACING PROPOSITION ON BALLOT. The secretary of state shall place the ballot title and proposition on the ballot for the next statewide general, primary, or special election held after the amendment proposed by the legislature or held 120 days after the amendment proposed by a constitutional convention. If there is insufficient time to permit the proposition from being placed on the regular ballot by the secretary of state, the secretary of state shall direct election officials to prepare the ballot for the proposition.

Sec. 10.04. DISPLAY OF RESOLUTION. The secretary of state shall provide each election board with ten copies of the resolution proposing the constitutional amendment by the legislature or by the convention, and the election board shall display three copies of the resolution in a conspicuous place in the room where the election is held.

Sec. 10.05. CERTIFICATION OF VOTE. If a majority of the votes cast on the proposition favor the amendment, the

1 constitutional amendment is adopted, and the secretary of state
2 shall so certify.

3 Sec. 10.06. EFFECTIVE DATE. Unless otherwise provided in
4 the amendment, it becomes effective 30 days after certification.

5 Part 2. Constitutional Conventions

6 Sec. 10.51. PLACING QUESTION OF CONSTITUTIONAL CONVENTION
7 ON BALLOT. If during any ten-year period a constitutional con-
8 vention has not been held, and the question of holding a con-
9 stitutional convention has not been placed before the voters,
10 the secretary of state shall place the question on the ballot
11 for the next regular statewide general or primary election.

12 Sec. 10.52. CERTIFICATION OF VOTE. If a majority of the
13 votes cast on the question are in the affirmative, the secretary
14 of state shall so certify and shall issue the call for the
15 convention.

16 Sec. 10.53. TIME AND MANNER OF SELECTING DELEGATES. Dele-
17 gates to the convention shall be elected at the next state-
18 wide general election in the number and manner prescribed in the
19 call for the convention by the secretary of state or as provided
20 by law.

21 Sec. 10.54. CERTIFICATION OF CONSTITUTIONAL AMENDMENT BY
22 CONVENTION. The chairman of the constitutional convention shall
23 certify to the secretary of state each proposed amendment to
24 the constitution adopted by the constitutional convention.

25 ARTICLE XI

26 ELECTION OFFENSES AND PENALTIES

27 Sec. 11.01. DEFINITION OF "PERSON." For purposes of this
28 Article, the term "person" means any individual and where con-
29 sistent with collective capacity, a committee, firm, partnership,

1 company, corporation, club, organization, association, or
2 other combination of individuals.

3 Sec. 11.02. UNDUE INFLUENCE BY FORCE. Any person who
4 directly or indirectly uses or threatens to use force, coercion,
5 violence or restraint or who inflicts or threatens to inflict
6 any temporal or spiritual injury, damage, harm, or loss upon
7 or against any person to induce or compel the person to vote
8 or refrain from voting for any candidate in any election or for
9 any election proposition or question, is guilty of a corrupt
10 practice and upon conviction is punished as for a misdemeanor.

11 Sec. 11.03. UNDUE INFLUENCE BY OFFER. Any person who
12 gives or promises to give, or offers any money or valuable
13 thing to any person with the intent to induce him to vote for
14 or restrain from voting for any candidate at any election or
15 for any election proposition or question, is guilty of a corrupt
16 practice and upon conviction is punished as for a misdemeanor.

17 Sec. 11.04. PUBLICATION WITHOUT IDENTIFICATION. Any per-
18 son who writes, prints or circulates, or causes to be written,
19 printed or circulated, any letter, circular, bill, placard,
20 poster or other publication relating to any election or to any
21 candidate at any election or to any election proposition or
22 question without the same bearing on its face, the name and
23 address of the author, printer and publisher thereof, is guilty
24 of a corrupt practice and upon conviction is punished as for a
25 misdemeanor.

26 Sec. 11.05. PUBLICATION OF FALSE STATEMENT. Any person
27 who writes, prints or circulates, or who shall cause to be
28 written, printed or circulated, any letter, circular, bill, pla-
29 card, or poster, or who causes any paid advertisement to be placed

1 in a newspaper or any other publication, or who pays or con-
2 tributes to the payment for any such advertisement, or who makes
3 any radio broadcast, knowing the letter, circular, bill, placard,
4 poster, publication, paid advertisement or radio broadcast to
5 contain any false statement, charge or comment relating to any
6 candidate at any election or to any election proposition or
7 question, is guilty of a corrupt practice and upon conviction
8 is punished as for a misdemeanor.

9 Sec. 11.06. IMPROPER EXHIBITION OF BALLOT. Any voter who
10 wilfully exhibits his ballot to any person so as to enable an
11 election official or any other person to ascertain how the
12 voter marked his ballot, is guilty of a misdemeanor.

13 Sec. 11.07. IMPROPER POSSESSION OF BALLOT. Any person,
14 other than an election official, or other person authorized by
15 law or by the secretary of state who has in his possession out-
16 side of the voting room any official ballot, is guilty of a
17 misdemeanor.

18 Sec. 11.08. COUNTERFEITING OF BALLOT. Any person who makes,
19 or knowingly has in his possession, any counterfeit of an offi-
20 cial ballot is guilty of a misdemeanor.

21 Sec. 11.09. REFUSAL TO ALLOW EMPLOYEES TIME-OFF. Any
22 employer who refuses to allow an employee time off for the purpose
23 of voting, or who, after allowing the time off, deducts the time
24 from the wages of the employee, is guilty of a misdemeanor and
25 upon conviction is punished by a fine not exceeding \$50.00.

26 Sec. 11.10. IMPROPER DISCLOSURE OF VOTE. Any election
27 official who, while the polls are open, opens any ballot re-
28 ceived from a voter at any election, or marks a ballot by fold-
29 ing or otherwise, so as to be able to recognize it, or otherwise

1 attempts to learn how any voter marked his ballot, or allows
2 the same to be done by any other person, is guilty of a misde-
3 meanor.

4 Sec. 11.11. IMPROPER CASTING OF EXHIBITED BALLOT. Any
5 election official who places in the ballot box any ballot known
6 to the official to have been unlawfully exhibited by the voter,
7 is guilty of a misdemeanor.

8 Sec. 11.12. GENERAL PENALTY PROVISION. Any person who
9 wilfully violates any provision of the election code for which
10 no specific penalty is provided, is guilty of a misdemeanor.

11 Sec. 11.13. WRITING OF FALSE STATEMENT. Any person who is
12 the author of any published letter, circular, poster, bill,
13 publication, or placard that contains any false statement or
14 false charges reflecting on the character, morality or integrity
15 of any candidate at any election, is guilty of a corrupt practice
16 and upon conviction, is punished as for a felony.

17 Sec. 11.14. VOTING IN FALSE NAME. Any person who votes
18 or attempts to vote in the name of another person or in any
19 name other than his own, is guilty of a felony.

20 Sec. 11.15. UNDUE INFLUENCE OF ELECTION OFFICIAL. Any
21 person who by force, threat, intimidation, or offers of reward
22 induces or attempts to induce any election official to fail in
23 his duty is guilty of a felony.

24 Sec. 11.16. IMPROPER CHANGE OF ELECTION RETURNS. Any per-
25 son who fraudulently changes or causes to be changed the election
26 returns or attempts to do the same, is guilty of a felony.

27 Sec. 11.17. IMPROPER DELAY OF ELECTION RETURNS. Any per-
28 son who fraudulently delays or causes to be delayed the elec-
29 tion returns, or attempts to do so, is guilty of a felony.

1 Sec. 11.18. VOTING MORE THAN ONCE. Any person who votes
2 or attempts to vote more than once at the same election, is guilty
3 of a felony.

4 Sec. 11.19. IMPROPER SUBSCRIPTION TO PETITION. Any person
5 who signs any name other than his own to a petition proposing
6 an initiative, referendum, or recall, or who signs his name more
7 than once for the same proposition or question at one election,
8 or who signs the petition knowing he is not a qualified voter,
9 is guilty of a felony.

10 Sec. 11.20. IMPROPER DISTRIBUTION AND PRINTING OF BALLOTS.
11 Any person contracted or employed by the state to print or re-
12 produce in any manner any official ballot who appropriates to
13 himself, or gives or delivers to, or knowingly permits to be
14 taken by anyone other than a person authorized by the secretary
15 of state, any official ballots, or who knowingly prints or
16 reproduces or causes to be printed or reproduced any official
17 ballots in any other form or with any other content than that
18 prescribed by law or as directed by the secretary of state,
19 is guilty of a felony.

20 Sec. 11.21. FALSE SWEARING. Any person who wilfully makes
21 a false affidavit or swears falsely under any oath required by
22 the election code, or who wilfully swears or affirms falsely
23 under an oath required by the election code, is guilty of per-
24 jury.

25 Sec. 11.22. IMPROPER INFLUENCE OF ELECTION BY ELECTION
26 OFFICIALS. Any election official who wilfully fails to perform
27 any election duty or knowingly does any unauthorized act with
28 the intent to affect the election or its results, is guilty of
29 a felony.

1 Sec. 11.23. FALSE COUNT BY ELECTION OFFICIALS. Any elec-
2 tion official who wilfully permits or makes or attempts to make
3 any false count of the election returns, is guilty of a felony.

4 Sec. 11.24. CONCEALMENT OF RETURNS BY ELECTION OFFICIALS.
5 Any election official who wilfully conceals, withholds, or
6 destroys the election returns or attempts to do so, is guilty
7 of a felony.

8 Sec. 11.25. GENERAL PENALTY FOR MISDEMEANOR. Any person
9 found guilty of a misdemeanor under the provisions of the
10 election code is, unless specifically provided otherwise,
11 punished by a fine of not less than \$100.00 nor more than
12 \$1,000.00 or by imprisonment in jail for not more than one year,
13 or by both the fine and imprisonment.

14 Sec. 11.26. GENERAL PENALTY FOR FELONY. Any person found
15 guilty of a felony under the provisions of the election code
16 is, unless specifically provided otherwise, punished by a fine
17 of not less than \$500.00 nor more than \$3,000.00 or by imprison-
18 ment in the penitentiary for not more than five years, or by
19 both the fine and imprisonment.

20 Sec. 11.27. PENALTY FOR PERJURY. Any person found guilty
21 of perjury is punished by imprisonment in the penitentiary for
22 not less than one, nor more than five years.

23 Sec. 11.28. PENALTY FOR CORRUPT PRACTICE. Any person
24 nominated or elected to any state public office who is convicted
25 of a corrupt practice, as provided in this act, is punished,
26 in addition to all other punishment, by being deprived of the
27 nomination or office, as the case may be, and the vacancy is
28 filled as any other vacancy.

29 Sec. 11.29. TIME LIMITATION. No prosecution for any

1 offense provided in this code may be maintained unless it is
2 commenced within one year after the date of the election in
3 connection with which the offense is alleged to have been com-
4 mitted.

5 ARTICLE XII

6 FORMAL PROVISIONS

7 Sec. 12.01. DEFINITIONS. As used in this code, unless the
8 context otherwise requires:

9 (1) "Election" includes any general, party primary,
10 or special election.

11 (2) "Oath" includes affirmation; "sworn" includes
12 affirmed.

13 (3) "Proposition" means any initiative, referendum,
14 or constitutional amendment submitted at an election to the
15 public for vote.

16 (4) "Question" means any issue placed on the ballot
17 to determine whether a judge or justice shall be accepted or
18 rejected, whether a constitutional convention shall be called,
19 whether a state debt shall be contracted, or whether a state
20 official shall be recalled.

21 (5) "Borough clerk" means any officer in a borough
22 who has duties comparable to the duties of the city clerk.

23 (6) "Election magistrate" means that district magis-
24 trate or deputy magistrate designated to assist in the adminis-
25 tration of elections in one of the election districts.

26 (7) "Political party" means a group of organized
27 voters which represents a political program and which nominated
28 a candidate for governor who received at least ten per cent of
29 the total vote cast at the last preceding general election for

1 governor.

2 (8) "Presidential election year" means the year 1960
3 and every fourth year thereafter, or any other year in which
4 the presidential electors are elected.

5 (9) "General election" means the election held on
6 the Tuesday after the first Monday in November of even-numbered
7 years.

8 (10) Words importing the singular include the plural.

9 (11) Words importing the plural include the singular.

10 (12) Words importing the masculine gender include
11 the feminine.

12 (13) The present tense includes the future.

13 (14) "Signature" or "subscription" includes a mark
14 intended as a signature or subscription.

15 (15) "Secretary of state" includes any appointed sec-
16 retary of state, governor, or acting governor if a vacancy has
17 occurred in the office of secretary of state or governor.

18 (16) "Election official" means city and borough clerks,
19 election magistrates, and election judges, clerks and coun-
20 ters.

21 (17) "Election district" means the territory des-
22 cribed in Section 3 of Article XIV of the state constitution,
23 as may be modified pursuant to Article VI of the state con-
24 stitution.

25 (18) "Senate district" means the territory included
26 in the election districts as designated in Section 2 of Article
27 XIV of the state constitution, as may be modified pursuant to
28 Article VI of the state constitution.

29 (19) "Precinct" means the territory within which

1 resident voters may cast their vote at one polling place.

2 (20) "City" means the unit of local government
3 incorporated as provided by law pursuant to Section 7 of Article
4 X of the state constitution.

5 (21) "Borough" means the unit of local government
6 organized as provided by law pursuant to Section 3 of Article
7 X of the state constitution.

8 (22) "Vacancy" exists in an office when the person
9 elected or appointed to the office resigns, retires, dies, is
10 recalled, is rejected by majority vote on the question at an
11 election, is convicted of a corrupt practice, is removed by
12 impeachment, or is expelled.

13 (23) "Voter" means any person who presents himself
14 for the purpose of voting either in person or by absentee ballot.

15 (24) "Qualified voter" means any person who has the
16 qualification of a voter and is not disqualified as provided by
17 Article V of the state constitution.

18 (25) "Special election" means any election held at
19 a time other than when the general or party primary election is
20 held and any election called to be held with, and at the time
21 of, the general or party primary election.

22 (26) "Shall" is used in an imperative sense.

23 (27) "May" is used in a permissive sense.

24 (28) "Party district committee" means the political
25 party committee that performs the executive function on an in-
26 termediate regional basis representing an area larger than the
27 precinct or city and smaller than the state.

28 Sec. 12.02. SHORT TITLE. This act may be cited as the
29 "Alaska Election Code."

1 Sec. 12.03. REPEALS. The following laws and parts of laws
2 are repealed: Sections 38-1-1, 38-1-2, 38-1-3, 38-1-4, 38-1-5,
3 38-1-6, 38-1-7, 38-1-8, 38-1-9, 38-4-2, 38-4-6, 38-4-7, 38-4-9,
4 38-4-10, 38-4-11, 38-4-12, 38-5-2, 38-5-3, 38-5-4, 38-5-5,
5 38-5-6, 38-5-7, 38-5-8, 38-5-9, 38-5-10, 38-5-11, 38-5-12,
6 38-5-13, 38-5-14, 38-5-15, 38-5-16, 38-5-17, 38-5-18, 38-5-19,
7 38-5-21, 38-5-22, 38-5-23, 38-5-24, 38-5-25, 38-5-26, 38-5-27,
8 38-5-28, 38-5-29, 38-5-30, 38-6-1, 38-6-2, 38-6-3, 38-6-4,
9 38-6-5, 38-6-6, 38-6-7, 38-7-2, 38-7-3, 38-7-4, 38-7-5, 38-7-7,
10 38-7-8, 38-7-9, 38-7-10, 38-7-11, 38-7-12, 38-7-13, 38-7-15,
11 38-8-1, 38-8-2, 38-8-4, 38-9-5, 38-9-7, 38-9-8, 38-9-9, 38-9-10,
12 38-9-11, ACLA 1949.

13 Sec. 38-4-1, ACLA 1949, as amended by Sec. 1, Ch. 17, SLA
14 1953, as amended by Sec. 1, Ch. 191, SLA 1959; Sec. 38-4-3, ACLA
15 1949, as amended by Sec. 2, Ch. 191, SLA 1959; Sec. 38-4-4, ACLA
16 1949, as amended by Sec. 1, Ch. 41, SLA 1959; Sec. 38-4-5,
17 ACLA 1949, as amended by Sec. 2, Ch. 17, SLA 1953; Sec. 38-4-8,
18 ACLA 1949, as amended by Sec. 3, Ch. 17, SLA 1953; Sec. 38-5-1,
19 ACLA 1949, as amended by Sec. 3, Ch. 191, SLA 1959; Sec. 39-5-20,
20 ACLA 1949, as amended by Sec. 2, Ch. 137, SLA 1953; Sec. 38-5-31,
21 ACLA 1949, as amended by Sec. 1, Ch. 54, SLA 1949; Sec. 38-7-1,
22 ACLA 1949, as amended by Sec. 1, Ch. 62, SLA 1949; Sec. 38-7-6,
23 ACLA 1949, as amended by Sec. 1, Ch. 49, SLA 1949; Sec. 38-9-1,
24 ACLA 1949, as amended by Sec. 1, Ch. 135, SLA 1953; Sec. 38-9-2
25 ACLA 1949, as amended by Sec. 1, Ch. 58, SLA 1949, as amended
26 by Sec. 2, Ch. 135, SLA 1953, as amended by Sec. 2, Ch. 144,
27 SLA 1955; Sec. 38-9-3, ACLA 1949, as amended by Sec. 5, Ch.
28 135, SLA 1953; Sec. 38-9-4, ACLA 1949, as amended by Sec. 6,
29 Ch. 135, SLA 1953; Sec. 38-9-6, ACLA 1949, as amended by Sec. 1,

1 Ch. 144, SLA 1955; Sec. 38-9-12, ACLA 1949, as amended by Sec.
2 7, Ch. 135, SLA 1953, as amended by Sec. 3, Ch. 144, SLA 1955.

3 Sec. 1, Ch. 137, SLA 1953; Ch. 23, SLA 1953; Ch. 12, ESLA
4 1955; Ch. 27, SLA 1955; Ch. 55, SLA 1959; Secs. 3 and 4, Ch. 135,
5 SLA 1953; Ch. 177, SLA 1955.

6 Sec. 12.04. APPLICABILITY OF THIS CODE. The term of office
7 of members of the state legislature appointed by the governor to
8 fill vacancies in the legislature before the effective date
9 of this code is governed by the applicable provisions of this
10 code. Any proposal to file an application for an initiative
11 which has not been certified by the secretary of state before
12 the effective date of this code is governed by the applicable
13 provisions of this code. Any proceedings to file an initiative
14 petition when the application has been certified before the
15 effective date of this code, is not governed by the provisions
16 of this code, but election procedure relating to the prepara-
17 tion of the ballot, the manner of holding, and conduct of
18 the election, shall conform to the provisions of this code.

19 Sec. 12.05. EFFECTIVE DATE. This act takes effect on
20 the day after its passage and approval or on the day it becomes
21 law without such approval.