

ALASKA ELECTION CODE
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Sec. 12.05. EFFECTIVE DATE

88

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR 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 a
8 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 speak the English language
22 unless prevented by physical disability, or who legally voted in
23 the general election of November 4, 1924.

24 Sec. 1.02. RULES FOR DETERMINING RESIDENCE OF VOTER. For
25 the purpose of determining residence for voting, the place of
26 residence of any person is governed by the following rules:

- 27 (1) The residence of a person is that place in which
28 his habitation is fixed, and to which, whenever he is absent,
29 he has the intention to return.

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

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

9 (4) A person does not gain or lose a residence solely
10 by reason of his presence or absence while employed in the ser-
11 vice of the United States or of this state, or while a student
12 of any institution of learning, or while kept in any institu-
13 tion or asylum at public expense, or while confined in any public
14 prison or while residing upon any Indian or military reservation.

15 (5) No member of the armed forces of the United States
16 is a resident of this state solely by reason of being stationed
17 within the state.

18 (6) A person does not lose his residence if he leaves
19 his home and goes to another country, state, or place within
20 this state for temporary purposes only and with the intention of
21 returning.

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

24 (8) A person loses his residence in this state if he
25 votes in an election held in another state, and has not upon his
26 return regained his residence in Alaska under the provisions of
27 this code.

28 (9) The term of residence is computed by including
29 the day on which the person's residence commences and by excluding

1 the day of election.

2 Sec. 1.03. VOTER DISQUALIFICATION FOR FELONY CONVICTION.

3 No person may vote who has been convicted either by the state
4 courts of Alaska, by the courts of any other state or by the
5 federal courts, of a felony under Alaska law involving moral tur-
6 pitude under Alaska law unless his civil rights have been res-
7 tored by law or by the proper authority in the jurisdiction in
8 which the person was convicted. Felonies involving moral turpi-
9 tude include, but are not limited to, the crimes of murder,
10 abortion, rape, robbery, kidnapping, burglary, incest, and other
11 crimes which are punishable by imprisonment in the penitentiary
12 under Alaska law and which involve conduct contrary to justice,
13 honesty, modesty, or good morals.

14 Sec. 1.04. VOTER DISQUALIFICATION FOR UNSOUND MIND. No
15 person may vote who has been judicially determined to be of un-
16 sound mind unless the disability has been removed.

17 ARTICLE II

18 ELECTION DISTRICTS AND OFFICIALS

19 Sec. 2.01. PRECINCT BOUNDARIES INITIALLY ESTABLISHED. The
20 state is divided into the election precincts as established for
21 the general election of October, 1958, or as subsequently amended
22 as prescribed by law, and shall remain so divided until the
23 precinct boundaries are modified, or the precinct is abolished
24 or a precinct is established as required by the provisions of
25 this code.

26 Sec. 2.02. PRECINCT BOUNDARIES MODIFIED BY SECRETARY OF
27 STATE. The secretary of state shall have the exclusive power to
28 modify the boundary of any precinct and to establish or abolish
29 any precinct and polling place in the state by rules adopted

1 pursuant to the Administrative Procedure Act.

2 Sec. 2.03. UNIFORM PRECINCT BOUNDARIES AND POLLING PLACES
3 REQUIRED FOR STATE AND LOCAL ELECTIONS. The precinct boundaries
4 and polling places established by the secretary of state shall
5 be the polling places and boundaries for both state and local
6 elections. The secretary of state by regulation pursuant to the
7 provisions of the Administrative Procedure Act may authorize the
8 combining, consolidation, or altering of precinct boundaries and
9 polling places for local elections.

10 Sec. 2.04. RESTRICTION ON PRECINCT BOUNDARY MODIFICATION.
11 No precinct may include territory lying within more than one
12 election district.

13 Sec. 2.05. GENERAL DUTY AND STANDARDS FOR PRECINCT BOUN-
14 DARY MODIFICATION. The secretary of state shall modify the
15 boundary of any precinct, and shall establish or abolish any
16 precinct if the action serves the convenience of the voters and
17 assures the efficient administration of election laws.

18 Sec. 2.06. SPECIFIC DUTY AND STANDARD FOR PRECINCT BOUNDARY
19 MODIFICATION. If at any election more than 500 voters cast paper
20 ballots or more than 700 voters cast voting machine ballots in
21 one precinct, the secretary of state shall modify the boundary
22 of the precinct to prevent the casting of paper ballots by more
23 than 500 voters or the casting of voting machine ballots by more
24 than 700 voters in the precinct at the next election.

25 Sec. 2.07. PRECINCT BOUNDARY IDENTIFICATION. Each precinct
26 shall be given an appropriate name or number and be clearly de-
27 fined so the boundaries can be readily determined.

28 Sec. 2.08. DATES FOR DESIGNATING PRECINCT BOUNDARY. The
29 secretary of state shall designate the boundaries of all precincts

1 for the primary and general election on May 1 of each general
2 election year, and for every special election held at a time other
3 than with a general or primary election, on a date not more than
4 40 days prior to the date of the special election.

5 Sec. 2.09. NOTICE OF PRECINCT BOUNDARY DESIGNATION AND
6 MODIFICATION. The secretary of state shall give full public
7 notice when precinct boundaries are designated and when the
8 boundaries of any precinct are modified or when a precinct is
9 established or abolished. Public notice shall include, but is not
10 limited to, the publication on three different days in a daily
11 newspaper of general circulation, if such a newspaper is published
12 in the election district wherein the precinct is located, and
13 by posting written notice in three conspicuous places therein.

14 Sec. 2.10. JUDICIAL REVIEW OF PRECINCT BOUNDARY. Any per-
15 son aggrieved by any determination of precinct boundaries by the
16 secretary of state may bring a civil action to have the deter-
17 mination reviewed by any appropriate remedy in the superior
18 court.

19 Sec. 2.11. APPOINTMENT OF ELECTION SUPERVISORS. The secre-
20 tary of state shall appoint an election supervisor for each of
21 the four major senate districts, described in Sec. 2, Article
22 XIV of the state constitution to assist in the administration of
23 elections within their respective senate districts. Election
24 supervisors shall be appointed to serve for a term to begin in
25 more than 60 days prior to the date of the primary or special
26 election and ending in more than 10 days after the date of the
27 general or special election. Election supervisors shall receive
28 \$17.50 each day and the same per diem and travel expense paid
29 state employees when traveling. Executive department employees

1 shall be appointed election supervisors whenever feasible and
2 shall serve without additional compensation.

3 Sec. 2.12. APPOINTMENT OF ELECTION BOARD OUTSIDE CITIES AND
4 BOROUGHS. The election supervisors for each senate district
5 shall appoint within their district an election board, composed
6 of three judges, for each precinct outside organized boroughs
7 and cities from among the qualified voters of each of the pre-
8 cincts for which they are appointed. One judge shall be desig-
9 nated chairman and be primarily responsible for the administra-
10 tion of the election in the precinct. The other two judges shall
11 perform the duties of clerks of the election. No more than two
12 judges shall be of the same political party. At the time of mak-
13 ing the appointments, the election supervisor shall notify the
14 secretary of state the name and full local mailing address of the
15 designated chairman and other judges of the election board in
16 each precinct.

17 Sec. 2.13. APPOINTMENT OF COUNTER BY ELECTION SUPERVISORS.
18 The election supervisors shall also appoint two persons as coun-
19 ters of ballots in each precinct outside organized boroughs and
20 cities in which the number of paper ballot votes cast exceeded
21 200 in the last preceding primary or general election. The
22 appointments shall be made from among the qualified voters in the
23 precincts from which they are appointed, with the two counters
24 not being of the same political party. The secretary of state
25 shall determine and notify each election supervisor of the desig-
26 nated precincts in which the law requires counters to be
27 appointed.

28 Sec. 2.14. APPOINTMENT OF ELECTION BOARD IN BOROUGH. The
29 election supervisor shall appoint an election board, composed of
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1 three judges and two clerks, for each precinct in the cities and
2 borough from among the qualified voters in precincts from which
3 they are appointed. One judge shall be designated chairman and
4 be primarily responsible for the administration of the election
5 in the precinct. No more than two judges and one clerk may be
6 of the same political party. Election boards in local government
7 unit elections shall be appointed by the appropriate local
8 government unit for all local elections.

9 Sec. 2.15. APPOINTMENT OF NOMINEES FOR JUDGES, CLERKS AND
10 COUNTERS. Whenever the appointment of election judges, clerks,
11 or counters is required, the party district committee of the
12 political party of which the governor is a member may present in
13 writing at least 45 days before the election, to the election
14 supervisor, the names of two party nominees for judges, one for
15 clerk, and one for counter in any or all election precincts and
16 the election supervisor shall appoint the party nominees to the
17 respective precinct election boards. The party district committee
18 of the political party which received the second largest number
19 of votes in the preceding general election may present to the
20 election supervisor the name of one party nominee for judge, one
21 for clerk and one counter for any or all election precincts and
22 the election supervisor shall appoint the party nominees to the
23 respective precinct election boards. If the party district com-
24 mittee fails to present the names prescribed by this section,
25 the election supervisor may appoint any qualified person.

26 Sec. 2.16. DATE AND NOTICE OF APPOINTMENT OF ELECTION BOARD
27 AND COUNTERS. The election supervisor shall make his appointments
28 and give notice thereof at least 30 days prior to the date of any
29 election.

1 administrative supervision over the conduct of state elections
2 and may issue any regulations pursuant to the Administrative
3 Procedure Act necessary for the administration of elections to
4 protect the interest of the voter and assure administrative
5 efficiency.

6 Sec. 3.02. DATE OF GENERAL ELECTION. The general election
7 is held on the Tuesday after the first Monday in November in
8 every even numbered year.

9 Sec. 3.03. PREPARATION OF OFFICIAL BALLOT. The secretary
10 of state shall prepare the official general and separate ballot
11 to facilitate fairness, simplicity, and clarity in the voting pro-
12 cedure, to reflect most accurately the intent of the voter, and
13 to expedite the administration of elections. The following
14 directives shall be followed when applicable.

15 (1) The secretary of state shall determine the size of
16 the ballot, the type of print, any necessary additional instruc-
17 tion notes to voters, and other similar matters of form not
18 provided by law.

19 (2) The general election ballot shall be printed on
20 white paper with the names of candidates placed in separate columns
21 for each political party as indicated by column headings. Candi-
22 dates shall be grouped according to offices, with each office, ex-
23 cept the secretary of state, having a separate section. The sec-
24 retary of state and governor shall be included in the same section.
25 The left column shall be that of the political party receiving the
26 largest vote at the preceding general election. Provision shall be
27 made for voting for write-in candidates and for voting a straight
28 party ticket by marking only one designated square.

29 (3) The general election ballot shall be designed with
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1 the position of names of the candidates changed in each section
2 as many times as there are candidates in the section in which
3 there are the most names. As nearly as possible, an equal number
4 of ballots shall be printed after each change. In making the
5 changes of position, the name of the candidate at the head of
6 each section shall be taken and placed at the bottom of the sec-
7 tion and the column moved up so that the name that before was
8 second is first after the change. After the ballots are printed,
9 they shall be placed in separate stacks, one stack for each
10 change of position. The ballots shall then be gathered by taking
11 one from each stack, the intention being that every other ballot
12 in the accumulated stack of ballots shall have the names of the
13 candidates in a different position.

14 (4) The general election ballot shall be designed with
15 the names of candidates of each political party for the office
16 of president and vice-president of the United States placed in
17 the same section on the ballot rather than the names of electors
18 of president and vice-president.

19 (5) The general or special election ballot shall be
20 designed with the title and proposition for any initiative, re-
21 ferendum, or constitutional amendment formulated as prescribed by
22 law and placed on the ballot in the manner prescribed by the
23 secretary of state. Provision shall be made for marking the
24 proposition "For" or "Against."

25 (6) The general or special election ballot shall be
26 designed with the question of whether a constitutional convention
27 shall be called placed on the ballot in the following manner:
28 "Shall there be a constitutional convention?" Provision shall be
29 made for marking the question "Yes" or "No."

1 (7) A separate statewide or judicial district-wide
2 ballot shall be designed with the question of whether a justice
3 or judge seeking to succeed himself shall be approved or rejected
4 in substantially the following manner: "Shall _____ be
5 retained as justice of the supreme court for ten years?" or
6 "Shall _____ be retained as judge of the superior court
7 for six years?" Provision shall be made for marking the question
8 "Yes" or "No."

9 (8) When the legislature by law authorizes a state
10 debt for capital improvements, the secretary of state shall place
11 the question of whether the specific authorization shall be rati-
12 fied by placing on the next statewide election ballot the ques-
13 tion in the following manner: "Shall the state debt for capital
14 improvements authorized by Chapter _____, SLA _____, entitled
15 'An Act _____' be ratified?" Provisions
16 shall be made for marking the question "Yes" or "No."

17 Sec. 3.04. PREPARATION OF OTHER ELECTION MATERIALS. The
18 secretary of state shall prescribe the form of and prepare tinted
19 sample ballots, the original and duplicate registers, oaths of
20 office of judges, challenge oaths, tally sheets, instructions to
21 voters, warning notices and other forms and supplies required
22 for the election.

23 Sec. 3.05. DISTRIBUTION OF ELECTION MATERIALS. The secre-
24 tary of state shall distribute an adequate supply of sample and
25 official ballots, registers, oaths, and other forms and supplies
26 required for the election to the election supervisors for dis-
27 tribution to chairmen of election boards in precincts not less
28 than 25 days before the date for the election.

29 Sec. 3.06. PROCUREMENT OF POLLING PLACES AND OTHER SUPPLIES.

1 At least 10 days before the date of the election, the election
2 supervisor shall secure polling places for holding the election,
3 including alternate emergency locations, suitable ballot boxes
4 which will assure security and an adequate number of voting booths
5 or screens, pens, and pencils. Not less than one voting booth
6 or screen shall be furnished for each 100 votes or fractional part
7 thereof, cast in the previous election. The secretary of state
8 may issue rules prescribing the type of polling place for hold-
9 ing the election and the requirements regarding ballot boxes,
10 voting booths, screens, and other supplies to assure administra-
11 tive economy and to protect the secrecy of the ballot. The state,
12 through the office of secretary of state, shall pay the cost of
13 any necessary election expenses incurred in securing a place for
14 holding the election, a suitable ballot box, and an adequate
15 number of voting booths, screens, and other supplies.

16 Sec. 3.07. PUBLIC NOTICE OF ELECTION REQUIRED. At least 10
17 days before the date of the election the secretary of state shall
18 give, and is authorized to contract to give, full public notice
19 of the election and may select any manner reasonably calculated
20 to give actual knowledge of the election to the voters. Public
21 notice shall include, but is not limited to, the posting of
22 written notice in three conspicuous places in each precinct and
23 printed notice for three days in five daily newspapers of general
24 circulation in the state. The secretary of state shall prescribe
25 the manner of notice which shall be given by election boards.
26 The notice shall specifically include, but is not limited to,
27 the date of the election, the boundary of the precinct, the loca-
28 tion of the polling place, the hours between which the polling
29 places will be open, the offices to which candidates are to be

1 nominated or elected, and the subject of the propositions and of
2 questions which are to be voted upon. Additional notice may be
3 given by use of newspapers, television, radio, printed posters,
4 and any similar means of communication. The state, through the
5 office of secretary of state, shall pay the cost of any necessary
6 election expenses incurred in giving notice of any election.

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

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

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

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

1 having himself subscribed to the oath, may administer the oath to
2 another judge.

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

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

13 Sec. 3.14. PERMITTED USE OF UNOFFICIAL BALLOTS. If no
14 official ballots or election supplies are received, or if an
15 insufficient number of either are received, or if either have been
16 destroyed or lost, the election board shall provide, and the
17 voters may use, substitute ballots and other election materials
18 to indicate the intent of the voter. The election board shall
19 certify to the facts which prevented the use of the official
20 ballots and materials and shall include the certificate in the
21 election returns to the secretary of state. Failure to certify
22 to the facts, or include the certificate as required, does not
23 invalidate any ballots. Upon disclosure that unofficial ballots
24 have been used without a certification as required, the secretary
25 of state shall notify the chairman of the election board by tele-
26 phone or telegraph of his failure to properly certify the ballots.
27 The secretary of state may accept the required certificate made
28 by telegraph and count the ballots if the certificate is proper
29 and actually delivered to the secretary of state within 10 days

1 of the date that the chairman of the election board was notified.

2 Sec. 3.15. OFFICIAL OPENING OF POLLS. On the day and hour
3 of election, the election board shall announce that the polls are
4 open and receive the voters.

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

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

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

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

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

1 showing is made by the person briefly conversing with the elec-
2 tion judge by the use of simple English words. If an election
3 judge is doubtful as to whether there is a physical disability
4 preventing the speaking or reading of the English language, a
5 satisfactory showing is made by a written statement made by a
6 licensed physician that the person is so disabled.

7 Sec. 3.21. CHALLENGING OF VOTERS OF SUSPECT QUALIFICATION.

8 Every election judge and election clerk shall challenge, and every
9 watcher and other person qualified to vote in the precinct may
10 challenge any person attempting to vote if the challenger has
11 good reason to suspect that the challenged person is not qualified
12 to vote. Any challenged person before voting shall subscribe to
13 an oath and affidavit provided by the secretary of state attest-
14 ing to the fact that in each particular the person meets all
15 the qualifications of a voter or that the person legally voted
16 in the general election of November 4, 1924 and meeting the resi-
17 dency requirements of a qualified voter, that he is not dis-
18 qualified, that he has not voted at the same election and stating
19 the place from which the person came immediately prior to living
20 in the precinct in which he now offers to vote and the length of
21 time of his residence in the former place. After the challenged
22 person has taken the oath and signed the affidavit, the person may
23 vote. If the challenged person refuses to take the oath or sign
24 the affidavit, the person may not vote.

25 Sec. 3.22. ADMINISTRATION OF OATHS. Any judge may adminis-
26 ter to a voter any oath that is necessary in the administration
27 of the election.

28 Sec. 3.23. PROVIDING BALLOT TO VOTER. When the voter has
29 qualified to vote, the election judge shall give him an official

1 ballot. The voter shall retire to a booth or screen to mark the
2 ballot for the candidates of his choice.

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

6 Sec. 3.25. DISPOSITION OF IMPROPERLY MARKED BALLOT. If any
7 voter improperly marks or otherwise damages a ballot, the voter
8 may request and the election board shall provide him with another
9 ballot, with a maximum of three, and the board shall retain the
10 improperly marked or damaged ballot.

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

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

18 Sec. 3.28. PROHIBITING THE EXHIBITION OF MARKED BALLOTS.
19 No voter may exhibit his ballot to an election official or any
20 other person so as to enable any person to ascertain how the
21 voter marked his ballot.

22 Sec. 3.29. PROHIBITING THE IDENTIFICATION OF BALLOTS. No
23 election official may, while the polls are open, open any ballot
24 received from a voter, or mark a ballot by folding or otherwise
25 so as to be able to recognize it, or otherwise attempt to learn
26 how any voter marked his ballot, or allow the same to be done by
27 any other person.

28 Sec. 3.30. PROHIBITING THE COUNT OF EXHIBITED BALLOTS. No
29 election official may place in the ballot box any ballot known

1 to have been unlawfully exhibited by the voter. Any ballot un-
2 lawfully exhibited shall be retained and placed with the improper-
3 ly marked or damaged ballots.

4 Sec. 3.31. OFFICIAL CLOSING OF POLLS. Fifteen minutes be-
5 fore and at the time of closing the polls, the election board
6 shall announce the present time and the time of closing the polls.

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

10 Sec. 3.33. IMMEDIATE COMMENCEMENT OF CANVASS. When the
11 polls are closed and the last vote has been cast, the election
12 board and clerks or counters shall immediately proceed to open
13 the ballot box and to count and canvass the votes cast. The
14 election board shall continue the canvass without adjournment un-
15 til the canvass is complete.

16 Sec. 3.34. REPORT, OATH, AND VACANCIES OF COUNTERS. Coun-
17 ters shall report to the election board at the time the polls
18 close to assume their duties to assist the election board in
19 counting and canvassing the vote. Before undertaking any duties
20 of office, each counter shall subscribe to an oath to honestly,
21 faithfully, impartially, and promptly carry out the duties of
22 his position. Any election judge may administer the oath. If an
23 appointed counter fails to appear and subscribe to the oath at
24 the time the polls close, the election board shall appoint any
25 qualified voter present to fill the vacancy.

26 Sec. 3.35. GENERAL PROCEDURE FOR CANVASS. The secretary of
27 state shall issue rules prescribing the manner in which the pre-
28 cinct canvass is accomplished so as to assure accuracy in the
29 count and to expedite the process. The election board or

1 counters shall canvass the ballots in a manner that allows
2 watchers to see the ballots when opened and read. No person
3 handling the ballot after it has been taken from the ballot box
4 and before it is placed in the envelope for mailing may have a
5 marking device in hand.

6 Sec. 3.36. RULES FOR DETERMINING MARK ON BALLOTS. The
7 election board shall canvass and count the votes according to
8 the following rules:

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

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

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

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

19 (5) The mark shall be counted only if it is substan-
20 tially within the square provided, or touching the square and
21 no other, or placed near the square so as to indicate clearly
22 that the voter intended the particular square to be designated.

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

25 (7) Erasures and corrections do not invalidate the
26 entire ballot.

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

1 Sec. 3.37. COMPLETION OF CANVASS. When the canvass is com-
2 pleted, and in no event later than the day after the election,
3 the election board or counters shall make a certificate of the
4 results in duplicate. The certificate includes the number of
5 votes cast for each candidate, for and against each proposition,
6 yes or no on each question, and any additional information pres-
7 cribed by the secretary of state. The election board shall send
8 one copy of the certificate, the original register, all the
9 ballots cast, all ballots improperly marked, damaged and unlaw-
10 fully exhibited, properly identified, and all oaths and affidavits
11 made, in one package to the secretary of state. Each board shall
12 send the duplicate certificate and the duplicate register to its
13 respective election supervisor. The secretary of state shall
14 prescribe the manner in which the ballots, registers and all
15 other election records and materials are thereafter preserved,
16 transferred and destroyed to assure adequate protection.

17 Sec. 3.38. REMUNERATION OF ELECTION JUDGES, CLERKS AND
18 COUNTERS. The state, through the office of secretary of state,
19 shall pay each judge, clerk, and counter \$1.75 per hour for time
20 spent at their election duties, including the receiving of in-
21 structions, but in no event shall a judge or clerk receive com-
22 pensation of less than \$17.50.

23 Sec. 3.39. CERTIFYING ELECTION EXPENSES. The secretary of
24 state shall prescribe the manner of certifying, auditing, and pay-
25 ing election expenses, including the cost of giving notice,
26 renting polling places, embursing judges, clerks, and counters,
27 securing a ballot box, postage, and stationery, and obtaining
28 similar election necessities.

29 Sec. 3.40. PREPARATION OF VOTER LIST. The secretary of
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1 state shall prepare both a statewide list and a list by precinct
2 of the names and addresses of all persons who voted in the elec-
3 tion and their political party affiliation if the party affilia-
4 tion was specifically declared by the voter. Any person may ob-
5 tain a copy of the list, or a part thereof, by applying to the
6 secretary of state and paying to the state treasury a fee there-
7 for as determined by the secretary of state.

8 Sec. 3.41. PLURAL VOTING. Upon a determination that a
9 person has cast more than one general ballot, the secretary of
10 state shall notify the attorney general to proceed to prosecute.

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

14 Sec. 3.43. SCOPE OF CANVASS. The canvass by the secretary
15 of state shall include (1) a review and comparison of the tallies
16 of paper ballots in the election poll books with the precinct
17 election certificates to correct any mathematical error in the
18 count of paper ballots, (2) a review of the tallies of write-in
19 ballots and a comparison of election certificates as provided by
20 law from precincts using voting machines, and (3) the count and
21 canvass of absentee ballots as prescribed by law.

22 Sec. 3.44. DATES FOR OPENING AND CLOSING STATE CANVASS.
23 The state canvass shall begin six days after the election and be
24 continued daily, except Sundays, until completed. The secretary
25 of state shall close the canvass when he is satisfied that no
26 missing precinct certificate of election would, if received,
27 change the result of the election. If no election certificate
28 has been received from any precinct, the secretary of state may
29 secure from the election supervisors and may count a certified

1 copy of the duplicate election certificate of the precinct. If
2 the secretary has reason to believe that a missing precinct
3 certificate, if received, would affect the result of the election,
4 the secretary of state shall await the receipt of the certificate
5 until four o'clock in the afternoon on the 15th day after the
6 date of election. Any certificate not actually delivered to the
7 secretary of state by four o'clock on the 15th day after the
8 election shall not be counted at the canvass.

9 Sec. 3.45. CERTIFICATION OF STATE CANVASS. Upon completion
10 of the canvass, the secretary of state shall certify the person
11 receiving the largest number of votes for the office for which he
12 was a candidate as elected to that office and shall certify the
13 approval of any justice or judge not rejected by a majority of the
14 voters voting on the question. The secretary of state shall
15 issue to the elected candidates and approved justices and judges,
16 a certificate of their election or approval. The secretary of
17 state shall also certify the results of any proposition and other
18 question.

19 Sec. 3.46. DETERMINATION OF TIE VOTES. If two or more
20 candidates tie in having the highest number of votes for the same
21 office for which there is to be elected only one candidate, the
22 secretary of state shall so notify the candidates who are tied.
23 The secretary of state shall notify the candidates of a reason-
24 ably suitable time and place to determine the successful candidate
25 by lot. After the determination has been made by lot, the secre-
26 tary of state shall so certify. The determination by lot, however,
27 shall not preclude the right of the defeated candidate to a re-
28 count of votes.

29 Sec. 3.47. PRESERVATION OF ELECTION BALLOTS, PAPERS AND
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1 MATERIALS. The secretary of state shall preserve all precinct
2 election certificates, ballots and other election papers and
3 materials for two years after the election. The secretary of
4 state may permit the inspection of election materials upon call
5 by Congress, the state legislature, or a court of competent
6 jurisdiction.

7 ARTICLE IV

8 SPECIAL PROCEDURES FOR ELECTIONS

9 Part 1. Absentee Voting

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

12 (1) if he believes that he will be unavoidably absent
13 from his voting precinct on election day, whether within the
14 state or not, or

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

17 (3) if he believes he will be unable to be present at
18 the polls because of the physical inaccessibility of the polling
19 place causing undue travel expense, hardship, or hazard to the
20 voter.

21 Sec. 4.02. PROVISION FOR GENERAL ADMINISTRATIVE SUPERVISION.

22 The secretary of state shall provide general administrative
23 supervision over the conduct of absentee voting and may issue any
24 rules necessary to the administration of absentee voting to
25 assure efficiency and encourage voter participation. The secre-
26 tary of state shall issue instructions to absentee voters re-
27 garding the procedure for absentee voting. One set of instruc-
28 tions shall accompany each absentee ballot.

29 Sec. 4.03. PREPARATION OF BALLOTS, ENVELOPES AND OTHER

1 MATERIAL. The secretary of state shall provide the paper ballots
2 prepared for use at the polls as the absentee ballots. The
3 secretary of state shall provide a small blank envelope in which
4 the voter shall initially place the marked ballot and shall pro-
5 vide a larger envelope with the prescribed voter's certificate
6 on the back in which the smaller envelope with ballot enclosed
7 shall be placed. The secretary of state shall prescribe the
8 form of and prepare the voter's certificate, envelopes and other
9 material used in absentee voting. The voter's certificate shall
10 include an oath, for use when required, that the voter is a
11 qualified voter in all respects, a blank for the voter's signa-
12 ture, a certification that the affiant properly executed the
13 marking of the ballot and identified himself, and blanks for the
14 attesting witnesses.

15 Sec. 4.04. DISTRIBUTION OF BALLOTS, ENVELOPES, AND OTHER
16 MATERIAL. The secretary of state shall distribute the absentee
17 ballots, envelopes, and other absentee voting material to the
18 election supervisors for redistribution to the proper election
19 officials prior to the date upon which a person may first apply
20 for an absentee ballot.

21 Sec. 4.05. REQUIREMENT OF FULL PUBLIC NOTICE. The secretary
22 of state shall give full public notice of the dates and manner
23 of voting absentee and may select any means of communication per-
24 mitted to be used in giving notice of the date and time of the
25 general election.

26 Sec. 4.06. APPLICATION TO DEPUTY OR DISTRICT MAGISTRATE IN
27 PERSON, BY A REPRESENTATIVE, OR BY MAIL. Any qualified voter
28 may apply, in person, by a personal representative or by mail,
29 for an absentee ballot to the deputy or district magistrate in

1 the election district of the resident voter. The application by
2 mail shall include the name of the applicant and both his present
3 address to which the absentee ballot shall be returned and his
4 full local Alaska resident address.

5 Sec. 4.07. APPLICATION TO SECRETARY OF STATE BY MAIL. Any
6 qualified voter may apply by mail for an absentee ballot to the
7 secretary of state. The application shall include the name of
8 the applicant and both his present address to which the absentee
9 ballot shall be returned and his full local Alaska resident
10 address.

11 Sec. 4.08. DATE FOR APPLICATION IN PERSON. Any qualified
12 voter may make application for an absentee ballot in person on
13 any day not more than 40 days, nor less than one day before the
14 date of any election, but not more than 20 days nor less than one
15 day before the date of any special election held to recall an
16 elected official or to fill a vacancy in the office of United
17 States representative or governor and secretary of state.

18 Sec. 4.09. DATE FOR APPLICATION BY PERSONAL REPRESENTATIVE.
19 Any qualified voter may make application for an absentee ballot
20 through a personal representative on the date of, or not more
21 than 20 days before, the date of any election.

22 Sec. 4.10. DATE FOR APPLICATION BY MAIL. Any qualified
23 voter may make application for an absentee ballot by mail if
24 postmarked not more than 90 days nor less than four days before
25 any election.

26 Sec. 4.11. PROCEDURE ON APPLICATION IN PERSON. Upon re-
27 ceipt of an application in person for an absentee ballot, the
28 election official authorized to issue the ballot shall examine the
29 applicant regarding his qualifications as a voter. If the

1 official is satisfied that the applicant is a qualified voter and
2 may vote absentee, he shall issue the ballot to the applicant.
3 A satisfactory showing that a voter is qualified may be made in
4 the same manner provided for a satisfactory showing of qualifica-
5 tions before an election judge.

6 Sec. 4.12. PROCEDURE ON APPLICATION BY PERSONAL REPRESENTATIVE.
7 Upon receipt of any application by personal representative,
8 the election official authorized to issue the ballot shall
9 provide the ballot and other absentee voting material if the
10 application is accompanied by a letter from a licensed physician
11 or a statement signed by two qualified voters stating that the
12 applicant will be unable to go to the polling place because of
13 physical disability.

14 Sec. 4.13. PROCEDURE ON APPLICATION BY MAIL. Upon receipt
15 of an application by mail for an absentee ballot, the secretary
16 of state, or the district or deputy magistrate, shall immediately
17 airmail the ballot and other absentee voting material to the
18 applicant, if the application includes the name and both the
19 present address and the full local resident address of the appli-
20 cant.

21 Sec. 4.14. CASTING VOTE IN PERSON. Upon receipt of an ab-
22 sentee ballot in person, the voter, in the presence of the
23 election official from whom he received the ballot, shall proceed
24 to mark the ballot in secret, to place the ballot in the small
25 blank envelope, to place the small envelope in the larger en-
26 velope, and to sign the voter's certificate on the back of the
27 larger envelope in the presence of the election official, and
28 return the ballot properly enclosed in the envelopes to the
29 election official who shall sign as attesting witness. The

1 election official shall not accept any ballot that has been
2 unlawfully exhibited by any absentee voter. If the absentee
3 voter improperly marks or otherwise damages a ballot, the voter
4 may request, and the election official shall provide him with
5 another ballot with a maximum of three, and shall retain the
6 improperly marked or damaged ballot.

7 Sec. 4.15. CASTING VOTE BY PERSONAL REPRESENTATIVE OR BY
8 MAIL. Upon receipt of an absentee ballot through a personal
9 representative or by mail, the voter, whether in or outside the
10 state, in the presence of two attesting witnesses, both of whom
11 are qualified voters, or before any election judge, notary
12 public, commissioned officer of the armed forces including the
13 National Guard, any district magistrate or deputy magistrate,
14 United States postmaster, United States assistant postmaster, or
15 other person qualified to administer oaths, may proceed to mark
16 the ballot in secret, to place the ballot in the small blank
17 envelope, to place the small envelope in the larger envelope,
18 and to sign the voter's certificate on the back of the larger
19 envelope in the presence of the above-listed official or described
20 persons who shall sign as attesting witnesses. The voter may then
21 return the ballot properly enclosed in the envelopes, by personal
22 representative to the election official who provided the ballot
23 or by the most expeditious mail service, postmarked not later
24 than the day of the election, to the secretary of state.

25 Sec. 4.16. PAYMENT OF FEE BY STATE. No person may receive
26 a fee from the voter for attesting to any voter's certificate
27 required in voting absentee.

28 Sec. 4.17. DISPOSITION OF BALLOTS. The district and deputy
29 magistrates shall immediately transmit by the most expeditious

1 mail service, executed absentee ballots in his possession to
2 the election supervisors for their respective districts.

3 Sec. 4.18. PREPARATION OF VOTING LIST. The secretary of
4 state and district and deputy magistrate shall prepare for public
5 inspection a current list of the names and addresses of persons
6 who have voted absentee.

7 Sec. 4.19. APPOINTMENT, DUTIES, AND COMPENSATION OF DIS-
8 TRICT CANVASSING BOARD. Thirty days prior to the date of any
9 election, the election supervisors shall appoint, in the same
10 manner provided for the appointment of election judges prescribed
11 in Sec. 2.15 of this code, district absentee ballot canvassing
12 boards composed of three members not of the same political
13 party. The district board shall assist the election supervisors
14 to count and canvass the absentee ballots cast in person, by
15 mail, or by a representative before the district and deputy
16 magistrates and shall receive the same compensation paid elec-
17 tion judges.

18 Sec. 4.20. TIME OF DISTRICT CANVASS. Ten days after the
19 date of the election, the election supervisor, in the presence
20 and with the assistance of the district absentee ballot canvass-
21 ing board, shall proceed to count and canvass the absentee ballots
22 and shall continue the canvass without any recess until the
23 ballots are canvassed.

24 Sec. 4.21. PROCEDURE FOR DISTRICT CANVASS. The district
25 canvass shall be conducted according to the following procedure.
26 No ballot shall be counted if the voter fails to properly execute
27 the certificate if the witnesses or the officer or other per-
28 sons authorized by law to administer the oath fails to affix his
29 signature, or if the voter fails to enclose his marked ballot

1 within the small envelope provided. The election supervisor or
2 any member of the district absentee ballot canvassing board may
3 challenge the name of any absentee voter when read from the
4 voter's certificate on the back of the large envelope, if he
5 has good reason to suspect that the challenged voter is not quali-
6 fied to vote, is disqualified, or has voted at the same elec-
7 tion. The person making the challenge shall specify the basis
8 of the challenge in writing. The district board by majority
9 vote may refuse to accept and count the absentee ballot of any
10 person properly challenged. If the absentee ballot is refused,
11 the district supervisor shall return a copy of the statement of
12 the challenge to the absentee voter, and shall enclose all re-
13 jected ballots in a separate envelope with statements of challenge.
14 The envelope shall be labeled "rejected ballots" and shall be
15 forwarded to the secretary of state with the election certificates
16 and other returns. If the absentee ballot is not refused, the
17 large envelope shall be opened, the smaller, inner blank envelope
18 shall be placed in a container and mixed with other blank ab-
19 sentee ballot envelopes. The mixed smaller blank envelopes shall
20 be drawn from the container, opened, and the ballots counted
21 according to the rules of determining properly marked ballots as
22 are provided for counting by the election board. Upon completion
23 of the canvass, the election supervisor shall prepare an elec-
24 tion certificate of results in the manner provided for the
25 preparation of election certificates by precinct election boards,
26 and shall forward the original certificates and returns to the
27 secretary of state no later than the day the district canvass
28 is completed.

29 Sec. 4.22. PROCEDURE FOR STATE CANVASS. When the secretary
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1 of state and appointed party representatives have completed the
2 canvass of paper ballots cast at the voting precincts and the
3 canvass of voting machine ballots, they shall proceed (1) to
4 count and canvass the absentee ballots cast by mailing to the
5 secretary of state, and (2) to canvass the absentee ballot votes
6 counted by the district canvassing board. The count and canvass
7 of absentee ballots cast by mailing to the secretary of state
8 shall be accomplished according to the procedure and rules pro-
9 vided for the district canvass by the district absentee canvass-
10 ing board. The canvass of the absentee ballot vote counted by
11 the district canvassing board shall be accomplished by reviewing
12 the tallies of the recorded vote to check for any mathematical
13 error and by comparing the totals with the election certificate
14 of results.

15 Part 2. Voting Machines

16 Sec. 4.41. AUTHORIZATION OF USE. Voting machines may be
17 used in any election.

18 Sec. 4.42. AUTHORIZATION OF PURCHASE WITH LOCAL FUNDS.
19 Any city council, borough assembly, or the state may purchase or
20 rent any voting machine that meets the minimum requirements pres-
21 cribed by the secretary of state for use in any precinct within
22 the city or organized borough.

23 Sec. 4.43. PRESCRIBING MINIMUM REQUIREMENTS. The secretary
24 of state shall prescribe the minimum requirements of voting
25 machines and with the assistance of the Department of Administra-
26 tion, may conduct tests necessary to determine the adequacy of
27 any particular type or make of machine. Any person, company or
28 corporation may apply to the secretary of state to examine their
29 voting machine and to certify the machine as meeting the minimum

1 requirements prescribed by law. The minimum requirements shall
2 be prescribed to insure secrecy to the voter, to permit voting
3 both for candidates and on propositions and questions, to pre-
4 vent improper voting in primary elections, to minimize error
5 in marking ballots, and to assure accuracy in counting returns.

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

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

29 Sec. 4.46. GENERAL DUTIES OF BOROUGH AND CITY CLERKS.

1 Upon receipt of the ballot labels, the clerk of the borough or
2 city shall place them in the ballot frames upon the machines in
3 a manner as directed by the secretary of state. The clerk shall
4 set the counters at zero and lock the operating device. He shall
5 keep a record of which machine was used in each precinct.

6 Sec. 4.47. PREPARATION OF VOTER INSTRUCTIONS. The secretary
7 of state shall prescribe special instructions to assure the
8 proper use and operation of the voting machines which the clerk
9 of the city or borough shall give to the election boards and which
10 election boards shall give to voters in precincts using voting
11 machines.

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

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

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

1 Sec. 4.51. PROVISION FOR WRITE-IN BALLOTS. Ballots cast
2 for any person whose name does not appear on the machine may be
3 referred to as write-in ballots. Write-in ballots may be cast
4 only in a general or special election and may be deposited,
5 written or affixed in or upon the device provided on the machine
6 for that purpose.

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

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

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

19 Sec. 4.55. PROCEDURE ON MALFUNCTION. If a machine mal-
20 functions during the election, the election board shall lock the
21 machine to prevent its further use. The board may use any re-
22 serve voting machine which the state, city, or borough may have
23 available or may use paper ballots to proceed with the 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 write-in ballots, and compute the totals. In
29 computing the vote, the board may not count any write-in 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 count
6 is completed, the election board shall make a certificate of
7 results in duplicate. The certificate shall include the number
8 of votes cast for each candidate, for and against each proposi-
9 tion and yes or no on each question and any further information
10 in the manner prescribed by the secretary of state. The board
11 shall then send one copy of the certificate, all write-in ballots,
12 the original register, all oaths and affidavits made in one
13 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 write-in 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
3 election supervisor the correct figures verifying the election
4 board's 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 de-
11 feated candidate or any 10 qualified voters who believe there has
12 been a mistake made by an election official or by the canvassing
13 board in counting the votes in any election may file an appli-
14 cation within five days after the completion of the state can-
15 vass to the secretary of state for a recount of the votes from
16 any particular precinct or any election district and for any
17 particular office, proposition, or question. However, the appli-
18 cation may be filed only within three days after the completion
19 of the state canvass after the general election for a recount of
20 votes cast 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 10 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 him-
3 self or any person signing the application, and the representa-
4 tives shall be paid in the same amount and manner as election
5 judges. Applications by 10 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 a
11 surety approved by the secretary of state. The amount of the
12 deposit is \$50.00 for each precinct; or if more than 10 precincts
13 in any election district are included in the recount, the amount
14 of deposit is \$500.00 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
23 opposed to the question or proposition as stated in the applica-
24 tion, 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 three 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 five 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 appli-
6 cation, the two persons appointed to represent the application
7 during the recount, and other directly interested parties, notice
8 of the time and place of the recount by certified mail, by tele-
9 graph, or by telephone.

10 Sec. 4.76. PROCEDURE FOR RECOUNT. In conducting the re-
11 count, the secretary of state, or his appointed representative,
12 shall review all paper and machine ballots whether or not the
13 ballots were counted at the precinct to determine which ballots,
14 or 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
18 include 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 without
25 adjournment until completed, and shall be completed within five
26 days. The secretary of state may employ any additional personnel
27 necessary to assist in the recount.

28 Sec. 4.77. CERTIFICATION OF RESULTS. If it is determined
29 by the recount that the plurality of votes were cast for a
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1 candidate other than the one who received the certificate of
2 election or nomination, the secretary of state shall revoke any
3 prior certificate and issue a certificate of election or nomina-
4 tion to the elected or nominated candidate as determined by the
5 recount. If it is determined by the recount that the original
6 certification of the results of any proposition or question was
7 improper, or that the proposition or question should have been
8 certified as having received the required vote, the secretary of
9 state shall revoke the certificate improperly issued and properly
10 certify the results.

11 Sec. 4.78. AUTHORIZATION FOR EXPANDING RECOUNT. If upon
12 recount the deposit is refunded, the applicants shall have one
13 additional week from the date the recount is completed to apply
14 for recount of other election precincts or districts in the
15 manner provided by this article.

16 Sec. 4.79. PROVISION FOR APPEAL TO COURTS. Any candidate
17 or persons who requested a recount who have reason to believe an
18 error has been made in the recount (1) involving any question or
19 proposition, may appeal to the superior court in accordance with
20 applicable court rules governing appeals in civil matters, and
21 (2) involving candidates for the office of governor and secretary
22 of state, may appeal to the supreme court in accordance with
23 rules as may be promulgated by the court. Appeal shall be filed
24 within five days of the completion of the recount. Upon order
25 of the court, the secretary of state shall furnish the record of
26 the recount taken including all ballots, registers, and other
27 election material and papers pertaining to the election contest.
28 The appeal shall be heard by the court sitting without a jury.
29 The inquiry in the appeal shall extend to the questions whether

1 the secretary of state has properly determined what ballots, parts
2 of ballots, or marks for candidates on ballots are valid and to
3 which candidate or division on the question or proposition the
4 vote should be attributed. The court shall enter judgment
5 either setting aside, modifying, or affirming the action of the
6 secretary of state on recount.

7 Sec. 4.80. PROVISION FOR APPEAL TO LEGISLATURE OR CONGRESS.

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

17 Part 4. Election Contests

18 Sec. 4.91. GROUNDS FOR ELECTION CONTEST. Any defeated
19 candidate or 10 qualified voters may contest the nomination or
20 election of any person or the approval or rejection of any ques-
21 tion or proposition upon one or more of the following grounds:
22 (1) malconduct, fraud, or corruption on the part of any election
23 official sufficient to change the result of the election; (2)
24 when the person certified as elected or nominated is not quali-
25 fied as required by law; (3) any corrupt practice as defined by
26 law sufficient to change the results of the election.

27 Sec. 4.92. JURISDICTION AND TIME FOR CONTEST. The action
28 may be brought in the superior court within 10 days after the
29 date of any election.

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

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

1 the first day of May of the year in which a general election is
2 held for the office.

3 Sec. 5.05. REQUIREMENT OF FILING FEE. At the time the
4 declaration is filed, each candidate shall pay a filing fee to
5 the secretary of state. The filing fee for candidates for office
6 of governor, secretary of state, United States senator, and
7 United States representative is \$40.00. The filing fee for can-
8 didates for office of state senator and state representative is
9 \$30.00.

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

25 Sec. 5.07. SPECIAL PROVISIONS ON COUNTING BALLOTS. No
26 voter may vote for any person whose name is not on the ballot or
27 vote for candidates in more than one column. Votes cast for a
28 person whose name is not on the ballot shall not be counted, but
29 writing in a candidate's name does not invalidate the entire

1 ballot. Ballots cast with votes for candidates in more than one
2 party column shall not be counted, and the entire ballot is in-
3 valid.

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

7 Sec. 5.09. GENERAL PROCEDURE FOR CONDUCT OF PRIMARY NOMINA-
8 TION ELECTION. Unless specifically provided otherwise, all pro-
9 visions regarding the conduct of the general election shall
10 govern the conduct of the party primary nomination election, in-
11 cluding, but not limited to, provisions concerning voter qualifi-
12 cation; provisions regarding the duties, powers, rights, and
13 obligations of the secretary of state, of other election officials,
14 and of cities and organized boroughs; provision for notification
15 of the election; provisions regarding payment of election ex-
16 penses; provisions regarding employees being allowed time from
17 work to vote; provisions for the counting, canvassing, and
18 certification of returns; provisions for the determination of
19 tie votes and of recount, contests and appeal; and provisions for
20 absentee voting and the use of voting machines.

21 Sec. 5.10. PLACEMENT OF NOMINEES ON GENERAL ELECTION
22 BALLOT. The secretary of state shall place the name of the can-
23 didate receiving the highest number of votes for any office by
24 any political party on the general election ballot.

25 Sec. 5.11. FILLING VACANCIES BY PARTY PETITION. If any
26 candidate nominated at the party primary nomination election dies,
27 withdraws, or becomes disqualified from holding office for which
28 he is nominated after the primary nomination election and 10
29 days or more before the general election, the vacancy may be

1 filled by party petition. The secretary of state shall place
2 the name of the person nominated by party petition on the general
3 election ballot or if the general election ballot has been pre-
4 pared, the secretary of state, or the election officials directed
5 by the secretary of state, shall prepare, print, and distribute
6 a sufficient number of gummed labels or stickers bearing the
7 name of the candidate to fill the vacancy to each voting precinct
8 with instructions that the election judges shall place one of the
9 stickers or labels on the appropriate place on each ballot before
10 the ballot is handed to the voter.

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

18 Sec. 5.13. SELECTION OF NOMINEES FOR PARTY PETITION. The
19 nominees of political parties by party petition may be selected
20 for statewide offices by the party central committee or in any
21 other manner prescribed by the party by-laws, and the petition
22 for statewide offices shall be signed by the chairman of the
23 central committee or in his absence by any two members of the
24 committee. The nominees of political parties by party petition
25 may be selected for district-wide offices by the respective party
26 district committee or in any other manner prescribed by the
27 party by-laws, and the petition for district-wide offices shall be
28 signed by the chairman of the party district committee, or in
29 his absence by any two members of the party committee, or in any

1 other manner prescribed by the party by-laws. The petition may
2 be delivered in person, by mail or by telegraph.

3 Part 2. Nominations for General

4 Election by Petition

5 Sec. 5.51. PROVISION FOR INDEPENDENT CANDIDATE NOMINATIONS.

6 Candidates not representing any political party are nominated by
7 petition.

8 Sec. 5.52. DATE OF FILING PETITION. The petition is filed
9 with the secretary of state by actual physical delivery in per-
10 son or by mail before the date of the party primary nomination
11 election in the year in which a general election shall be held
12 for the office.

13 Sec. 5.53. REQUIRED NUMBER OF SIGNATURES FOR STATEWIDE
14 OFFICE. Petitions for the nomination of candidates for the
15 office of governor, secretary of state, United States senator and
16 United States representative shall be signed by not less than
17 1,000 qualified voters.

18 Sec. 5.54. REQUIRED NUMBER OF SIGNATURES FOR DISTRICT-WIDE
19 OFFICE. Petitions for the nomination of candidates for the office
20 of state senator or state representative shall be signed by not
21 less than 150 qualified voters of the election or senate dis-
22 trict in which the proposed nominee desires to be a candidate.

23 Sec. 5.55. REQUIREMENTS FOR PETITION. The petition shall
24 state in substance: (1) the full name of the candidate, (2) the
25 full resident address of the candidate, (3) the full mailing
26 address of the candidate, (4) if the candidacy is for the office
27 of state senator or state representative, the election or senate
28 district of which the candidate is a resident, (5) the office
29 for which the candidate is nominated, (6) the date of the elec-

tion at which the candidate seeks election, (7) that the candidate meets, or will meet, as required by law, the specific requirements of the office for which he is a candidate, (8) that the subscribers are qualified voters of the state or election or senate district in which the candidate resides, (9) that the subscribers intend to vote for the candidate at the general election, (10) that the subscribers request that the candidate's name be placed on the ballot, and (11) that the proposed candidate accepts the nomination and will serve if elected, with the statement signed by the proposed candidate.

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

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

ARTICLE VI

NATIONAL ELECTIONS

Part 1. President

Sec. 6.01. PROVISION FOR APPOINTMENT OF ELECTORS. Electors of president and vice-president of the United States are appointed by election at the general election in presidential election years.

Sec. 6.02. NUMBER AND MANNER OF SELECTING CANDIDATES. Each political party shall select a number of candidates for electors of president and vice-president of the United States equal to the

1 number of senators and representatives to which the state is
2 entitled in Congress. The candidates for electors shall be
3 selected by the state party convention or in any other manner
4 prescribed by the by-laws of the party. The chairman and secre-
5 tary of the state convention or any other party official desig-
6 nated by the party by-laws, shall certify a list of the names
7 of candidates for electors to the secretary of state on or
8 before the first day of September in presidential election years.

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

13 Sec. 6.04. REQUIREMENT OF PARTY PLEDGE. The party shall
14 require from each candidate for elector a pledge that as an
15 elector he shall vote for the candidates nominated by the party
16 of which he is a candidate.

17 Sec. 6.05. INTERPRETATION OF VOTES CAST FOR CANDIDATES FOR
18 PRESIDENT AND VICE-PRESIDENT. In voting for presidential elec-
19 tors, a vote marked for the candidates for president and vice-
20 president is deemed and counted as a vote for the presidential
21 electors of the party.

22 Sec. 6.06. NOTIFICATION OF ELECTORS. When the results of
23 the election of presidential electors has been determined, the
24 secretary of state shall send a certificate of election to each
25 elector and shall notify the electors of the time and place of
26 their meeting and of their duties as electors.

27 Sec. 6.07. PLACE AND TIME OF MEETING. The electors shall
28 meet at the office of the secretary of state or other place
29 designated by him at 11:00 o'clock in the morning on the first

1 Monday after the second Wednesday in December following their
2 election. If Congress fixes a different day for the meeting, the
3 electors shall meet on the day designated by the Act of Congress.

4 Sec. 6.08. FILLING OF VACANCIES. If there is a vacancy
5 caused by death, failure to attend, ineligibility or other cause,
6 and if alternates have not been designated, the electors shall
7 fill the vacancy by plurality vote.

8 Sec. 6.09. DUTIES OF ELECTORS. After any vacancies have
9 been filled, the electors shall proceed to cast their votes for
10 the candidates for the office of president and vice-president of
11 the party which selected them as candidates for electors and shall
12 perform the duties of electors as required by the constitution
13 and laws of the United States. The secretary of state shall pro-
14 vide any administrative services and the Department of Law shall
15 provide any legal services necessary for the electors to perform
16 their duties.

17 Sec. 6.10. COMPENSATION OF ELECTORS. Each elector shall
18 receive from the state treasury the same per diem and travel
19 expenses allowed members of the legislature.

20 Part 2. United States Congress

21 Sec. 6.31. PROVISIONS FOR ELECTION OF UNITED STATES SENATORS.
22 A United States senator shall be elected at the general election
23 held in the year 1960 and at the general election every sixth
24 year thereafter. A United States senator shall be elected at
25 the general election held in the year 1962 and at the general
26 election every sixth year thereafter.

27 Sec. 6.32. PROVISIONS FOR ELECTION OF UNITED STATES
28 REPRESENTATIVES. A United States representative in Congress shall
29 be elected from each congressional district at the general

1 election in 1960 and at the general election every second year
2 thereafter.

3 ARTICLE VII

4 STATE ELECTIONS

5 Part 1. Executive

6 Sec. 7.01. ELECTION OF GOVERNOR AND SECRETARY OF STATE. A
7 governor and secretary of state shall be elected at the general
8 election in 1962 and every four years thereafter.

9 Part 2. Legislative

10 Sec. 7.31. ELECTION OF LEGISLATURE. One half of the mem-
11 bers of the state senate and all members of the state house of
12 representatives shall be elected at each general election in
13 accordance with the apportionment articles of the state consti-
14 tution.

15 Part 3. Judiciary

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

21 Sec. 7.52. FILING DECLARATION BY SUPREME COURT JUSTICE.
22 Each justice seeking to succeed himself to office shall file with
23 the secretary of state a declaration of candidacy not less than
24 90 days before the date of the general election at which approval
25 or rejection is requisite.

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

1 approval is sought.

2 Sec. 7.54. APPROVAL OR REJECTION OF SUPERIOR COURT JUDGE.
3 Each superior court judge shall be subject to approval or re-
4 jection at the first general election held more than three years
5 after his appointment. If approved, he shall thereafter be sub-
6 ject to approval or rejection in a like manner every sixth year.

7 Sec. 7.55. FILING DECLARATION BY SUPERIOR COURT JUDGE.
8 Each judge seeking to succeed himself to office shall file with
9 the secretary of state a declaration of candidacy not less than
10 90 days before the date fixed for the general election at which
11 approval or rejection is requisite.

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

23 Sec. 7.57. PLACING NAME OF SUPERIOR COURT JUDGE ON BALLOT.
24 The secretary of state shall place the name of any judge who has
25 properly filed a declaration of candidacy on a separate nonparti-
26 san judicial district-wide ballot for the general election at
27 which approval is sought.

28 ARTICLE VIII
29 SPECIAL ELECTIONS AND APPOINTMENTS

1 Sec. 8.06. PROCLAMATION OF SPECIAL ELECTION. The governor
2 shall issue the proclamation calling the special election at
3 least 80 days before the election.

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

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

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

23 Sec. 8.10. REQUIREMENTS OF PETITION FOR INDEPENDENT CANDI-
24 DATES. Petitions for the nomination of candidates not represen-
25 ting any political party shall be signed by at least 1,000
26 qualified voters, and shall state in substance that which is re-
27 quired in petitions for nomination for general elections provided
28 in Sec. 5.55 of this code.

29 Sec. 8.11. REQUIREMENTS OF PETITION BY POLITICAL PARTY.

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

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

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

28 Part 2. United States
29 House of Representatives

1 Sec. 8.21. CONDITION AND TIME OF CALLING SPECIAL ELECTION.
2 When a vacancy occurs in the office of United States represen-
3 tative, the governor shall, by proclamation, call a special elec-
4 tion to be held on a date within not less than 60, nor more than
5 90, days after the date the vacancy occurred. However, if the
6 vacancy occurs on a date that is less than 60 days before, or is
7 on or after the date of the primary nomination election in general
8 election years, the governor shall call no special election.

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

15 Sec. 8.23. PROCLAMATION. The governor shall issue the
16 proclamation at least 50 days before the election.

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

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

27 Sec. 8.26. REQUIREMENTS OF PETITION OF INDEPENDENT CANDI-
28 DATES. Petitions for the nomination of candidates not represen-
29 ting any political party shall be signed by at least 1,000

1 qualified voters and shall state in substance that which is re-
2 quired for nomination petitions by Sec. 5.55 of this code.

3 Sec. 8.27. REQUIREMENTS OF PARTY PETITION. Petitions for
4 the nomination of candidates of political parties shall state in
5 substance that the party desires and intends to support the
6 named candidate for the office of United States representative
7 at the special election and requests that the name of the can-
8 didate nominated be placed on the ballot.

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

17 Sec. 8.29. GENERAL PROVISIONS FOR CONDUCT OF SPECIAL
18 ELECTION. Unless specifically provided otherwise, all provisions
19 regarding the conduct of the general election shall govern the
20 conduct of the special election of the United States representa-
21 tive, including, but not limited to provisions specifically re-
22 ferred to in Sec. 8.13 of this code.

23 Part 3. Governor and
24 Secretary of State

25 Sec. 8.31. CONDITION AND TIME OF CALLING SPECIAL ELECTION.
26 When a person appointed to succeed to the office of secretary of
27 state succeeds to the office of acting governor, the acting
28 governor shall, by proclamation, call a special election to be
29 held on a date within not less than 60, nor more than 90, days

1 after the date the vacancy in the office of the governor occurred.
2 However, if the vacancy occurs on a date that is less than 60
3 days before, or is on or after the date of the primary nomination
4 election in years in which a governor is regularly elected, the
5 acting governor shall serve the remainder of the unexpired term
6 and shall call no special election.

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

17 Sec. 8.33. PROCLAMATION OF SPECIAL ELECTION. The acting
18 governor shall issue the proclamation at least 50 days before
19 the election.

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

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

29 Sec. 8.36. REQUIREMENTS OF PETITION OF INDEPENDENT

1 CANDIDATES. Petitions for the nomination of candidates not rep-
2 resenting any political party shall be signed by at least 1,000
3 qualified voters, shall include nominees for the office of governor
4 and secretary of state, and shall state in substance that which
5 is required for nomination petitions by Sec. 5.55 of this code.

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

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

20 Sec. 8.39. GENERAL PROVISIONS FOR CONDUCT OF SPECIAL
21 ELECTION. Unless specifically provided otherwise, all provisions
22 regarding the conduct of the general election shall govern the
23 conduct of the special election of the governor and secretary of
24 state, including, but not limited to, provisions specifically
25 referred to in Sec. 8.13 of this code.

26 Part 4. Legislature

27 Sec. 8.51. CONDITION AND TIME FOR FILLING VACANCY BY
28 APPOINTMENT. When a vacancy occurs in the state legislature, the
29 governor, within 30 days, shall appoint a qualified person to

1 fill the vacancy. However, if the remainder of the term of the
2 predecessor in office will expire or if a vacancy in the state
3 senate will be filled by a special election before the legisla-
4 ture will next meet, convene or reconvene, the governor shall not
5 fill the vacancy.

6 Sec. 8.52. QUALIFICATION AND CONFIRMATION OF APPOINTEE.

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

18 Sec. 8.53. DATE OF OFFICE OF APPOINTEE. If the appointment
19 is not subject to confirmation, the term of the appointee shall
20 begin on the first day the appointee is present when the legis-
21 lature meets, convenes, or reconvenes after the date of the
22 appointment. If the appointment is subject to confirmation, the
23 term of the appointee shall begin on the date the appointment is
24 confirmed.

25 Sec. 8.54. PROCEDURE UPON REJECTION. If an appointment is
26 rejected, the governor, within 10 days, shall appoint another
27 qualified person as provided in Sec. 8.52 of this code, who shall
28 also be subject to confirmation, as provided in Sec. 8.52 of
29 this code.

1 Sec. 8.55. TERM OF APPOINTED REPRESENTATIVE. If the vacan-
2 cy is in the state house of representatives, the appointment will
3 be for the remainder of the unexpired term.

4 Sec. 8.56. CONDITIONS FOR FULL, UNEXPIRED TERM SENATE
5 APPOINTMENT. If the vacancy is for an unexpired senate term of
6 two years plus five full calendar months or less, the appointment
7 shall be for the remainder of the unexpired term.

8 Sec. 8.57. CONDITIONS FOR PART-TERM SENATE APPOINTMENT AND
9 SPECIAL ELECTION. If the vacancy is for an unexpired senate term
10 of more than two years and five full calendar months, the gover-
11 nor shall call a special election by proclamation and the appoint-
12 ment shall expire on the date the state senate first convenes or
13 reconvenes following the certification of the results of the
14 special election by the secretary of state.

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

19 Sec. 8.59. PROCLAMATION OF SPECIAL ELECTION. The governor
20 shall issue the proclamation calling the special election at least
21 50 days before the election.

22 Sec. 8.60. TERM OF ELECTED SENATOR. At the special election
23 a state senator shall be elected to fill the remainder of the
24 unexpired term and shall take office on the date the state senate
25 first convenes or reconvenes following the certification of the
26 results of the special election by the secretary of state.

27 Sec. 8.61. SELECTION OF NOMINEES IN MANNER PROVIDED FOR
28 GENERAL ELECTION. If the vacancy in the office of state senator
29 occurs one calendar month or more before the filing date for the

1 party primary nomination election, candidates for the special
2 election shall be nominated in the manner provided for the nomina-
3 tion of candidates for general elections.

4 Sec. 8.62. DESIGNATION OF NOMINEES BY PETITION. If the
5 vacancy occurs less than one calendar month before the filing
6 date and more than three calendar months before the next
7 general election, candidates shall be nominated by petition
8 transmitted by actual delivery to the secretary of state on or
9 before the first of September immediately preceding the special
10 election.

11 Sec. 8.63. REQUIREMENTS OF PETITION FOR INDEPENDENT
12 CANDIDATES. Petitions for the nomination of candidates not rep-
13 resenting any political party shall be signed by at least 150
14 qualified voters and shall state in substance that which is re-
15 quired in petitions for nomination for general elections provided
16 in Sec. 5.55 of this code.

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

23 Sec. 8.65. SELECTION OF POLITICAL PARTY NOMINEES. The
24 nominees of political parties may be selected by the respective
25 party district committee or by any other manner as provided by
26 the party by-laws, and the petition shall be signed by the chair-
27 man of the party district committee or by any other party offi-
28 cial designated by the party by-laws.

29 Sec. 8.66. GENERAL PROVISION FOR CONDUCT OF SPECIAL
CS for HB #252

1 ELECTION. Unless specifically provided otherwise, all provisions
2 regarding the conduct of the general election shall govern the
3 conduct of the special election of state senators, including,
4 but not limited to, the provisions specifically referred to in
5 Sec. 8.13 of this code.

6 ARTICLE IX

7 INITIATIVE, REFERENDUM AND RECALL

8 Part 1. Initiative

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

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

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

18 Sec. 9.03. FORM OF APPLICATION. The application shall
19 include (1) the proposed bill to be initiated, (2) a statement
20 that the sponsors are qualified voters who signed the application
21 with the proposed bill attached, (3) the designation of an
22 initiative committee of three sponsors who shall represent all
23 sponsors and subscribers in matters relating to the initiative,
24 and (4) the signatures and address of not less than 100 quali-
25 fied voters.

26 Sec. 9.04. FORM OF PROPOSED BILL. The proposed bill shall
27 be in the following form: (1) the bill shall be confined to one
28 subject, (2) the subject of the bill shall be expressed in the
29 title, (3) the enacting clause of the bill shall be: "Be it

1 enacted by the People of the State of Alaska," (4) the bill may
2 not include subjects restricted by Sec. 9.01 of this code.

3 Sec. 9.05. MANNER OF NOTICE. Notice to the initiative
4 committee on any matter pertaining to the application and petition
5 may be served on any member of the committee in person or by mail
6 addressed to a committee member as indicated on the application.

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

12 Sec. 9.07. REVIEW OF APPLICATION FOR CERTIFICATION. The
13 secretary of state shall review the application and shall either
14 certify it or notify the initiative committee of the grounds for
15 denial.

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

22 Sec. 9.09. PREPARATION OF PETITION. If the application is
23 certified, the secretary of state shall prescribe the form of
24 and prepare petitions containing (1) a copy of the proposed
25 bill, if the number of words included in both the formal and
26 substantive provisions of the bill is 500 or less, (2) an im-
27 partial summary of the subject matter of the bill, (3) the
28 warning prescribed in Sec. 9.11 of this code, (4) sufficient
29 space for signature and address, and (5) other specifications

1 prescribed by the secretary of state to assure proper handling
2 and control. Petitions, for purposes of circulation, shall be
3 prepared by the secretary of state in a number reasonably cal-
4 culated to allow full circulation throughout the state. The sec-
5 retary of state shall number each petition and shall keep a record
6 of the petition delivered to each sponsor. Upon request of the
7 committee, the secretary of state shall report the number of
8 persons who voted in the preceding general election.

9 Sec. 9.10. STATEMENT OF WARNING. Each petition shall in-
10 clude a statement of warning that any person who signs any name
11 other than his own on the petition, or who knowingly signs his
12 name more than once for the same proposition at one election,
13 or who signs the petition knowing he is not a qualified voter, is
14 guilty of a misdemeanor and upon conviction shall be punished by
15 a fine of not more than \$1,000.00 or by imprisonment in jail for
16 not more than one year, or by both the fine and imprisonment.

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

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

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

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

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

12 Sec. 9.15. REVIEW OF PETITION. Within not more than 60
13 days of the date the petition was filed, the secretary of state
14 shall review the petition and shall notify the initiative com-
15 mittee whether the petition was properly or improperly filed,
16 and at which election the proposition shall be placed on the
17 ballot.

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

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

29 Sec. 9.18. PREPARATION OF BALLOT TITLE AND PROPOSITION.

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

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

15 Sec. 9.20. DISPLAY OF PROPOSED LAW. The secretary of
16 state shall provide each election board with 10 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 may be served on any member of the committee in person or by
2 mail addressed to a committee member as indicated on the applica-
3 tion.

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

9 Sec. 9.36. TIME OF REVIEW OF APPLICATION FOR CERTIFICATION.
10 Within seven calendar days after the date the application is re-
11 ceived, the secretary of state shall canvass the application and
12 shall either certify it or notify the referendum committee of
13 the grounds for denial.

14 Sec. 9.37. BASIS OF DENIAL OF CERTIFICATION. The secretary
15 of state shall deny certification if he determines (1) that
16 the application is not substantially in the required form,
17 or (2) that there is an insufficient number of qualified spon-
18 sors, or (3) that more than 90 days has expired since the
19 adjournment of the legislative session at which the act being
20 referred was passed.

21 Sec. 9.38. PREPARATION OF PETITION. If the application is
22 certified, the secretary of state shall, within seven calendar
23 days after the date of certification, prescribe the form of,
24 and prepare, a petition containing (1) a copy of the act to be
25 referred, if the number of words included in both the formal
26 and substantive provisions of the bill is 500 or less, (2) an
27 impartial summary of the subject matter of the act, (3) the
28 warning prescribed in Sec. 9.40 of this code and sufficient space
29 for signatures and addresses, and (4) other specifications

1 prescribed by the secretary of state to assure proper handling
2 and control. Petitions, for purposes of circulation, shall be
3 prepared by the secretary of state in a number reasonably cal-
4 culated to allow full circulation throughout the state. The
5 secretary of state shall number each petition and shall keep a
6 record of the petitions delivered to each sponsor. Upon request
7 of the referendum committee, the secretary of state shall specify
8 the number of persons who voted in the preceding general elec-
9 tion.

10 Sec. 9.39. STATEMENT OF WARNING. Each petition shall in-
11 clude a statement of warning that any person who signs any name
12 other than his own to the petition, or knowingly signs his name
13 more than once for the same proposition at one election, or who
14 signs the petition knowing he is not a qualified voter, is guilty
15 of a misdemeanor and upon conviction shall be punished by a fine
16 of not more than \$1,000.00 or by imprisonment in jail for not
17 more than one year, or by both the fine and imprisonment.

18 Sec. 9.40. CIRCULATION BY SPONSOR. The petitions may be
19 circulated throughout the state only by a sponsor and only in
20 person.

21 Sec. 9.41: MANNER OF SIGNING AND WITHDRAWING NAME FROM
22 PETITION. Any qualified voter may subscribe to the petition by
23 signing his name and address. Any person who has signed the
24 referendum petition may withdraw his name only by giving written
25 notice to the secretary of state prior to the date the petition
26 is filed.

27 Sec. 9.42. CERTIFICATION OF SPONSOR. Before being filed,
28 each petition shall be certified by an affidavit by the sponsor
29 who circulated the petition. The affidavit shall state in

1 substance that (1) the person signing the affidavit is a sponsor,
2 (2) the person is the only circulator of the petition, (3) the
3 signatures were made in his actual presence, and (4) to the best
4 of his knowledge, the signatures are the signatures of persons
5 whose names they purport to be. In determining the sufficiency
6 of the petition, the secretary of state shall not count subscrip-
7 tions on petitions not properly certified.

8 Sec. 9.43. FILING OF PETITION. The sponsors may file the
9 petition only within 90 days after the adjournment of the legis-
10 lative session at which the act was passed and only if signed
11 by qualified voters equal in number to 10 per cent of those who
12 voted in the preceding general election and resident in at least
13 two-thirds of the election districts of the state.

14 Sec. 9.44. REVIEW OF PETITION. Within not more than 60
15 days of the date the petition was filed, the secretary of state
16 shall review the petition and shall notify the committee whether
17 the petition was properly or was improperly filed and at which
18 election the proposition shall be placed on the ballot.

19 Sec. 9.45. BASIS FOR DETERMINING THE PETITION WAS IMPROPER-
20 LY FILED. The secretary of state shall notify the committee
21 that the petition was improperly filed if he determines that
22 (1) there is an insufficient number of qualified subscribers, or
23 (2) the subscribers were not resident in at least two-thirds of
24 the election districts of the state, or (3) the petition was
25 not filed within 90 days after the adjournment of the legislative
26 session at which the act was passed.

27 Sec. 9.46. SUBMISSION OF SUPPLEMENTARY PETITION. Upon
28 receipt of notice that the filing of the petition was improper,
29 the committee may amend and correct the petition by circulating

1 and filing a supplementary petition within 10 days of the date
2 that notice was given if 90 days have not expired after the
3 adjournment of the legislative session at which the act was
4 passed.

5 Sec. 9.47. PREPARATION OF BALLOT TITLE AND PROPOSITION.
6 The secretary of state, with the assistance of the attorney
7 general, shall prepare a ballot title and proposition if he
8 determines that the petition is properly filed. The ballot title
9 shall, in not more than six words, indicate the general subject
10 area of the act. The proposition shall, in not more than 100
11 words, give a true and impartial summary of the act being re-
12 ferred.

13 Sec. 9.48. PLACING PROPOSITION ON BALLOT. The secretary of
14 state shall place the ballot title and proposition on the elec-
15 tion ballot for the first statewide general, special, or primary
16 nomination election held more than 180 days after adjournment
17 of the legislative session at which the act was passed.

18 Sec. 9.49. DISPLAY OF ACT BEING REFERRED. The secretary of
19 state shall provide each election board with 10 copies of the
20 act being referred, and the election board shall display three
21 copies of the act in a conspicuous place in the room where the
22 election is held.

23 Sec. 9.50. REJECTION OF ACT. If a majority of the votes
24 cast on the referendum proposition favor the rejection of the
25 act referred, the act is rejected, and the secretary of state
26 shall so certify. The act rejected by referendum is void 30
27 days after certification.

28 Sec. 9.51. INSUFFICIENCY OF APPLICATION OR PETITION. No
29 referendum submitted to the voters shall be held void because of

1 least 100 qualified voters who subscribe to the application as
2 sponsors for purposes of circulation, and (6) the signatures
3 and addresses of qualified voters equal in number to 10 per cent
4 of those who voted in the preceding general election in the state
5 or in the senate or electoral district of the official sought
6 to be recalled.

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

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

14 Sec. 9.77. NOTICE OF THE NUMBER OF VOTERS. The secretary
15 of state, upon request, shall notify the recall committee of
16 the official number of persons who voted in the preceding general
17 election in the state or in the senate or election district
18 of the official sought to be recalled.

19 Sec. 9.78. REVIEW OF APPLICATION. The secretary of state
20 shall review the application and shall either certify it or
21 notify the recall committee of the grounds of refusal.

22 Sec. 9.79. BASIS OF DENIAL OF CERTIFICATION. The secretary
23 of state shall deny certification if he determines that (1) the
24 application is not substantially in the required form, or (2)
25 the application was filed during the first 120 days of the term
26 of office of the official subject to recall or within less than
27 180 days of the termination of the term of office of any offi-
28 cial subject to recall, (3) the person named in the application
29 is not subject to recall, or (4) there is an insufficient number

1 of qualified subscribers.

2 Sec. 9.80. PREPARATION OF PETITION. If the secretary of
3 state certifies the application, he shall prescribe the form of,
4 and prepare, a petition containing (1) the name and office of
5 the person to be recalled, (2) the statement of the grounds for
6 recall included in the application, (3) the statement of warning
7 required in Sec. 9.83 of this code, and (4) sufficient space for
8 signatures and addresses, and (5) other specifications pres-
9 cribed by the secretary of state to assure proper handling and
10 control. Petitions, for purposes of circulation, shall be pre-
11 pared by the secretary of state in a number reasonably calculated
12 to allow full circulation throughout the state or throughout the
13 senate or election district of the official sought to be recalled.
14 The secretary of state shall number each petition and shall keep
15 a record of the petitions delivered to each sponsor.

16 Sec. 9.81. STATEMENT OF WARNING. Each petition and dupli-
17 cate copy shall include a statement of warning that any person
18 who signs any name other than his own to the petition, or who
19 knowingly signs his name more than once for the same proposition
20 at one election, or who signs the petition knowing he is not a
21 qualified voter, is guilty of a misdemeanor and upon conviction
22 shall be punished by a fine of not more than \$1,000.00 or by
23 imprisonment in jail for not more than one year, or by both the
24 fine and the imprisonment.

25 Sec. 9.82. CIRCULATION BY SPONSOR. The petitions may be
26 circulated only by a sponsor and only in person throughout the
27 state or senate or election district represented by the official
28 sought to be recalled.

29 Sec. 9.83. MANNER OF SIGNING AND WITHDRAWING NAME FROM

1 PETITION. Any qualified voter may subscribe to the petition by
2 signing his name and address. Any person who has signed the
3 petition may withdraw his name only by giving written notice to
4 the secretary of state prior to the date the petition is filed.

5 Sec. 9.84. CERTIFICATION OF SPONSOR. Before being filed,
6 each petition shall be certified by an affidavit by the sponsor
7 who personally circulated the petition. The affidavit shall
8 state in substance that (1) the person signing the affidavit is
9 a sponsor, (2) the person is the only circulator of that peti-
10 tion or copy, (3) the signatures were made in his actual presence
11 and (4) to the best of his knowledge, the signatures are those
12 of the persons whose names they purport to be. In determining
13 the sufficiency of the petition, the secretary of state shall
14 not count subscriptions on petitions not properly certified.

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

22 Sec. 9.86. REVIEW OF PETITION. Within 30 days of the date
23 of filing, the secretary of state shall review the petition and
24 shall notify the recall committee and the person subject to
25 recall whether the petition was properly or improperly filed.

26 Sec. 9.87. BASES FOR DETERMINING THE PETITION WAS IMPROPER-
27 LY 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 petition was filed within less than 180 days of the ter-
2 mination of the term of office of the official subject to recall.

3 Sec. 9.88. SUBMISSION OF SUPPLEMENTARY PETITION. Upon
4 receipt of notice that the filing of the petition was improper,
5 the committee may amend and correct the petition by circulating
6 and filing a supplementary petition within 20 days of the date
7 that notice was given, if filed within less than 180 days of the
8 termination of the term of office of the person subject to
9 recall.

10 Sec. 9.89. CALLING SPECIAL ELECTION. If the secretary of
11 state determines the petition is properly filed and if the office
12 is not vacant, he shall prepare the ballot and shall call a
13 special election to be held on a date within not less than 60,
14 nor more than 90 days after the date that notification is given
15 that the petition was properly filed. If a primary nomination or
16 general election is to be held within not less than 60, nor more
17 than 90, days after the date that notification is given that the
18 petition was properly filed, the special election shall be held
19 on the date of the primary nomination or general election.

20 Sec. 9.90. PREPARATION OF BALLOT. The ballot shall be
21 designed with the question of whether the public official shall
22 be recalled, placed on the ballot in the following manner:
23 "Shall (name of official) be recalled from the office of
24 _____?" Provision shall be made for marking the
25 question "Yes" or "No."

26 Sec. 9.91. CONDUCT OF SPECIAL ELECTION. Unless specifically
27 provided otherwise, all provisions regarding the conduct of a
28 general election shall govern the conduct of a special election
29 for the recall of a state public official, including, but not

1 limited to, provisions concerning voter qualification; provisions
2 regarding duties, powers, rights and obligations of the secretary
3 of state, of other election officials, and of cities and organized
4 boroughs; provision for notification of the election; provision
5 for the payment of election expenses; provisions regarding em-
6 ployees being allowed time from work to vote; provisions for
7 counting, canvassing, and certification of returns; provision for
8 the determination of votes and of recount contests and court
9 appeal; and provisions for absentee voting and the use of voting
10 machines.

11 Sec. 9.92. DISPLAY OF BASIS FOR AND AGAINST RECALL. The
12 secretary of state shall provide each election board in the state
13 or in the senate or election district of the person subject to
14 recall with 10 copies of the statement of the grounds for recall
15 included in the application and 10 copies of the statement of not
16 more than 200 words made by the official subject to recall in
17 justification of his conduct in office. The person subject to
18 recall may provide the secretary of state with his statement
19 within 10 days after the date the secretary of state gave notifica-
20 tion that the petition was properly filed. The election board
21 shall post three copies of the statements for and against recall
22 in three conspicuous places in the polling place.

23 Sec. 9.93. CERTIFICATION OF ELECTION RESULTS. If a majority
24 of the votes cast on the question of recall favor the removal
25 of the official, the secretary of state shall so certify and the
26 office is vacant on the day after the date of certification.

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

29 Sec. 9.95. INSUFFICIENCY OF GROUNDS, APPLICATION, OR

1 PETITION. No recall submitted to the voters shall be held void
2 because of the insufficiency of the grounds, application, or
3 petition by which the submission was procured.

4 Sec. 9.96. JUDICIAL REVIEW. Any person aggrieved by any
5 determination made by the secretary of state may have the deter-
6 mination reviewed within 30 days of the date on which notice of
7 determination was given by any appropriate remedy in the superior
8 court.

9 ARTICLE X

10 CONSTITUTIONAL AMENDMENTS AND CONVENTIONS

11 Part 1. Constitutional Amendments

12 Sec. 10.01. PREPARATION OF PROPOSITION FOR CONSTITUTIONAL
13 AMENDMENT. The secretary of state shall prepare a ballot title
14 and proposition for each amendment to the state constitution
15 proposed by the legislature or by a constitutional convention.
16 Each amendment shall be confined to one subject.

17 Sec. 10.02. DESCRIPTION OF BALLOT TITLE AND PROPOSITION.
18 The ballot title shall, in not more than six words, indicate the
19 general subject of the act. The proposition shall, in not more
20 than 100 words, give a true and impartial summary of the amend-
21 ment proposed.

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

2 Sec. 10.04. DISPLAY OF RESOLUTION. The secretary of state
3 shall provide each election board with 10 copies of the resolu-
4 tion proposing the constitutional amendment by the legislature
5 or by the convention, and the election board shall display three
6 copies of the resolution in a conspicuous place in the room
7 where the election is held.

8 Sec. 10.05. CERTIFICATION OF VOTE. If a majority of the
9 votes cast on the proposition favor the amendment, the consti-
10 tutional amendment is adopted, and the secretary of state shall
11 so certify.

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

14 Part 2. Constitutional Conventions

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

21 Sec. 10.52. CERTIFICATION OF VOTE. If a majority of the
22 votes cast on the question are in the affirmative, the secretary
23 of state shall so certify and shall issue the call for the con-
24 vention.

25 Sec. 10.53. TIME AND MANNER OF SELECTING DELEGATES.
26 Delegates to the convention shall be elected at the next state-
27 wide general election in the number and manner prescribed in the
28 call for the convention by the secretary of state or as provided
29 by law.

1 poster, or other publication relating to any election or to any
2 candidate at any election or to any election proposition or
3 question without the same bearing on its face, the name and
4 address of the author, printer, and publisher thereof, is guilty
5 of a corrupt practice and upon conviction shall be punished as
6 for a misdemeanor.

7 Sec. 11.05. PUBLICATION OF FALSE STATEMENT. Any person who
8 writes, prints or circulates, or who shall cause to be written,
9 printed or circulated, any letter, circular, bill, placard, or
10 poster, or who causes any paid advertisement to be placed in a
11 newspaper or any other publication, or who pays or contributes
12 to the payment for any such advertisement, or who makes any radio
13 broadcast, wilfully knowing the letter, circular, bill, placard,
14 poster, publication, paid advertisement, or radio broadcast to
15 contain any false statement, charge, or comment relating to any
16 candidate at any election or to any election proposition or
17 question, is guilty of a corrupt practice and upon conviction
18 shall be punished as for a misdemeanor.

19 Sec. 11.06. IMPROPER POSSESSION OF BALLOT. Any person,
20 other than an election official, or other person authorized by
21 law or by the secretary of state who has in his possession out-
22 side of the voting room any official ballot, shall be guilty of
23 a misdemeanor.

24 Sec. 11.07. COUNTERFEITING OF BALLOT. Any person who makes,
25 or knowingly has in his possession, any counterfeit of an offi-
26 cial ballot shall be guilty of a misdemeanor.

27 Sec. 11.08. REFUSAL TO ALLOW EMPLOYEES TIME OFF. Any
28 employer who refuses to allow an employee time off for the pur-
29 pose of voting, or who, after allowing the time off, deducts the
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1 time from the wages of the employee, is guilty of a misdemeanor
2 and upon conviction shall be punished by a fine not exceeding
3 \$50.00.

4 Sec. 11.09. IMPROPER DISCLOSURE OF VOTE. Any election
5 official who, while the polls are open, opens any ballot re-
6 ceived from a voter at any election, or marks a ballot by fold-
7 ing or otherwise so as to be able to recognize it, or otherwise
8 attempts to learn how any voter marked his ballot, or allows
9 the same to be done by any other person, is guilty of a mis-
10 demeanor.

11 Sec. 11.10. WRITING OF FALSE STATEMENT. Any person who is
12 the author of any published letter, circular, poster, bill,
13 publication, or placard and who knows that it contains any false
14 statement or false charges reflecting on the character, morality,
15 or integrity of any candidate at any election, is guilty of a
16 corrupt practice and upon conviction shall be punished as for a
17 felony.

18 Sec. 11.11. VOTING IN FALSE NAME. Any person who votes
19 or attempts to vote in the name of another person or in any name
20 other than his own, shall be guilty of a felony.

21 Sec. 11.12. UNDUE INFLUENCE OF ELECTION OFFICIAL. Any
22 person who by force, threat, intimidation, or offers of reward
23 induces or attempts to induce any election official to fail in
24 his duty, shall be guilty of a felony.

25 Sec. 11.13. IMPROPER CHANGE OF ELECTION RETURNS. Any per-
26 son who wilfully changes or causes to be changed any official
27 election documents including ballots, tallies, and returns, or
28 attempts to do the same, shall be guilty of a felony.

29 Sec. 11.14. IMPROPER DELAY OF ELECTION RETURNS. Any person

1 who wilfully delays or causes to be delayed the election returns,
2 or attempts to do so, shall be guilty of a misdemeanor.

3 Sec. 11.15. VOTING MORE THAN ONCE. Any person who wilfully
4 votes or attempts to vote more than once at the same election,
5 shall be guilty of a felony.

6 Sec. 11.16. IMPROPER SUBSCRIPTION TO PETITION. Any per-
7 son who signs any name other than his own to a petition proposing
8 an initiative, referendum, or recall, or who knowingly signs his
9 name more than once for the same proposition or question at one
10 election, or who signs the petition knowing he is not a qualified
11 voter, shall be guilty of a misdemeanor.

12 Sec. 11.17. IMPROPER DISTRIBUTION AND PRINTING OF BALLOTS.
13 Any person contracted or employed by the state to print or re-
14 produce in any manner any official ballot, who wilfully appro-
15 priates to himself, or gives or delivers to, or knowingly permits
16 to be taken by anyone other than a person authorized by the
17 secretary of state, any official ballots, or who knowingly
18 prints or reproduces or causes to be printed or reproduced any
19 official ballots in any other form or with any other content than
20 that prescribed by law or as directed by the secretary of state,
21 shall be guilty of a felony.

22 Sec. 11.18. FALSE SWEARING. Any person who wilfully makes
23 a false affidavit or swears falsely under any oath required by
24 the election code, or who wilfully swears or affirms falsely
25 under an oath required by the election code, shall be guilty of
26 a felony.

27 Sec. 11.19. IMPROPER INFLUENCE OF ELECTION BY ELECTION
28 OFFICIALS. Any election official who wilfully fails to perform
29 any election duty or knowingly does any unauthorized act with

1 the intent to affect the election or its results, shall be guilty
2 of a felony.

3 Sec. 11.20. FALSE COUNT BY ELECTION OFFICIALS. Any elec-
4 tion official who wilfully permits or makes or attempts to make
5 any false count of the election returns, shall be guilty of a
6 felony.

7 Sec. 11.21. CONCEALMENT OF RETURNS BY ELECTION OFFICIALS.
8 Any election official who wilfully conceals, withholds, or
9 destroys the election returns, or attempts to do so, shall be
10 guilty of a felony.

11 Sec. 11.22. GENERAL PENALTY FOR MISDEMEANOR. Any person
12 found guilty of a misdemeanor under the provisions of the elec-
13 tion code, shall be, unless specifically provided otherwise,
14 punished by a fine of not more than \$1,000.00, or by imprison-
15 ment in jail for not more than one year, or by both the fine
16 and imprisonment.

17 Sec. 11.23. GENERAL PENALTY FOR FELONY. Any person found
18 guilty of a felony under the provisions of the election code
19 shall be, unless specifically provided otherwise, punished by a
20 fine of not more than \$3,000.00 or by imprisonment in the
21 penitentiary for not more than five years, or by both the fine
22 and imprisonment.

23 Sec. 11.24. 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, shall be 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. 11.25. TIME LIMITATION. No prosecution for any offense
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1 provided in this code may be maintained unless it is commenced
2 within one year after the date of the election in connection with
3 which the offense is alleged to have been committed.

4 ARTICLE XII

5 FORMAL PROVISIONS

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

8 (1) "election" includes any general or special elec-
9 tion.

10 (2) "local election" means any election held by a
11 borough, city, school district, public utility district, service
12 area, or other local unit of government.

13 (3) "oath" includes affirmation; "sworn" includes
14 affirmed.

15 (4) "proposition" means any initiative, referendum,
16 or constitutional amendment submitted at an election to the
17 public for vote.

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

23 (6) "borough clerk" means any officer in a borough
24 who has duties comparable to the duties of the city clerk, and
25 includes any properly authorized assistant to the borough clerk.

26 (7) "political party" means a group of organized voters
27 which represents a political program and which nominated a can-
28 didate for governor who received at least 10 per cent of the
29 total vote cast at the last preceding general election for

1 governor.

2 (8) "member of a political party" means any person who
3 supports the political program of a party, and filing as an
4 independent candidate shall not be interpreted as precluding the
5 candidate from being a member of a political party; and recogni-
6 tion of the independent as a member of a political party at a
7 party caucus held by members of the legislative session following
8 his election, shall be deemed as recognition of party membership
9 at the time filings were received by party candidates for the
10 preceding general election.

11 (9) "presidential election year" means any year in
12 which the presidential electors are elected.

13 (10) "general election" means the election held on
14 the Tuesday after the first Monday in November of even numbered
15 years.

16 (11) words importing the singular include the plural;
17 words importing the plural include the singular; and words im-
18 porting the masculine gender include the feminine.

19 (12) the present tense includes the future.

20 (13) "signature" or "subscription" includes a mark
21 intended as a signature or subscription.

22 (14) "secretary of state" includes any appointed sec-
23 retary of state, governor, or acting governor if a vacancy has
24 occurred in the office of secretary of state or governor.

25 (15) "election official" means city and borough clerks,
26 election magistrates, and election judges, clerks, and counters.

27 (16) "election boards" means the local precinct board
28 composed of the three election judges.

29 (17) "election district" means the territory described

1 in Section 3 of Article XIV of the state constitution, as may be
2 modified pursuant to Article VI of the state constitution.

3 (18) "senate district" means the territory included
4 in the election districts as designated in Section 2 of Article
5 XIV of the state constitution, as may be modified pursuant to
6 Article VI of the state constitution.

7 (19) "precinct" means the territory within which
8 resident voters may cast their vote at one polling place.

9 (20) "borough" means the unit of local government
10 organized as provided by law pursuant to Section 3 of Article
11 X of the state constitution.

12 (21) "vacancy" exists in an office when the person
13 elected or appointed to the office resigns, retires, dies, is
14 recalled, is rejected by majority vote on the question at an
15 election, is convicted of a corrupt practice, is removed by im-
16 peachment, or is expelled.

17 (22) "voter" means any person who presents himself
18 for the purpose of voting either in person or by absentee ballot.

19 (23) "qualified voter" means any person who has the
20 qualification of a voter and is not disqualified as provided by
21 Article V of the state constitution.

22 (24) "special election" means any election held at a
23 time other than when the general or party primary election is held
24 and any election called to be held with, and at the time of, the
25 general or party primary election.

26 (25) "shall" is used in an imperative sense; "may" is
27 used in a permissive sense.

28 (26) "party district committee" means the political
29 party committee that performs the executive function on an

1 intermediate regional basis representing an area larger than the
2 precinct or city and smaller than the state.

3 (27) "city clerk" includes any properly authorized
4 assistant to the city clerk.

5 Sec. 12.02. SHORT TITLE. This Act may be cited as the
6 "Alaska Election Code."

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

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

1 ACLA 1949, as amended by Sec. 1, Ch. 135, SLA 1953; Sec. 38-9-2,
2 ACLA 1949, as amended by Sec. 1, Ch. 58, SLA 1949, as amended
3 by Sec. 2, Ch. 135, SLA 1953, as amended by Sec. 2, Ch. 144,
4 SLA 1955; Sec. 38-9-3, ACLA 1949, as amended by Sec. 5, Ch.
5 135, SLA 1953; Sec. 38-9-4, ACLA 1949, as amended by Sec. 6,
6 Ch. 135, SLA 1953; Sec. 38-9-6, ACLA 1949, as amended by Sec. 1,
7 Ch. 144, SLA 1955; Sec. 38-9-12, ACLA 1949, as amended by Sec.
8 7, Ch. 135, SLA 1953, as amended by Sec. 3, Ch. 144, SLA 1955.

9 Sec. 1, Ch. 137, SLA 1953; Ch. 23, SLA 1953; Ch. 12, ESLA
10 1955; Ch. 27, SLA 1955; Ch. 55, SLA 1959; Secs. 3 and 4, Ch.
11 135, SLA 1953; Ch. 177, SLA 1955.

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

25 Sec. 12.05. EFFECTIVE DATE. This Act takes effect on the
26 day after its passage and approval or on the day it becomes law
27 without such approval.
28
29

House Judiciary Committee

Committee Substitute for House Bill No. 252

REPORT OF COMMITTEE

(Exhibit A to Report of Committee of 2-8-60)

Based upon exhaustive studies made by the Legislative Council with the assistance of John C. Doyle, Executive Director, and William C. Foster, Deputy Director, HB #252 accompanied by a study made by the Legislative Council was introduced on January 25, 1960.

The original bill has been redrawn and some changes made. The committee substitute is the result of intensive committee hearings, a public hearing held February 7, 1960 and much study. Over 680 minor changes were made in the original bill.

Changes of broad scope are as follows:

1. Administrative control over elections has been placed under the secretary of state and the executive branch of the state government down to the precinct level.
 - (a) In the suggested code (HB #252) administrative control was principally in the judicial branch of the government.
 - (b) Committee believed it was impractical and likely illegal to extensively use the courts; Supreme Court Judge Walter Hodge appeared at public hearing and supported this view.
2. Four election supervisors (employees of the executive branch of the state) have been created to administer elections in the four major senatorial districts of the state through the use of other executive department employees in the districts (formerly and in the suggested bill the clerks of the superior courts and magistrates (commissioners) had this duty).
3. The state assumes full financial responsibility and ultimate control of elections down through the precincts in order to assure certainty and uniformity.
 - (a) State prescribes all precinct boundaries and polling places after public hearings; cities, school districts, etc., may petition secretary of state for precinct changes for local elections by adoption of rule.
4. Political parties have opportunity to choose precinct election boards and be represented on them.

Minor changes are as follows:

1. Penalties are made dependent on consciousness of wrongdoing not just the doing of an act; general penalty clause removed; most offenses made misdemeanors not felonies; minimum penalties done away with.

2. Rules of guidance in counting ballots made broader and manifest intent of voter considered; provision made for voting of straight ticket.
3. Topical index included in code to assist the public and election boards.
4. Recall of members of congress eliminated.
5. Recount made more workable by permitting further recount if count of one precinct reveals irregularities.
6. Radio return of canvass permitted where necessary; voter identification required.
7. Absentee voting law made more understandable and undue travel expense, hardship or hazard made an element; write-in balloting clarified.
8. Primary elections recognized as "Party Primary Nomination Elections."
9. Provision made so that independents in 1958 general election who were seated by political parties can enter 1960 election as party candidates.
10. Nominating petitions for independent candidates required to have 1,000 signatures instead of 1931 requirement of 250.
11. Provisions for "counters" to assist election boards outside cities.
12. So-called "literacy" requirements were liberalized in keeping with the intent of the constitution.

Many other changes were made--for example--deletion of the limiting words "temporal or spiritual" before the word "injury" in the section dealing with the offense of threatening injury to one who does not vote a certain way at the polls.

General Effect of Proposed Bill

The code will contain under one cover for handy use all state election laws; immeasurable benefit will result to the public because the election boards will be able to know the law they are duty bound to apply. Under former laws this was impossible and intolerable confusion resulted.

Many provisions of the code are rather lengthy, particularly those treating with judges and clerks of election, counters, watchers, and local election board officials and procedures. This was intended in order that those who actually conducted the elections would be easily taught and guided.

With better knowledge of the election law better government will result.

Elections are the cornerstone of democratic government; this code will firmly hold that cornerstone in place.

AMENDMENTS TO CS FOR HB #252

BY THE JUDICIARY COMMITTEE

1. Page 14, line 2: At the end of Sec. 3.11 add the following sentence: "The chairman of the election board shall rotate the time at which judges and clerks may be relieved for meals."
2. Page 15, line 26: After the word "vote" and before the period add the words "and may require identification"
3. Page 20, line 13: After the word "supervisor." add the sentence: "The secretary of state may authorize election boards in precincts in those areas of the state where distance and weather make mail communication unreliable to forward their election certificates by telegram or radio."
4. Page 22, line 1: After the word "precinct." add the sentence: "If no election poll books have been received but an authorized election certificate has been received by telegram or radio, the secretary of state shall count the election certificate so received."
5. Page 26, line 7: After the word "any" add the word "written"
6. Page 26, line 9: After the last word "the" add the word "written"
7. Page 26, line 10: After the word "application" add the words "is signed by the applicant and"
8. Page 37, line 12: After the word "paper" add ", absentee"
9. Page 37, line 13: After the word "precinct" add the words "or by the district absentee canvassing board"