

Juneau, Alaska, March 28, 1960

Mr. Speaker
Mr. President

We, the Conference Committee with Powers of Free Conference, selected to confer and recommend on Committee Substitute for House Bill No. 252, as amended in the House and Senate, have had the same under consideration, and report back with the recommendation that said bill with all Senate and House amendments be approved except as follows:

1. Page 1, lines 19 and 20: Delete the Senate amendment.
2. Page 3, line 29: Delete the Senate amendment.
3. Page 4, line 1: Delete the Senate amendment.
4. Page 5, beginning on line 19, Sec. 2.11: After the last sentence in the section (as amended by the Senate) insert the following: "Executive department employees shall be appointed election supervisors whenever feasible and shall serve without additional compensation."
5. Page 7, beginning on line 26, Sec. 2.16: After the last sentence in the section (as amended by the Senate) insert the following: "Appointees shall accept their appointment in writing at least ten days before the party primary or election."
6. Page 11, line 9: Delete the Senate amendment to Subsection (8) as renumbered subsection (11) and substitute the following:

"(11) When the legislature by law authorizes a state debt for capital improvements, the secretary of state shall place the question of whether the specific authorization shall be ratified by placing the ballot title and question on the next general election ballot. Unless specifically provided otherwise in the act authorizing the debt, the ballot title shall, by the use of a few words in a succinct manner, indicate the general subject of the act. The question shall, by the use of a few sentences in a succinct manner, give a true and impartial summary of the act authorizing the state debt. Provision shall be made for marking the question substantially as follows: "Bonds - Yes" or "Bonds - No," followed by an appropriate square."
7. Page 12, line 23: Delete the Senate amendment and after the word "in" delete "five daily newspapers" and insert "a news paper"

AMENDMENTS TO COM. SUB. FOR HOUSE BILL NO. 252, AS AMENDED
(Adopted by the Senate March 21, 1960)

- Page 1, line 6: Delete the title and substitute the following:
"An Act to codify and revise the law relating to state elections; to provide a comprehensive election code; and to provide for an effective date."
- Page 1, line 12: After the designation "Section 1.01." delete the word "GENERAL"
- Page 3, line 26: After the word "BOUNDARIES" insert the words "AND POLLING PLACES"
- Page 3, line 29: After the word "precinct" delete the words "and polling place"
- Page 4, line 1: Add a new sentence as follows: "The secretary of state may establish or change any precinct polling place in the state by rules or order which may be promulgated without compliance with the Administrative Procedure Act."
- Page 4, line 19: After the word "election" insert the words "or party primary nomination"
- Page 4, line 24; After the word "election" insert the following "or party primary nomination"
- Page 4, line 28: Delete Sections 2.08 through 2.18 and substitute the following:

"Sec. 2.08. DATES FOR DESIGNATING PRECINCT BOUNDARY. The secretary of state shall designate the boundaries of all precincts for the primary nomination and general election between April 1 and May 1 of each general election year, and for every special election held at a time other than with a primary nomination or general election, on a date not more than 40 days prior to the date of the special election.

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

"Sec. 2.10. JUDICIAL REVIEW OF PRECINCT BOUNDARY. Any person aggrieved by any determination of precinct boundaries by the secretary of state may bring a civil action to have the determination reviewed in the superior

court. If the action receives final determination within 15 days before the primary nomination or election, the secretary of state shall not make any required modification in precinct boundaries until immediately after the primary nomination or election.

"Sec. 2.11. APPOINTMENT OF ELECTION SUPERVISORS. The secretary of state shall appoint an election supervisor for each of the four major senate districts, described in Sec. 2, Article XIV of the state constitution to assist in the administration of elections within their respective senate districts. The secretary of state may appoint as an election supervisor any person who is a qualified voter of the respective senate district and who does not hold an office in a political party. Election supervisors shall be appointed to serve for a term to begin not more than 90 days prior to the date of the primary nomination or special election and to end not more than 10 days after the date of the general or special election. Election supervisors shall receive compensation in an amount that is comparable to that received for similar type state employment as determined by the secretary of state.

"Sec. 2.12. APPOINTMENT OF ELECTION BOARD. The election supervisors for each senate district shall appoint within their district an election board, composed of three judges, for each precinct from among the qualified voters of each of the precincts for which they are appointed. One judge shall be designated chairman and be primarily responsible for the administration of the election in the precinct. If no clerks are appointed for the precinct, the other two judges shall perform the duties of clerks of the election. No more than two judges may be of the same political party. At the time of making the appointments, the election supervisor shall notify the secretary of state of the name and full local mailing address of the designated chairman and other judges of the election board in each precinct. Election boards in local government unit elections shall be appointed by the appropriate local government unit for all local elections.

"Sec. 2.13. APPOINTMENT OF CLERKS. The election supervisor shall appoint two clerks for each precinct in which the election supervisor determines that two clerks are required to administer the election or primary nomination in an efficient and economical manner. Clerks shall be appointed from among the qualified voters in precincts from which they are appointed. The clerks may not be of the same political party.

"Sec. 2.14. APPOINTMENT OF COUNTERS. The chairman of the election board may appoint a maximum of four persons as counters of ballots in each precinct, if specific authorization for the appointment is received from the election supervisor. The appointments shall be made from among the qualified voters in the precincts from which they are appointed and may be made at any time before the close of the precinct canvass. If two counters

are appointed, the clerks may not be of the same political party. If more than two counters are appointed, no more than two counters may be of the same political party.

"Sec. 2.15. APPOINTMENT OF NOMINEES FOR JUDGES AND CLERKS. Whenever the appointment of election judges or clerks is required, the party district committee of the political party of which the governor is a member may present in writing at least 45 days before the party nomination or election, to the election supervisor, the names of two party nominees for judges, and one for clerk, in any or all election precincts, and the election supervisor shall appoint the party nominees to the respective precinct election boards. The party district committee of the political party which received the second largest number of votes in the preceding general election may present in writing at least 45 days before the party nomination or election to the election supervisor the name of one party nominee for judge and one for clerk for any or all election precincts and the election supervisor shall appoint the party nominees to the respective precinct election boards. If any party district committee fails to present the names prescribed by this section, the election supervisor may appoint any qualified person.

"Sec. 2.16. DATE AND NOTICE OF APPOINTMENT OF ELECTION BOARD. The election supervisor shall make his appointments and give notice thereof at least 30 days prior to the date of any party primary or election.

"Sec. 2.17. APPOINTMENT AND PRIVILEGES OF WATCHERS. The district party committee may appoint one person as watcher in each precinct for any primary nomination or election. Each candidate not representing any political party may appoint a watcher for each precinct in his respective district or the state for any election. The watcher may be present at a position within the place of voting which affords a full view of all action of the election board taken from the time the polls are opened until the ballots are finally counted and the result certified by the election board. The election board may require each watcher to present a certificate showing him to be the watcher appointed by the district party committee or candidate he represents and signed by the chairman of district committee or candidate representing no party. The secretary of state may prescribe regulations governing the conduct of watchers to assure the privileges of watchers and the proper conduct of the election.

"Sec. 2.18. APPOINTMENT OF PARTY REPRESENTATIVES FOR STATE CANVASS. The secretary of state shall appoint two persons from each political party to participate in the canvassing of the vote. Each person who was appointed and serves, receives the same rate of compensation paid election judges. Each political party may present to the secretary of state a list of three or more names from which he shall select the persons to represent the party. The list of names may be submitted in writing at least 30 days before the date of the election. The persons to represent the party on the canvassing board may be selected by the state party central committee or in any other manner

prescribed by the by-laws of the party. The list of names shall be certified by the chairman of the state central committee of the party or by the person authorized by the party by-laws to act in the absence of the chairman."

Page 9, line 10: After the word "prepare" delete the words "the official general and separate ballot" and substitute the following: "all official ballots"

Page 9, line 18: New subsections are added between subsections (1) and (2) (existing subsections are renumbered accordingly) to read as follows:

"(2) The secretary of state shall determine the manner of numbering ballots to assure simplicity and secrecy and to prevent fraud.

"(3) The secretary of state may contract for the preparation of the ballots on a regional basis if necessary and may contract for the preparation of ballots without obtaining competitive bids.

"(4) The secretary of state may not include on the ballot as a part of a candidate's name, any honorary or assumed title or prefix but may include in the candidate's name any nickname or familiar form of a proper name of the candidate."

Page 9, line 19: Subsection (2) as renumbered subsection (5) is deleted and substitute the following:

"(5) The general election ballot shall be printed on white paper and designed with the following sequence of offices and with the names of candidates for the offices of governor and secretary of state in the same section and candidates for the offices of United States senator, United States representative, state senator and state representative in separate sections. The political party or political group affiliation of each candidate shall be indicated by a designation following the name of the candidate. Blanks shall be provided for the names of other candidates not nominated."

Page 11, line 9: Subsection (8) as renumbered subsection (11) is deleted and substitute the following:

"(11) When the legislature by law authorizes a state debt for capital improvements, the secretary of state shall place the question of whether the specific authorization shall be ratified by placing the ballot title and question on the next statewide general or special election ballot. The ballot title shall, in not more than six words, indicate the general subject of the act. The question shall, in not more than 100 words, give a true and impartial summary of the act authorizing the state debt. Provision shall be made for marking the question "Yes" or "No."

- Page 12, line 5: After the word "screens," insert "national flags, when possible,"
- Page 12, line 10: After the word "screens," insert "national flags,"
- Page 12, line 15: After the word "screens," insert "national flags,"
- Page 12, line 23: After the word "in" delete "five daily newspapers" and insert "a daily newspaper"
- Page 12, line 24: After the word "in" delete "the state." and insert "each major senate district."
- Page 14, line 17: After the word "use," insert "unmarked"
- Page 14, line 21: After the period delete "Failure" and insert "The initial failure"
- Page 15, line 7: After the word "issue" delete the period and add: "while on duty."
- Page 15, line 16: After the word "keep" delete the word "the" and insert "an"
- Page 15, line 17: After the word "give" delete the words "his address." and insert "both his resident and mailing address."
- Page 15, line 21: After the word "register" delete the words "which includes" and insert "and shall write in the duplicate register"
- Page 17, line 3: Delete Sec. 3.24 and substitute the following new material:

"Sec. 3.24. ASSISTING VOTER BY JUDGE. Any qualified voter who is incapable of reading, of marking the ballot or of signing his name may request any judge to assist him, and the judge shall assist the voter as requested."

- Page 17, line 19: Delete the word "No" and substitute the words "Subject to Sec. 3.24, no"
- Page 18, line 14: After the word "shall" delete "continue the canvass" and substitute "cause the canvass to be continued"
- Page 19, line 10: After the word "signs." insert "or any other mark clearly placed in the square opposite the name of the candidate."
- Page 19, line 26: Delete the word "entire"
- Page 19, line 27: After subsection (8), insert a new subsection as follows:

"(9) Write-in votes are not invalidated by writing in the name of a candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence that the ballot was so marked for the purpose of identifying the ballot."

Page 20, line 13: After the word "radio." of the House amendment add a new sentence to read as follows:

"The secretary of state may authorize the unofficial canvass of votes on a regional basis by election supervisors tallying the votes as indicated on the duplicate certificates."

Page 22, line 19: Delete all of Sec. 3.46 and substitute the following:

"Sec. 3.46. TIE VOTES. If two or more candidates tie in having the highest number of votes for the same office for which there is to be elected only one candidate, the secretary of state shall so notify the candidates who are tied. The secretary of state shall immediately proceed with the recount of votes in the manner provided by Part 3, Article IV of this code."

Page 23, line 3: After the word "for" delete "two" and insert "four"

Page 26, line 20: After the period add the following new sentence:
"The larger envelope to be used for returning the absentee ballot to the election officials shall be addressed to the election supervisor in the district in which the voter is a resident."

Page 27, line 24: Delete the words "secretary of state." and substitute "election supervisor in his district."

Page 27, Line 25: Delete Sec. 4.16 and substitute the following:

"Sec. 4.16. PAYMENT OF NOTARY FEE. Any notary public may receive the customary authorized fee from the voter for attesting to any voter's certificate required in voting absentee."

Page 28, beginning on line 3: After the word "The" delete "secretary of state" and insert "election supervisors"

Page 28, beginning on line 14: After the word "ballots" delete the following: "cast in person, by mail, or by a representative before the district and deputy magistrates"

Page 30, beginning on line 3: After the word "proceed" delete the following: "(1) to count and canvass the absentee ballots cast by mailing to the secretary of state, and (2)"

Page 30, beginning on line 6: After the word "board." delete the following: "The count and canvass of absentee ballots cast by mailing to the secretary of state shall be accomplished according to the procedure and rules provided for the district canvass by the district absentee canvassing board."

Page 35, line 20: After the word "state." add the following new sentence: "If there is a tie vote as provided in Sec. 3.46 of this code, the secretary of state shall initiate the recount and give notice to the interested parties as provided in Sec. 4.75 of this code."

Page 37, line 6: After the word "the" delete "application" and substitute "applicant"

Page 37, beginning on line 24: After the word "recount" delete "shall proceed daily without adjournment until completed, and"

Page 37, line 28: Delete all of Sec. 4.77 and substitute the following:

"Sec. 4.77. CERTIFICATION OF RESULTS. If it is determined by recount that the plurality of votes were cast for a candidate, the secretary of state shall issue a certificate of election or nomination to the elected or nominated candidate as determined by the recount. If it is determined by the recount that a proposition or question should be certified as having received the required vote, the secretary of state shall so certify."

Page 39, line 16: Add a new section to Part 3 to read as follows:

"Sec. 4.81. DETERMINATION OF TIE VOTES. If after a recount and appeal two or more candidates tie in having the highest number of votes for the same office, the secretary of state shall notify the candidates who are tied. The secretary of state shall notify the candidates of a reasonably suitable time and place to determine the successful candidate by lot. After the determination has been made by lot, the secretary of state shall so certify."

Page 39, line 29: Delete the words "date of any election." and substitute "completion of the state canvass."

Page 40, line 10: After the word "aside." add a new sentence to read as follows: "The provisions of this Part of the code are not intended to limit or interfere with the power of the legislature to judge the election and qualifications of its members."

Page 40, line 12: Delete the title of the Article and substitute "NOMINATION OF CANDIDATES"

Delete the word "election" when used after the words "nomination" or "party" throughout Articles V and XII.

Page 41, beginning on line 14: Delete all of subsection (12) and substitute the following: "(12) that the candidate if nominated and elected will support the principles of the party he seeks to represent,"

Page 41, line 20: Delete all of Sec. 5.04 and substitute the following:

"Sec. 5.04. MANNER AND DATE OF FILING DECLARATION. The declaration is filed by either (1) the actual physical delivery of the declaration by mail or in person on or before 5:00 p.m. on the first day of May of the year in which a general election is held for the office, or (2) the actual physical delivery by telegram of a copy in substance of the statements made in the declaration on or before 5:00 p.m. on the first day of May of the year in which a general election is held for the office, and also the actual physical delivery of the original declaration postmarked on or before 5:00 p.m. on or before the first day of May of the year in which a general election is held for the office. Candidates for statewide offices shall file with the secretary of state. Candidates for district wide offices shall file with any clerk of the superior court in the major senate district of which the candidate is a resident. The clerk of the superior court shall immediately forward the declaration to the secretary of state. If the first day of May is a Sunday or holiday, declaration may be filed no later than 5:00 p.m. on the following day."

Page 42, line 7: After the word "is" delete "\$120.00" (as added by the House of Representatives) and substitute "\$60.00"

Page 43, line 6: Delete the sentence added by the House amendment and add a new sentence to read as follows: "Before an election judge may give a ballot to a voter, he shall ask the voter if he desires to declare a party preference and the voter shall record the preference if declared."

Page 45, line 5: After the word "FOR" delete "INDEPENDENT" and substitute "NO-PARTY"

Page 45, line 10: After the word "before" delete the words "the date of the party primary nomination election" and substitute "May 1"

Page 45, beginning on line 20: Delete all of Sec. 5.54 and substitute the following:

"Sec. 5.54. REQUIRED NUMBER OF SIGNATURES FOR DISTRICT-WIDE OFFICE. Petitions for the nomination of candidates for the office of state senator or state representative shall be signed by qualified voters of the election or senate

district in which the proposed nominee desires to be a candidate equal in number to at least five per cent of the number of votes cast in his respective election or senate district in the preceding general election, provided that no nominating petition need contain more than 200 signatures nor may it contain less than 50 signatures for any district."

- Page 45, line 26: After the word "candidate," add a new subsection (and renumber subsequent subsections accordingly) as follows: "(4) the name of any political group supporting the candidate,"
- Page 46, line 12: After the word "names" insert "and the political group affiliation"
- Page 50, line 17: After the word "term" add a period and delete "or where he last stood for election."
- Page 50, line 22: After the word "term" add a period and delete "or where he last stood for election."
- Page 58, line 17: Delete the words "appointment is not subject to confirmation." and substitute the following: "governor may appoint any qualified person. If the appointee is not a member of a political party, the appointment is not subject to confirmation. If the appointee is a member of a political party, the appointment is subject to confirmation as provided by this section for the confirmation of political party appointees."
- Page 60, line 13: After the word "by" delete "at least 150"
- Page 60, line 14: After the word "voters" insert the following: "equal in number to at least five per cent of the number of votes cast in his respective election or senate district in the preceding general election, provided that no nominating petition need contain more than 200 signatures nor may it contain less than 50 signatures for any district,"
- Page 66, line 8: After the word "may" insert "bring an action to"
- Page 71, line 4: After the word "may" insert "bring an action to"
- Page 77, line 5: After the word "may" insert "bring an action to"
- Page 77, line 24: After the word "general" insert ", primary,"
- Page 84, beginning on line 23: Delete all of subsection (6).
- Page 85, line 2: Renumber subsection "(8)" subsection "(7)"
- Page 85, line 10: Add a new subsection "(8)" to read as follows:

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"(8) 'political group' means any group or organized voters which represents a political program and which does not qualify as a political party."

Page 85, beginning on line 25: After the word "means" delete "city and borough clerks, election" and substitute "district and deputy"

Amend "Table of Contents" to conform to the body of the bill.

Page 1, lines 19 and 20: Delete all material following the word "days" on line 19 and to the comma on line 20.

Page 40, line 20: Change "first" to "second"