

1 IN THE SENATE BY SENATORS POLLOCK & B. PHILLIPS

2 SENATE BILL NO. 6

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state elections; amend-
7 ing Ch. 83, SLA 1960."

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

9 Section 1. Sec. 2.11, Ch. 83, SLA 1960 is amended to read:

10 Sec. 2.11. APPOINTMENT OF ELECTION SUPERVISORS. The
11 secretary of state shall appoint an election supervisor for
12 each of the four major senate districts, described in Sec.
13 2, Article XIV of the state constitution to assist in the
14 administration of elections within their respective senate
15 districts. The secretary of state may appoint as an election
16 supervisor any person who is a qualified voter of the respec-
17 tive senate district and who does not hold an office in a
18 political party. [ELECTION SUPERVISORS SHALL BE APPOINTED TO
19 SERVE FOR A TERM TO BEGIN NOT MORE THAN 90 DAYS PRIOR TO THE
20 DATE OF THE PRIMARY NOMINATION OR SPECIAL ELECTION AND TO END
21 NOT MORE THAN 10 DAYS AFTER THE DATE OF THE GENERAL OR SPECIAL
22 ELECTION.] Election supervisors shall receive compensation
23 in an amount that is comparable to that received for similar
24 type state employment as determined by the secretary of state
25 Executive department employees shall be appointed election
26 supervisors whenever feasible and shall serve without addi-
27 tional compensation.

28 Sec. 2. Sec. 3.03 (2), Ch. 83, SLA 1960 is amended to read:

29 (2) The secretary of state shall determine the

1 manner of numbering ballots to assure simplicity and secrecy
2 and to prevent fraud. Each ballot shall be clearly identi-
3 fied by a serial number.

4 Sec. 3. Sec. 3.03 (5), Ch. 83, SLA 1960 is repealed and re-
5 enacted to read:

6 (5) The general election ballot shall be printed
7 on white paper with the names of each candidate and their
8 party designations placed in separate sections under the
9 office designation to which they were nominated. The party
10 affiliation, if any, shall be designated after the name of
11 the candidate. The secretary of state and governor shall be
12 included under the same section. Provision shall be made for
13 voting for write-in and no-party candidates within each sec-
14 tion.

15 Sec. 4. Sec. 3.03 (8), Ch. 83, SLA 1960 is amended to read:

16 (8) The general or special election ballot shall
17 be designed with the title and proposition for an initiative,
18 referendum or constitutional amendment formulated as pres-
19 cribed by law and placed on a separate [THE] ballot in the
20 manner prescribed by the secretary of state. Provision shall
21 be made for marking the proposition "For" or "Against."

22 Sec. 5. Sec. 3.03 (9), Ch. 83, SLA 1960 is amended to read:

23 (9) The general or special election ballot shall
24 be designed with the question of whether a constitutional
25 convention shall be called placed on a separate [THE] ballot
26 in the following manner: "Shall there be a constitutional
27 convention?" Provision shall be made for marking the ques-
28 tion "Yes" or "No."

29 Sec. 6. Sec. 3.03 (11), Ch. 83, SLA 1960 is amended to read:

1 (11) When the legislature by law authorizes a
2 state debt for capital improvements, the secretary of state
3 shall place the question of whether the specific authoriza-
4 tion shall be ratified by placing the ballot title and ques-
5 tion on a separate ballot at the next general election
6 [BALLOT]. Unless specifically provided otherwise in the act
7 authorizing the debt, the ballot title shall, by the use of
8 a few words in a succinct manner, indicate the general sub-
9 ject of the act. The question shall, by the use of a few
10 sentences in a succinct manner, give a true and impartial
11 summary of the act authorizing the state debt. Provision
12 shall be made for marking the question substantially as
13 follows: "Bonds -- Yes" or "Bonds -- No," followed by an
14 appropriate square.

15 Sec. 7. Sec. 3.07, Ch. 83, SLA 1960 is amended to read:

16 Sec. 3.07. PUBLIC NOTICE OF ELECTION REQUIRED. At
17 least 10 days before the date of the election the secretary
18 of state shall give, and is authorized to contract to give,
19 full public notice of the election and may select any manner,
20 reasonably calculated to give actual knowledge of the elec-
21 tion to the voters. Public notice shall include, but is
22 not limited to, the posting of written notice in three con-
23 spicuous places in each precinct and printed notice for three
24 days in a newspaper of general circulation in each major
25 senate district. The secretary of state shall prescribe the
26 manner of notice which shall be given by election boards.
27 The full public notice given in each precinct and in a news-
28 paper of general circulation shall specifically include, but
29 is not limited to, the date of the election, the boundary of



1 the precinct, the location of the polling place, the hours
2 between which the polling places will be open, the offices
3 to which candidates are to be nominated or elected, and the
4 subject of the propositions and of questions which are to be
5 voted upon. Additional notice may be given by use of news-
6 papers, television, radio, printed posters, and any similar
7 means of communication. The state, through the office of
8 secretary of state, shall pay the cost of any necessary elec-
9 tion expenses incurred in giving notice of any election.

10 Sec. 8. Sec. 3.24, Ch. 83, SLA 1960 is amended to read:

11 Sec. 3.24. ASSISTING VOTER BY JUDGE. Any qualified
12 voter who is incapable of reading, of marking the ballot or
13 of signing his name may request any judge or any one, or not
14 more than two, other persons of his choice to assist him
15 [, AND THE JUDGE SHALL ASSIST THE VOTER AS REQUESTED]. If
16 the judge is requested, he shall assist the voter. If any
17 other person is requested, the person shall state, upon oath
18 before the election judge, that he will not divulge the vote
19 cast by the person whom he assists.

20 Sec. 9. Sec. 3.33, Ch. 83, SLA 1960 is amended to read:

21 Sec. 3.33. [IMMEDIATE] COMMENCEMENT OF CANVASS. a.
22 At any time within four hours before the polls close, the
23 election board may provide for the commencement of the count-
24 ing and canvassing of ballots in a manner to assure the
25 secrecy of the ballot, the adequate representation of politi-
26 cal parties during the counting, and the continued supervision
27 and operation of the polls. Under the supervision of at
28 least one member of the election board, the ballots may be
29 counted in another room that is separate but adjacent to the

1 polling place. The results shall not be made available until
2 after the polls close.

3 b. When the polls are closed and the last vote has been
4 cast, the election board and clerks or counters shall imme-
5 diately proceed to open the ballot box and to count and can-
6 vass the votes cast. The election board shall cause the
7 canvass to be continued without adjournment until the canvass
8 is complete.

9 Sec. 10. Sec. 3.34, Ch. 83, SLA 1960 is amended to read:

10 Sec. 3.34. REPORT, OATH, AND VACANCIES OF COUNTERS.
11 Counters shall report to the election board at the time the
12 polls close, or earlier if directed by the election board,
13 for the purpose of commencing the canvass before the polls
14 close, to assume their duties to assist the election board
15 in counting and canvassing the vote. Before undertaking any
16 duties of office, each counter shall subscribe to an oath to
17 honestly, faithfully, impartially, and promptly carry out the
18 duties of his position. Any election judge may administer
19 the oath. If an appointed counter fails to appear and sub- .
20 scribe to the oath at the time the polls close, the election
21 board shall appoint any qualified voter present to fill the
22 vacancy.

23 Sec. 11. Sec. 3.37, Ch. 83, SLA 1960 is amended to read:

24 Sec. 3.37. COMPLETION OF CANVASS. When the canvass is
25 completed, and in no event later than the day after the
26 election, the election board or counters shall make a certi-
27 ficate of the results in duplicate. The certificate includes
28 the number of votes cast for each candidate, for and against
29 each proposition, yes or no on each question, and any

1 additional information prescribed by the secretary of state.
2 The election board shall send one copy of the certificate,
3 the original register, all the ballots cast, all ballots im-
4 properly marked, damaged, [AND] unlawfully exhibited and
5 unused, properly identified, and all oaths and affidavits
6 made, in one package to the secretary of state. Each board
7 shall send the duplicate certificate and the duplicate regis-
8 ter to its respective election supervisor. The secretary of
9 state may authorize election boards in precincts in those
10 areas of the state where distance and weather make mail com-
11 munication unreliable to forward their election certificates
12 by telegram or radio. The secretary of state may authorize
13 the unofficial canvass of votes on a regional basis by elec-
14 tion supervisors tallying the votes as indicated on duplicate
15 certificates. The secretary of state shall prescribe the
16 manner in which the ballots, registers and all other election
17 records and materials are thereafter preserved, transferred
18 and destroyed to assure adequate protection.

19 Sec. 12. Sec. 4.09, Ch. 83, SLA 1960 is amended to read:

20 Sec. 4.09. DATE FOR APPLICATION BY PERSONAL REPRESENTA-
21 TIVE. Any qualified voter may make application for an ab-
22 sentee ballot through a personal representative on the date
23 of, or not more than 40 [20] days before, the date of any
24 election.

25 Sec. 13. Sec. 4.51, Ch. 83, SLA 1960 is amended to read:

26 Sec. 4.51. PROVISION FOR WRITE-IN BALLOTS. Ballots cast
27 for any person whose name does not appear on the machine may
28 be referred to as write-in ballots. Write-in ballots [MAY BE
29 CAST ONLY IN A GENERAL OR SPECIAL ELECTION AND] may be

1 deposited, written or affixed in or upon the device provided
2 on the machine for that purpose.

3 Sec. 14. Sec. 4.71, Ch. 83, SLA 1960 is amended to read:

4 Sec. 4.71. AUTHORIZATION OF RECOUNT APPLICATION. Any
5 defeated candidate or any 10 qualified voters who believe
6 there has been a mistake made by an election official or
7 by the canvassing board in counting the votes in any election,
8 may file an application within five days after the completion
9 of the state canvass to the secretary of state for a recount
10 of the votes from any particular precinct or any election dis-
11 trict and for any particular office, proposition, or question.
12 [HOWEVER, THE APPLICATION MAY BE FILED ONLY WITHIN THREE DAYS
13 AFTER THE COMPLETION OF THE STATE CANVASS AFTER THE GENERAL
14 ELECTION FOR A RECOUNT OF VOTES CAST FOR THE OFFICE OF
15 GOVERNOR AND SECRETARY OF STATE.] If there is a tie vote as
16 provided in Sec. 3.46 of this code, the secretary of state
17 shall initiate the recount and give notice to the interested
18 parties as provided in Sec. 4.75 of this code.

19 Sec. 15. Sec. 4.74, Ch. 83, SLA 1960 is amended to read:

20 Sec. 4.74. DETERMINATION OF DATE OF RECOUNT. If the
21 secretary of state determines the application is substantially
22 in the required form, he shall fix the date of the recount to
23 be held [WITHIN THREE DAYS AFTER THE RECEIPT OF AN APPLICATION
24 REQUESTING A RECOUNT OF THE GENERAL ELECTION VOTES CAST FOR
25 THE OFFICE OF GOVERNOR AND SECRETARY OF STATE AND] within
26 five days after the receipt of an application requesting a re-
27 count for any [OTHER] office, question, or proposition.

28 Sec. 16. Sec. 5.02, Ch. 83, SLA 1960 is amended to read:

29 Sec. 5.02. DATE OF PRIMARY. The party primary nomina-

1 tion is held on the Tuesday after the second Monday in April
2 [AUGUST] in every even numbered year.

3 Sec. 17. Sec. 5.03, Ch. 83, SLA 1960 is amended to read:

4 Sec. 5.03. REQUIREMENTS OF DECLARATION OF PARTY CANDI-
5 DACY. Any member of a political party who seeks to become a
6 candidate of the party in the primary nomination shall execute
7 and file a declaration of candidacy. The declaration shall
8 be executed under oath before an officer authorized to take
9 acknowledgments and shall state in substance: (1) the full
10 name of the candidate, (2) the full resident address of the
11 candidate, (3) the full mailing address of the candidate,
12 (4) if the candidacy is for the office of state senator or
13 state representative, the election or senate district of
14 which the candidate is a resident, (5) the office for which
15 the candidate seeks nomination, (6) the name of the political
16 party of which he is a candidate for nomination, (7) the date
17 of the primary nomination at which the candidate declares
18 himself to be a candidate, (8) that the candidate meets the
19 specific residency requirements of the office for which he
20 is a candidate, (9) that the candidate will meet the specific
21 citizenship requirements of the office for which he is a
22 candidate, (10) that the candidate is [IF THE CANDIDACY IS
23 FOR THE OFFICE OF GOVERNOR, SECRETARY OF STATE, STATE SENATOR
24 OR STATE REPRESENTATIVE, THAT THE CANDIDATE WILL BE] a quali-
25 fied voter as required by law, (11) that the candidate will
26 meet the specific age requirements of the office for which
27 he is a candidate, (12) that the candidate if nominated and
28 elected will support the principles of the party he seeks to
29 represent, (13) that the candidate requests that his name be

1 placed on the party primary nomination ballot, and (14) that
2 the required fee accompanies the declaration.

3 Sec. 18. Sec. 5.04, Ch. 83, SLA 1960 is amended to read:

4 Sec. 5.04. MANNER AND DATE OF FILING DECLARATION. The
5 declaration is filed by either (1) the actual physical
6 delivery of the declaration by mail or in person on or before
7 5:00 p.m. on the first day of February [MAY] of the year in
8 which a general election is held for the office, or (2) the
9 actual physical delivery by telegram of a copy in substance
10 of the statements made in the declaration on or before 5:00
11 p.m. on the first day of February [MAY] of the year in which
12 a general election is held for the office, and also the
13 actual physical delivery of the original declaration post-
14 marked on or before 5:00 p.m. on or before the first day of
15 February [MAY] of the year in which a general election is
16 held for the office. Candidates for statewide offices shall
17 file with the secretary of state. Candidates for district
18 wide offices shall file with any clerk of the superior court
19 in the major senate district of which the candidate is a
20 resident. The clerk of the superior court shall immediately
21 forward the declaration to the secretary of state. If the
22 first day of February [MAY] is a Sunday or holiday, declara-
23 tion may be filed no later than 5:00 p.m. on the following
24 day.

25 Sec. 19. Sec. 5.06, Ch. 83, SLA 1960 is repealed and re-
26 enacted to read:

27 Sec. 5.06. PREPARATION AND DISTRIBUTION OF BALLOTS.
28 The primary nomination ballot shall be prepared and distri-
29 buted by the secretary of state in the manner prescribed

1 for general election ballots, except as specifically pro-
2 vided otherwise for the primary nomination. The secretary of
3 state shall place the names of all candidates who have
4 properly filed and their party designation in separate sec-
5 tions under the office designations to which they were
6 nominated. The party affiliation, if any, shall be designated
7 after the name of the candidate. Within each office the name
8 of each candidate shall be rotated as provided for the general
9 election ballot.

10 Sec. 20. Sec. 5.07, Ch. 83, SLA 1960 is amended to read:

11 Sec. 5.07. SPECIAL PROVISIONS ON MARKING [COUNTING]
12 BALLOTS. A voter may vote for candidates of any party or no
13 party, or may write in names of any other persons. [NO VOTER
14 MAY VOTE FOR ANY PERSON WHOSE NAME IS NOT ON THE BALLOT OR
15 VOTE FOR CANDIDATES IN MORE THAN ONE COLUMN. VOTES CAST FOR
16 A PERSON WHOSE NAME IS NOT ON THE BALLOT SHALL NOT BE
17 COUNTED, BUT WRITING IN A CANDIDATE'S NAME DOES NOT INVALIDATE
18 THE ENTIRE BALLOT. BALLOTS CAST WITH VOTES FOR CANDIDATES
19 IN MORE THAN ONE PARTY COLUMN SHALL NOT BE COUNTED, AND THE
20 ENTIRE BALLOT IS INVALID.]

21 Sec. 21. Sec. 5.11, Ch. 83, SLA 1960 is amended to read:

22 Sec. 5.11. FILLING VACANCIES BY PARTY PETITION. If any
23 candidate nominated at the party primary nomination dies,
24 withdraws, resigns, [OR] becomes disqualified from holding
25 office for which he is nominated or is otherwise removed from
26 the nomination, after the primary nomination and 10 days or
27 more before the general election, the vacancy may be filled
28 by party petition. The secretary of state shall place the
29 name of the person nominated by party petition on the general

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

10 Sec. 22. Sec. 5.52, Ch. 83, SLA 1960 is amended to read:

11 Sec. 5.52. DATE OF FILING PETITION. The petition is
12 filed with the secretary of state by actual physical delivery
13 in person or by mail before February [MAY] 1 in the year in
14 which a general election shall be held for the office.

15 Sec. 23. Sec. 8.25, Ch. 83, SLA 1960 is amended to read:

16 Sec. 8.25. DATE OF NOMINATIONS. Candidates for the
17 special election shall be nominated by petition transmitted
18 by either (1) the actual physical delivery of the petition
19 in person, (2) by mail postmarked not later than midnight of
20 the filing date, or (3) by telegram of a copy in substance
21 of the statements made in the petition [ACTUAL DELIVERY] to
22 the secretary of state on or before the 20th day after the
23 vacancy occurs.

24 Sec. 24. Sec. 8.35, Ch. 83, SLA 1960 is amended to read:

25 Sec. 8.35. DATE OF NOMINATIONS. Candidates for the
26 special election shall be nominated by petition transmitted
27 by either (1) the actual physical delivery of the petition
28 in person, (2) by mail postmarked not later than midnight of
29 the filing date, or (3) by telegram of a copy in substance

1 of the statements made in the petition [ACTUAL DELIVERY] to
2 the secretary of state on or before the 20th day after the
3 vacancy occurs.

4 Sec. 25. Sec. 8.62, Ch. 83, SLA 1960 is amended to read:

5 Sec. 8.62. DESIGNATION OF NOMINEES BY PETITION. If
6 the vacancy occurs less than one calendar month before the
7 filing date and more than three calendar months before the
8 next general election, candidates shall be nominated by
9 petition transmitted by either (1) the actual physical de-
10 livery of the petition in person, (2) by mail postmarked not
11 later than midnight of the filing date, or (3) by telegram
12 of a copy in substance of the statements made in the petition
13 [ACTUAL DELIVERY] to the secretary of state on or before the
14 first of September immediately preceding the special elec-
15 tion.

16 Sec. 26. Sec. 9.19, Ch. 83, SLA 1960 is amended to read:

17 Sec. 9.19. PLACING PROPOSITION ON BALLOT. The secretary
18 of state shall place the ballot title and proposition on a
19 separate [THE ELECTION] ballot of the first statewide general,
20 special, or primary nomination election that is held after
21 (1) the petition and any supplementary petition has been
22 filed, (2) a legislative session has convened and adjourned,
23 and (3) a period of 120 days has expired since the adjourn-
24 ment of the legislative session.

25 Sec. 27. Sec. 9.48, Ch. 83, SLA 1960 is amended to read:

26 Sec. 9.48. PLACING PROPOSITION ON BALLOT. The secre-
27 tary of state shall place the ballot title and proposition on
28 a separate [THE ELECTION] ballot for the first statewide
29 general, special, or primary nomination election held more

1 than 180 days after adjournment of the legislative session at
2 which the act was passed.

3 Sec. 28. Sec. 9.71, Ch. 83, SLA 1960 is amended to read:

4 Sec. 9.71. PROVISION AND SCOPE FOR USE OF RECALL. The
5 governor, the secretary of state, and members of Congress
6 representing the state and of the state legislature are sub-
7 ject to recall by the voters of the state or the political
8 subdivision from which elected.

9 Sec. 29. Sec. 9.72, Ch. 83, SLA 1960 is amended to read:

10 Sec. 9.72. FILING APPLICATION. The recall of the
11 governor, or a member of Congress or the state legislature is
12 proposed by filing an application with the secretary of
13 state. The recall of the secretary of state is proposed by
14 filing an application with the attorney general who shall
15 perform the duties imposed on the secretary of state in the
16 recall of other elected state officials.

17 Sec. 30. Sec. 10.03, Ch. 83, SLA 1960 is amended to read:

18 Sec. 10.03. PLACING PROPOSITION ON BALLOT. The secre-
19 tary of state shall place the ballot title and proposition
20 on a separate [THE] ballot for the next statewide general,
21 primary, or special election held after the amendment pro-
22 posed by the legislature or held 120 days after the amendment
23 proposed by a constitutional convention. If there is in-
24 sufficient time to permit the proposition from being placed
25 on a separate [THE REGULAR] ballot by the secretary of state,
26 the secretary of state shall direct election officials to
27 prepare the ballot for the proposition.

28 Sec. 31. Sec. 10.51, Ch. 83, SLA 1960 is amended to read:

29 Sec. 10.51. PLACING QUESTION OF CONSTITUTIONAL

2 CONVENTION ON BALLOT. If during any 10-year period a con-
3 stitutional convention has not been held, and the question
4 of holding a constitutional convention has not been placed
5 before the voters, the secretary of state shall place the
6 question on a separate [THE] ballot for the next regular
7 statewide general or primary election.

8 Sec. 32. Sec. 12.01 (6), Ch. 83, SLA 1960 is amended to
9 read:

10 (6) "political party" means a group of organized
11 voters which represents a political program [AND WHICH
12 NOMINATED A CANDIDATE FOR GOVERNOR WHO RECEIVED AT LEAST 10
13 PER CENT OF THE TOTAL VOTE CAST AT THE LAST PRECEDING GENERAL
14 ELECTION FOR GOVERNOR].

15 Sec. 33. Secs. 3.10, 3.36 (10), 11.08, and 12.01 (8), Ch.
16 83, SLA 1960 are repealed.