

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR 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; and providing for an
8 effective date."

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

10 Section 1. Sec. 1.02 (5), Ch. 83, SLA 1960 is amended to
11 read:

12 (5) No member of the armed forces of the United
13 States, or his spouse, is a resident of this state solely by
14 reason of being stationed within the state.

15 Sec. 2. Sec. 2.08, Ch. 83, SLA 1960 is amended to read:

16 Sec. 2.08. DATES FOR DESIGNATING PRECINCT BOUNDARY.

17 The secretary of state shall designate [THE] boundaries of
18 any election precinct which has been established, modified or
19 abolished not later than 40 days prior to any election [ALL
20 PRECINCTS FOR THE PRIMARY AND GENERAL ELECTION BETWEEN APRIL
21 1 AND MAY 1 OF EACH GENERAL ELECTION YEAR, AND FOR EVERY
22 SPECIAL ELECTION HELD AT A TIME OTHER THAN WITH A PRIMARY
23 NOMINATION OR GENERAL ELECTION, ON A DATE NOT MORE THAN 40
24 DAYS PRIOR TO THE DATE OF THE SPECIAL ELECTION].

25 Sec. 3. Sec. 2.11, Ch. 83, SLA 1960 is amended to read:

26 Sec. 2.11. APPOINTMENT OF ELECTION SUPERVISORS. The
27 secretary of state shall appoint an election supervisor for
28 each of the four major senate districts, described in Sec. 2,
29 Article XIV of the state constitution to assist in the

1 administration of elections within their respective senate
2 districts. The secretary of state may appoint as an election
3 supervisor any person who is a qualified voter of the respec-
4 tive senate district and who does not hold an office in a
5 political party. Election supervisors shall be appointed to
6 serve for a term to begin not more than 90 days prior to the
7 date of the primary nomination or special election and to
8 end not more than 30 days [10 DAYS] after the date of the
9 general or special election. Election supervisors shall
10 receive compensation in an amount that is comparable to that
11 received for similar type state employment as determined by
12 the secretary of state. Executive department employees
13 shall be appointed election supervisors whenever feasible and
14 shall serve without additional compensation.

15 Sec. 4. Sec. 3.03 (2), Ch. 83, SLA 1960 is amended to read:

16 (2) The secretary of state shall determine the
17 manner of numbering ballots to assure simplicity and secrecy
18 and to prevent fraud. Each ballot shall be clearly identi-
19 fied by a serial number.

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

22 (5) The general election ballot shall be printed on
23 white paper with the names of each candidate and their party
24 designations placed in separate sections under the office
25 designation to which they were nominated. The party affilia-
26 tion, if any, shall be designated after the name of the candi-
27 date. The secretary of state and governor shall be included
28 under the same section. Provision shall be made for voting
29 for write-in and no-party candidates within each section.

1 Sec. 6. Sec. 3.03, Ch. 83, SLA 1960 is amended by adding a
2 new Paragraph (12) to read:

3 (12) All propositions and questions, other than
4 whether a judge or justice shall be accepted or rejected
5 shall be placed on a ballot other than the ballot containing
6 the names of candidates.

7 Sec. 7. Sec. 3.07, Ch. 83, SLA 1960 is repealed and re-
8 enacted to read:

9 Sec. 3.07. PUBLIC NOTICE OF ELECTION REQUIRED. The
10 secretary of state shall give, and is authorized to contract
11 to give, full public notice of the election and may select
12 any manner reasonably calculated to give actual knowledge of
13 the election to the voters. Such notice shall be given by
14 publication thereof at least twice in some newspaper or news-
15 papers of general circulation in each of the four major
16 election districts. Such printed notice shall specifically
17 include, but is not limited to, the date of election, the
18 hours between which the polling places will be open, the
19 offices to which candidates are to be nominated or elected
20 and the subject of the propositions and of questions which
21 are to be voted upon. Public notice shall also be given by
22 posting notices in two or more conspicuous places in each
23 election precinct; said posted notice shall specifically in-
24 clude, but is not limited to, the date of election, the bound-
25 ary of the precinct, the location of the polling place, the
26 hours between which the polling places will be open, the
27 offices to which candidates are to be nominated or elected,
28 and the subject of the propositions and of questions which
29 are to be voted upon. Said first publication or posting is

1 to be made not less than 10 days prior to such election. The
2 secretary of state may have published in a newspaper of
3 general circulation a precinct map of densely populated pre-
4 cincts where need for such maps is established. It shall not
5 be necessary for the secretary of state to post or publish
6 any notice other than as hereinbefore provided. Additional
7 notice may be given by use of newspapers, television, radio,
8 printed posters, maps, and any similar means of communication
9 deemed necessary. The state, through the office of the
10 secretary of state, shall pay the cost of any election ex-
11 penses incurred in giving notice of any election.

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

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

22 Sec. 9. Sec. 3.44, Ch. 83, SLA 1960 is amended to read:

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

1 secretary of state may secure from the election supervisors
2 and may count a certified copy of the duplicate election
3 certificate of the precinct. If no election poll books have
4 been received but an authorized election certificate has been
5 received by telegram or radio, the secretary of state shall
6 count the election certificate so received. If the secretary
7 has reason to believe that a missing precinct certificate,
8 if received, would affect the result of the election, the
9 secretary of state shall await the receipt of the certificate
10 until four o'clock in the afternoon on the 15th day after the
11 date of election. Any certificate not actually delivered to
12 the secretary of state by four o'clock on the 15th day after
13 the election shall not be counted at the canvass.

14 Sec. 10. Sec. 4.08, Ch. 83, SLA 1960 is amended to read:

15 Sec. 4.08. DATE FOR APPLICATION IN PERSON. Any quali-
16 fied voter may make application for an absentee ballot in
17 person on any day not more than 30 [40] days, nor less than
18 one day before the date of any election, but not more than
19 20 days nor less than one day before the date of any special
20 election held to recall an elected official or to fill a
21 vacancy in the office of United States representative or
22 governor and secretary of state.

23 Sec. 11. Sec. 3.47, Ch. 83, SLA 1960 is amended to read:

24 Sec. 3.47. PRESERVATION OF ELECTION BALLOTS, PAPERS AND
25 MATERIALS. The secretary of state shall preserve all precinct
26 election certificates, [BALLOTS AND OTHER ELECTION PAPERS AND
27 MATERIALS] tallies and registers for four years after the
28 election. All ballots and stubs may be destroyed 30 days
29 after the certification of state canvass, unless an

1 application for recount has been filed and not completed, or
2 unless their destruction is stayed by an order of the court.

3 The secretary of state may permit the inspection of election
4 materials upon call by Congress, the state legislature, or a
5 court of competent jurisdiction.

6 Sec. 12. Sec. 4.20, Ch. 83, SLA 1960 is amended to read:

7 Sec. 4.20. TIME OF DISTRICT CANVASS. Ten days after
8 the date of the election, the election supervisor, in the
9 presence and with the assistance of the district absentee
10 ballot canvassing board, shall proceed to count and canvass
11 the absentee ballots and shall continue the canvass daily
12 [WITHOUT ANY RECESS] until the ballots are canvassed.

13 Sec. 13. Sec. 4.73, Ch. 83, SLA 1960 is amended to read:

14 Sec. 4.73. REQUIREMENT OF DEPOSIT. The application
15 shall include a deposit in cash, by certified check or by
16 bond with a surety approved by the secretary of state. The
17 amount of the deposit is \$50 for each precinct, [;] \$250 for
18 each election district, \$500 for each major senate district,
19 and \$2,000 for the entire state. [OR IF MORE THAN 10 PRE-
20 CINCTS IN ANY ELECTION DISTRICT ARE INCLUDED IN THE RECOUNT,
21 THE AMOUNT OF DEPOSIT IS \$500.00 FOR EACH ELECTION DISTRICT.
22 However, if the recount includes an office for which candi-
23 dates received a tie vote, or the difference between the
24 number of votes cast for the two candidates receiving the
25 largest number of votes was 10 or less or was less than .5
26 per cent of the total number of votes cast for the two
27 candidates for the contested office, or a question or propo-
28 sition for which there was a tie vote on the issue, the
29 application need not include any deposit. If on the recount a

1 candidate other than the candidate who had received the
2 original election certificate is declared elected, or if the
3 vote on recount is determined to be four per cent or more in
4 excess of the vote reported by the state canvass for the
5 candidate applying for the recount, or in favor or opposed to
6 the question or proposition as stated in the application, the
7 entire deposit shall be refunded. If the entire deposit is
8 not refunded, the secretary of state shall refund any monies
9 remaining after the cost of the recount has been paid from
10 the deposit.

11 Sec. 14. Sec. 5.02, Ch. 83, SLA 1960 is amended to read:

12 Sec. 5.02. DATE OF PRIMARY. The party primary nomina-
13 tion is held on the last Tuesday [AFTER THE SECOND MONDAY] in
14 August in every even numbered year.

15 Sec. 15. Sec. 5.03, Ch. 83, SLA 1960 is amended to read:

16 Sec. 5.03. REQUIREMENTS OF DECLARATION OF PARTY CANDI-
17 DACY. Any member of a political party who seeks to become a
18 candidate of the party in the primary nomination shall execute
19 and file a declaration of candidacy. The declaration shall
20 be executed under oath before an officer authorized to take
21 acknowledgments and shall state in substance: (1) the full
22 name of the candidate, and the manner in which he wishes his
23 name to appear on the ballot, (2) the full resident address
24 of the candidate, (3) the full mailing address of the candi-
25 date, (4) if the candidacy is for the office of state senator
26 or state representative, the election or senate district of
27 which the candidate is a resident, (5) the office for which
28 the candidate seeks nomination, (6) the name of the political
29 party of which he is a candidate for nomination, (7) the date

1 of the primary nomination at which the candidate declares
2 himself to be a candidate, (8) that the candidate meets the
3 specific residency requirements of the office for which he is
4 a candidate, (9) that the candidate will meet the specific
5 citizenship requirements of the office for which he is a
6 candidate, (10) that the candidate is [IF THE CANDIDACY IS FOR
7 THE OFFICE OF GOVERNOR, SECRETARY OF STATE, STATE SENATOR OR
8 STATE REPRESENTATIVE, THAT THE CANDIDATE WILL BE] a qualified
9 voter as required by law, (11) that the candidate will meet
10 the specific age requirements of the office for which he is a
11 candidate, (12) that the candidate if nominated and elected
12 will support the principles of the party he seeks to repre-
13 sent, (13) that the candidate requests that his name be placed
14 on the party primary nomination ballot, and (14) that the
15 required fee accompanies the declaration.

16 Sec. 16. Sec. 5.11, Ch. 83, SLA 1960 is amended to read:

17 Sec. 5.11. FILLING VACANCIES BY PARTY PETITION. If any
18 candidate nominated at the party primary nomination dies, with-
19 draws, resigns, [OR] becomes disqualified from holding office
20 for which he is nominated or is certified as being incapacita-
21 ted in the manner prescribed by this section, after the prim-
22 ary nomination and 10 days or more before the general election,
23 the vacancy may be filled by party petition. The central com-
24 mittee of any political party or any party district committee
25 may certify as being incapacitated any candidate nominated
26 by their respective party by presenting to the secretary of
27 state a sworn statement made by a panel of three licensed
28 physicians, not more than two of whom shall be of the same
29 political party, that the candidate is physically or mentally

1 incapacitated to an extent that would in his judgment prevent
2 the candidate from active service during the term of office if
3 elected. The secretary of state shall place the name of the
4 person nominated by party petition on the general election
5 ballot or if the general election ballot has been prepared, the
6 secretary of state, or the election officials directed by the
7 secretary of state, shall prepare, print, and distribute a
8 sufficient number of gummed labels or stickers bearing the
9 name of the candidate to fill the vacancy to each voting
10 precinct with instructions that the election judges shall place
11 one of the stickers or labels on the appropriate place on each
12 ballot before the ballot is handed to the voter. The name of
13 any candidate disqualified under the provisions of this section
14 shall not appear on the general election ballot.

15 Sec. 17. 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
20 of 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. 18. 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) actual physical delivery of the petition in
28 person, (2) by mail postmarked not later than midnight of the
29 filing date, or (3) by telegram of a copy in substance of the

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

4 Sec. 19. Sec. 8.62, Ch. 83, SLA 1960 is amended to read:

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

15 Sec. 20. Sec. 9.02, Ch. 83, SLA 1960 is amended to read:

16 Sec. 9.02. FILING APPLICATION. An initiative is pro-
17 posed by filing an application with the secretary of state.
18 A deposit of \$100.00 shall accompany the application. This
19 deposit will be retained if a petition is not properly filed.
20 If a petition is properly filed the deposit shall be refunded.

21 Sec. 21. Sec. 9.32, Ch. 83, SLA 1960 is amended to read:

22 Sec. 9.32. FILING APPLICATION. A referendum is pro-
23 posed by filing an application with the secretary of state.
24 A deposit of \$100.00 shall accompany the application. This
25 deposit will be retained if a petition is not properly filed.
26 If a petition is properly filed the deposit shall be refunded.

27 Sec. 22. Sec. 9.72, Ch. 83, SLA 1960 is amended to read:

28 Sec. 9.72. FILING APPLICATION. The recall of the gover-
29 nor, or a member of the state legislature is proposed by

1 filing an application with the secretary of state. The recall
2 of the secretary of state is proposed by filing an application
3 with the attorney general who shall perform the duties imposed
4 on the secretary of state in the recall of other elected state
5 officials. A deposit of \$100.00 shall accompany the appli-
6 cation. This deposit will be retained if a petition is not
7 properly filed. If a petition is properly filed the deposit
8 shall be refunded.

9 Sec. 23. Art. XI, Ch. 83, SLA 1960 is amended by adding a
10 new Sec. 11.26 to read:

11 Sec. 11.26. VOTING AFTER DISQUALIFICATION. Any voter
12 disqualified under Sec. 1.03 who votes or attempts to vote in
13 any election shall be guilty of a misdemeanor.

14 Sec. 24. Sec. 3.36 (10), Ch. 83, SLA 1960 is repealed.

15 Sec. 25. This Act takes effect on the day after its passage
16 and approval or on the day it becomes law without such approval.