

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2

HOUSE CS FOR CS FOR SENATE BILL NO. 6

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SECOND LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to elections."

7

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

8

Section 1. Sec. 1.01, Art. I, Ch. 83, SLA 1960 is repealed

9

and re-enacted to read:

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ARTICLE I

11

QUALIFICATION AND REGISTRATION OF VOTERS

12

Part 1. Qualification of Voters

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Sec. 1.01. VOTER QUALIFICATION. Any person may vote

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at any election who

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(1) is a citizen of the United States,

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(2) is at least 19 years of age,

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(3) has been a resident of the state for at least

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one year immediately preceding the election,

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(4) has been a resident of the election district

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in which he seeks to vote for at least 30 days immediately

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preceding the election,

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(5) is able to speak or read the English language,

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unless prevented by physical disability, or who voted in the

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general election of November 4, 1924.

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Sec. 2. Sec. 1.02 (5), Ch. 83, SLA 1960 is amended to read:

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(5) No member of the armed forces of the United

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States, or his spouse or dependents, is a resident of this

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state solely by reason of being stationed within the state.

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Sec. 3. Sec. 2.08, Ch. 83, SLA 1960 is amended to read:

1           Sec. 2.08. DATES FOR DESIGNATING PRECINCT BOUNDARY.  
2           The secretary of state shall designate [THE] boundaries of  
3           any election precinct which has been established or modified,  
4           not later than 40 days prior to any election [ALL PRECINCTS  
5           FOR THE PRIMARY NOMINATION AND GENERAL ELECTION BETWEEN APRIL  
6           1 AND MAY 1 OF EACH GENERAL ELECTION YEAR, AND FOR EVERY  
7           SPECIAL ELECTION HELD AT A TIME OTHER THAN WITH A PRIMARY  
8           NOMINATION OR GENERAL ELECTION, ON A DATE NOT MORE THAN 40  
9           DAYS PRIOR TO THE DATE OF THE SPECIAL ELECTION].

10          Sec. 4. Sec. 2.11, Ch. 83, SLA 1960 is amended to read:

11                Sec. 2.11. APPOINTMENT OF ELECTION SUPERVISORS. The  
12                secretary of state shall appoint an election supervisor for  
13                each of the four major senate districts, described in Sec. 2,  
14                Article XIV of the state constitution to assist in the  
15                administration of elections within their respective senate  
16                districts. The secretary of state may appoint as an election  
17                supervisor any person who is a qualified voter of the respec-  
18                tive senate district and who does not hold an office in a  
19                political party. Election supervisors shall be appointed to  
20                serve for a term to begin not more than 90 days prior to the  
21                date of the primary nomination or special election and to  
22                end not more than 30 days [10 DAYS] after the date of the  
23                general or special election. Election supervisors shall  
24                receive compensation in an amount that is comparable to that  
25                received for similar type state employment as determined by  
26                the secretary of state. Executive department employees  
27                shall be appointed election supervisors whenever feasible  
28                and shall serve without additional compensation.

29          Sec. 5. Sec. 3.03 (2), Ch. 83, SLA 1960 is amended to read:

HCS for CS for SB #6, as amended -2-  
by 2d Free Conf. Com.

1 (2) The secretary of state shall number [DETERMINE  
2 THE MANNER OF NUMBERING] ballots in series to assure  
3 simplicity and secrecy and to prevent fraud.

4 Sec. 6. Sec. 3.03 (5), Ch. 83, SLA 1960 is repealed and  
5 re-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  
14 section.

15 Sec. 7. Sec. 3.03, Ch. 83, SLA 1960 is amended by adding a  
16 new paragraph (12) to read:

17 (12) All propositions and questions, other than  
18 whether a judge or justice shall be accepted or rejected  
19 shall be placed on a ballot other than the ballot containing  
20 the names of candidates.

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

23 Sec. 3.07. PUBLIC NOTICE OF ELECTION REQUIRED. The  
24 secretary of state shall give, and is authorized to contract  
25 to give, full public notice of the election and may select  
26 any manner reasonably calculated to give actual knowledge of  
27 the election to the voters. Such notice shall be given by  
28 publication thereof at least twice in some newspaper or news-  
29 papers of general circulation in each of the four major

1 election districts. Such printed notice shall specifically  
2 include, but is not limited to, the date of election, the  
3 hours between which the polling places will be open, the  
4 offices to which candidates are to be nominated or elected  
5 and the subject of the propositions and of questions which  
6 are to be voted upon. Public notice shall also be given by  
7 posting notices in two or more conspicuous places in each  
8 election precinct; said posted notice shall specifically  
9 include, but is not limited to, the date of election, the  
10 boundary of the precinct, the location of the polling place,  
11 the hours between which the polling places will be open, the  
12 offices to which candidates are to be nominated or elected,  
13 and the subject of the propositions and of questions which  
14 are to be voted upon. Said first publication or posting is  
15 to be made not less than 10 days prior to such election. The  
16 secretary of state may have published in a newspaper of  
17 general circulation a precinct map of densely populated pre-  
18 cincts where need for such maps is established. It shall not  
19 be necessary for the secretary of state to post or publish  
20 any notice other than as hereinbefore provided. Additional  
21 notice may be given by use of newspapers, television, radio,  
22 printed posters, maps, and any similar means of communication  
23 deemed necessary. The state, through the office of the  
24 secretary of state, shall pay the cost of any election  
25 expenses incurred in giving notice of any election.

26 Sec. 9. Sec. 3.24, Ch. 83, SLA 1960 is amended to read:

27 Sec. 3.24. ASSISTING VOTER BY JUDGE. Any qualified  
28 voter who is incapable of reading, of marking the ballot or  
29 of signing his name may request any judge or any one, or not

1 more than two, other persons of his choice to assist him  
2 [, AND THE JUDGE SHALL ASSIST THE VOTER AS REQUESTED]. If  
3 the judge is requested, he shall assist the voter. If any  
4 other person is requested, the person shall state, upon oath  
5 before the election judge, that he will not divulge the vote  
6 cast by the person whom he assists.

7 Sec. 10. Sec. 3.36 (1), Ch. 83, SLA 1960 is repealed and re-  
8 enacted to read:

9 (1) A voter may mark his ballot only by the use of  
10 cross marks, "X" marks, checks or plus signs that are clearly  
11 placed in the square opposite the name of the candidate the  
12 voter desires to designate.

13 Sec. 11. Sec. 3.36 (7), Ch. 83, SLA 1960 is repealed and re-  
14 enacted to read:

15 (7) Erasures and corrections shall invalidate the  
16 ballot.

17 Sec. 12. Sec. 3.36 (10), Ch. 83, SLA 1960 is repealed.

18 Sec. 13. Sec. 3.44, Ch. 83, SLA 1960 is amended to read:

19 Sec. 3.44. DATES FOR OPENING AND CLOSING STATE CANVASS.  
20 The state canvass shall begin six days after the election  
21 and be continued daily [, EXCEPT SUNDAYS,] until completed.  
22 The secretary of state shall close the canvass when he is  
23 satisfied that no missing precinct certificate of election  
24 would, if received, change the result of the election. If  
25 no election certificate has been received from any precinct,  
26 the secretary of state may secure from the election super-  
27 visors and may count a certified copy of the duplicate  
28 election certificate of the precinct. If no election poll  
29 books have been received but an authorized election certifi-

1 cate has been received by telegram or radio, the secretary  
2 of state shall count the election certificate so received.  
3 If the secretary has reason to believe that a missing pre-  
4 cinct certificate, if received, would affect the result of  
5 the election, the secretary of state shall await the receipt  
6 of the certificate until four o'clock in the afternoon on  
7 the 15th day after the date of election. Any certificate  
8 not actually delivered to the secretary of state by four  
9 o'clock on the 15th day after the election shall not be  
10 counted at the canvass.

11 Sec. 14. Sec. 3.47, Ch. 83, SLA 1960 is amended to read:

12 Sec. 3.47. PRESERVATION OF ELECTION BALLOTS, PAPERS  
13 AND MATERIALS. The secretary of state shall preserve all  
14 precinct election certificates, tallies and registers [BALLOTS  
15 AND OTHER ELECTION PAPERS AND MATERIALS] for four years  
16 after the election. All ballots and stubs may be destroyed  
17 30 days after the certification of state canvass, unless an  
18 application for recount has been filed and not completed, or  
19 unless their destruction is stayed by an order of the court.

20 The secretary of state may permit the inspection of election  
21 materials upon call by Congress, the state legislature, or a  
22 court of competent jurisdiction.

23 Sec. 15. Sec. 4.73, Ch. 83, SLA 1960 is amended to read:

24 Sec. 4.73. REQUIREMENT OF DEPOSIT. The application  
25 shall include a deposit in cash, by certified check or by  
26 bond with a surety approved by the secretary of state. The  
27 amount of the deposit is \$50 for each precinct, [;] \$250 for  
28 each election district, \$500 for each major senate district,  
29 and \$2,000 for the entire state [OR IF MORE THAN 10 PRECINCTS

1 IN ANY ELECTION DISTRICT ARE INCLUDED IN THE RECOUNT, THE  
2 AMOUNT OF DEPOSIT IS \$500.00 FOR EACH ELECTION DISTRICT].  
3 However, if the recount includes an office for which candi-  
4 dates received a tie vote, or the difference between the  
5 number of votes cast for the two candidates receiving the  
6 largest number of votes was 10 or less or was less than .5  
7 per cent of the total number of votes cast for the two  
8 candidates for the contested office, or a question or propo-  
9 sition for which there was a tie vote on the issue, the  
10 application need not include any deposit. If on the recount  
11 a candidate other than the candidate who had received the  
12 original election certificate is declared elected, or if the  
13 vote on recount is determined to be four per cent or more in  
14 excess of the vote reported by the state canvass for the  
15 candidate applying for the recount, or in favor or opposed to  
16 the question or proposition as stated in the application, the  
17 entire deposit shall be refunded. If the entire deposit is  
18 not refunded, the secretary of state shall refund any monies  
19 remaining after the cost of the recount has been paid from  
20 the deposit.

21 Sec. 16. Sec. 5.03, Ch. 83, SLA 1960 is amended to read:

22 Sec. 5.03. REQUIREMENTS OF DECLARATION OF PARTY CANDI-  
23 DACY. Any member of a political party who seeks to become a  
24 candidate of the party in the primary nomination shall execute  
25 and file a declaration of candidacy. The declaration shall  
26 be executed under oath before an officer authorized to take  
27 acknowledgments and shall state in substance: (1) the full  
28 name of the candidate, and the manner in which he wishes his  
29 name to appear on the ballot, (2) the full resident address

1 of the candidate, (3) the full mailing address of the candi-  
2 date, (4) if the candidacy is for the office of state senator  
3 or state representative, the election or senate district of  
4 which the candidate is a resident, (5) the office for which  
5 the candidate seeks nomination, (6) the name of the political  
6 party of which he is a candidate for nomination, (7) the date  
7 of the primary nomination at which the candidate declares  
8 himself to be a candidate, (8) that the candidate meets the  
9 specific residency requirements of the office for which he is  
10 a candidate, (9) that the candidate will meet the specific  
11 citizenship requirements of the office for which he is a  
12 candidate, (10) that the candidate is [IF THE CANDIDACY IS  
13 FOR THE OFFICE OF GOVERNOR, SECRETARY OF STATE, STATE SENATOR  
14 OR STATE REPRESENTATIVE, THAT THE CANDIDATE WILL BE] a quali-  
15 fied voter as required by law, (11) that the candidate will  
16 meet the specific age requirements of the office for which he  
17 is a candidate, (12) that the candidate if nominated and  
18 elected will support the principles of the party he seeks to  
19 represent, (13) that the candidate requests that his name be  
20 placed on the party primary nomination ballot, and (14) that  
21 the required fee accompanies the declaration.

22 Sec. 17. Sec. 5.04, Ch. 83, SLA 1960 is amended to read:

23 Sec. 5.04. MANNER AND DATE OF FILING DECLARATION. The  
24 declaration is filed by either (1) the actual physical delivery  
25 of the declaration by mail or in person on or before 5:00 p.m.  
26 Alaska Standard time on the first day of May of the year in  
27 which a general election is held for the office, or (2) the  
28 actual physical delivery by telegram of a copy in substance  
29 of the statements made in the declaration on or before 5:00

1 p.m. Alaska Standard time on the first day of May of the year  
2 in which a general election is held for the office, and also  
3 the actual physical delivery of the original declaration  
4 postmarked on or before 5:00 p.m. Alaska Standard time on  
5 or before the first day of May of the year in which a general  
6 election is held for the office. Candidates for statewide  
7 offices shall file with the secretary of state. Candidates  
8 for district wide offices shall file with any clerk of the  
9 superior court in the major senate district of which the  
10 candidate is a resident. The clerk of the superior court  
11 shall immediately forward the declaration to the secretary  
12 of state. If the first day of May is a Sunday or holiday,  
13 declaration may be filed no later than 5:00 p.m. Alaska  
14 Standard time on the following day.

15 Sec. 18. Sec. 5.11, Ch. 83, SLA 1960 is amended to read:

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

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

15 Sec. 19. 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. 20. 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. 21. 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. 22. 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 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. 23. 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 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. 24. Sec. 9.72, Ch. 83, SLA 1960 is amended to read:

28 Sec. 9.72. FILING APPLICATION. The recall of the  
29 governor, or a member of the state legislature is proposed by

1 filing an application with the secretary of state. The  
2 recall of the secretary of state is proposed by filing an  
3 application with the attorney general who shall perform the  
4 duties imposed on the secretary of state in the recall of  
5 other elected state officials. A deposit of \$100 shall  
6 accompany the application. This deposit will be retained if  
7 a petition is not properly filed. If a petition is properly  
8 filed the deposit shall be refunded.

9 Sec. 25. 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.

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15 Passed by the Senate March 15, 1961  
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