

Introduced: 2/16/63
Referred: STATE AFFAIRS
LOCAL GOVERNEMENT

RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 74

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to voter registration;
7 and providing for an effective date."

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

9 * Section 1. AS 15.05.010 is amended to read:

10 Sec. 15.05.010. VOTER QUALIFICATION. A person may vote
11 at any election who:

12 (1) is a citizen of the United States;

13 (2) has passed his 19th birthday;

14 (3) has been a resident of the state for at least
15 one year just before the election;

16 (4) has been a resident of the election district
17 in which he seeks to vote for at least 30 days just before
18 the election; [AND]

19 (5) can speak or read English unless prevented by
20 physical disability, or voted in the general election of
21 November 4, 1924; and [.]

22 (6) has registered prior to the election as
23 required by this code.

24 * Sec. 2. AS 15 is amended by adding a new chapter to read:

25 CHAPTER 07. PRIOR REGISTRATION OF VOTERS

26 Sec. 15.07.010. REGISTRATION OF VOTERS. In any city
27 or borough which comes under the provisions of this chapter
28 the precinct election judges at any election or party nomina-
29 tion shall not receive the vote of any person whose name is

1 not on the registration card or list of the precinct in which
2 he offers to vote, except as hereinafter provided.

3 Sec. 15.07.020. REGISTRATION REQUIRED IN CERTAIN ELEC-
4 TION DISTRICTS. In all elections and party nominations prior
5 registration shall be required in incorporated cities and in-
6 corporated boroughs in which more than three thousand (3,000)
7 votes (including votes cast by absentee ballot) were cast at
8 the last preceding general election. Once registration is
9 required in any incorporated city or incorporated borough any
10 subsequent vote of less than 3,000 in that city or borough
11 shall not result in this requirement being suspended.

12 Sec. 15.07.030. REGISTRATION OPTIONAL IN CERTAIN MUNIC-
13 IPALITIES AND BOROUGHES. In all elections and party nomina-
14 tions, prior registration may be required in any incorporated
15 city or incorporated borough over 1,000 population at the
16 option of such cities and boroughs. Cities and boroughs
17 which exercise this option shall be under all applicable
18 provisions of this chapter and shall be prohibited from pas-
19 sing any ordinance inconsistent with the provisions of this
20 chapter. To exercise this option a city or borough shall
21 pass an ordinance electing this option and shall deliver a
22 certified copy to the secretary of state at least 180 days
23 prior to any election.

24 Sec. 15.07.040. COMPLIANCE WITH STATE LAW REQUIRED--
25 ADDITIONAL REGISTRATION INFORMATION MAY BE REQUIRED. In
26 cities and boroughs where registration is required the pro-
27 visions of this chapter must be complied with and any ordi-
28 nances inconsistent with this chapter are hereby repealed,
29 but cities or boroughs which have the power or are required

1 to hold elections may require information in addition to
2 that required by AS 15.07.100 as may be necessary for city
3 or borough elections.

4 Sec. 15.07.050. WHO MAY REGISTER. Every person re-
5 siding in any district or city in which prior registration
6 is required who has the qualifications of a voter set out
7 in AS 15.07.010, or who will have such qualifications at
8 the next ensuing election, shall be entitled to be registered
9 without charge as a voter in the city or borough in which he
10 resides.

11 Sec. 15.07.060. TIME FOR REGISTRATION. After the
12 1964 general election, qualified persons in cities and
13 boroughs where registration is required shall be entitled to
14 register at any time throughout the year, during the regular
15 business hours of the registration officer, except that no
16 registrations will be taken for a period of 25 days pre-
17 ceeding the elections, except as provided in AS 15.07.090.

18 Sec. 15.07.070. PLACES OF REGISTRATION. In cities
19 and boroughs where prior registration is required, regis-
20 tration shall be conducted only at central registration
21 offices and at such other places as the secretary of state
22 may determine. No city shall have more than one central
23 registration office nor more than one registration officer.

24 Sec. 15.07.080. PRIOR REGISTRATION IN PERSON REQUIRED.
25 In cities and boroughs where prior registration is required,
26 registration shall be by personal application before a regis-
27 tration officer or clerk, except as provided in AS 15.07.090
28 and AS 15.07.110.

29 Sec. 15.07.090. REGISTRATION FOR 1964 GENERAL ELECTION.

1 In the 1964 general election and party primary only, a voter
2 may register in accordance with the provisions of this sec-
3 tion. The voter may register at the time of voting at the
4 polling place in the precinct in which he resides by
5 identifying himself to the precinct election board or other
6 registration official designated by the secretary of state
7 and providing the board or the registration official with
8 the information and in the manner required by AS 15.07.100.
9 Prior to the 1964 general election any person who voted
10 either in person or by absentee ballot in the general elec-
11 tion of November 6, 1962 may register by mail as provided in
12 AS 15.07.120. The secretary of state shall mail to each
13 person who voted in the general election of November 6, 1962
14 duplicate registration cards provided for in AS 15.07.120(a).
15 Voters applying for absentee ballots for the 1964 general
16 election or party primary shall be registered as provided
17 by AS 15.07.120 on registration cards provided by the
18 secretary of state together with the absentee ballots. Any
19 person who supplies information under this section knowing
20 it to be false is guilty of a felony.

21 Sec. 15.07.100. REQUIRED REGISTRATION INFORMATION.

22 Each applicant who requests registration shall supply the
23 following information under oath or affirmation:

- 24 (1) name in full and sex;
25 (2) mailing address, residence address and any
26 other necessary information definitely locating his residence;
27 (3) election district and precinct;
28 (4) term of residence in state and in election
29 district;

- 1 (5) the date and place of his birth;
- 2 (6) occupation or profession;
- 3 (7) citizenship--if a naturalized citizen, date
- 4 of final citizenship papers;
- 5 (8) the name of the political party with which the
- 6 applicant is affiliated, or that he is not affiliated with any
- 7 party or that he does not desire to supply such information;
- 8 (9) date of application; and
- 9 (10) signature.

10 Any person who supplies any information under this section
11 knowing it to be false is guilty of a felony.

12 Sec. 15.07.110. PRIOR REGISTRATION BY MAIL--WHEN PER-
13 MITTED. Prior registration by mail shall be permitted for
14 any voter who is unable to make personal application for
15 registration because he is:

- 16 (1) absent from the city or borough during the
- 17 entire time allowed for registration; or
- 18 (2) unable to register in person because of
- 19 physical disability; or
- 20 (3) unable to be present at the registration office
- 21 because of the physical inaccessibility of the registration
- 22 office causing undue travel expense, hardship, or hazard to
- 23 the voter.

24 Sec. 15.07.120. PRIOR REGISTRATION BY MAIL--PROCEDURE.
25 (a) To register by mail, a voter shall secure from a regis-
26 tration officer of the city or borough in which is located
27 his legal residence duplicate registration cards, execute the
28 registration affidavit thereon in duplicate in the presence
29 of any notary public, commissioned officer of the armed

1 forces, including the national guard, any district magis-
2 trate or deputy magistrate, United States postmaster, or
3 other person qualified to administer oaths, whose title shall
4 be designated on the cards, and return the completed regis-
5 tration cards to the registration officer.

6 (b) An applicant for registration by mail shall supply
7 all of the information on the duplicate registration cards
8 required by AS 15.07.100 and also a statement that he is un-
9 able to register in person and the reason therefor.

10 (c) Whenever a voter's application for registration is
11 denied, the registration officer shall notify the voter of
12 the denial and the reason therefor. If the application is
13 denied for the sole reason that it was submitted less than
14 25 days before an election, the voter shall be notified that
15 he is registered for the next following election.

16 (d) It shall be the duty of the secretary of state to
17 make available to all registration officers duplicate cards
18 for the purpose of registration by mail. Such duplicate reg-
19 istration cards shall include an oath that the applicant is
20 qualified in all respects to vote or that he will be at the
21 time of the next election, a blank for the applicant's sig-
22 nature, a certification that the affiant properly executed
23 the registration cards and identified himself, and blanks
24 for the attesting witnesses.

25 (e) Any person who knowingly makes a false application
26 under this section is guilty of a felony.

27 Sec. 15.07.130. IDENTIFICATION OF VOTERS AT THE POLLS.
28 In cities and boroughs in which prior registration is re-
29 quired, every voter (except those registered according to

1 AS 15.07.090) shall be identified at the polls before being
2 permitted to vote. A voter shall be identified by requiring
3 him to sign his name and by a comparison of that signature
4 with the signature on the precinct registration cards or
5 lists.

6 Sec. 15.07.140. VOTING ALLOWED UPON AFFIDAVITS. In
7 cities and boroughs where prior registration is required, a
8 person offering to vote, whose name is not on the precinct
9 registration cards or list, may not vote unless he shall fur-
10 nish the judges of election his affidavit which states that
11 he resides in the precinct, the time he has resided therein,
12 that he is fully qualified to vote, and the reason why he was
13 not registered. He shall also furnish the judges of election
14 the affidavit of two registered voters which state that they
15 know him to be an inhabitant of the precinct, and the length
16 of time he has resided therein. These affidavits may be
17 sworn to before the chairman of the precinct election board
18 in the precinct where the vote is offered, or before any
19 other person authorized to administer oaths. All affidavits
20 herein provided for shall be preserved and filed by the pre-
21 cinct election board and forwarded to the secretary of state
22 with the ballots.

23 Any person who violates the provisions of this section
24 is guilty of a felony.

25 Sec. 15.07.150. RE-REGISTRATION. (a) Any voter who
26 changes his name by marriage or court order shall re-register
27 not less than 25 days prior to any election or primary elec-
28 tion. The application shall state the former and new name
29 of the voter. The former name shall be signed by the voter

1 using the same name appearing on the registration cards.

2 (b) Any voter shall re-register if his registration is
3 cancelled for non-voting in prior elections as provided by
4 AS 15.07.240.

5 Sec. 15.07.160. VOTER MOVES TO NEW LOCATION--REMOVAL
6 NOTICES. Removal notices shall be provided by the registra-
7 tion officer, which shall be given out upon request, for the
8 use of a registered voter moving to a new location. The form
9 of such notice shall show the voter's last residence, the new
10 residence, and a line for the signature of the voter, which
11 should be the same as that on the original registration card.
12 Upon receipt of the removal notice, but not less than 25 days
13 prior to any election, the signature thereon shall be com-
14 pared with that on the original registration card. If these
15 signatures are not similar, the registration officer shall
16 not make an entry of such a change of address or residence,
17 and shall send by mail to the applicant at his new address a
18 postal card notice stating that such transfer was not made,
19 together with the reason therefor. If the signatures are
20 similar, the registration officer shall make proper entry of
21 such change of residence on the registration cards or lists;
22 and thereafter the applicant shall be qualified to vote in
23 the new precinct.

24 Sec. 15.07.170. VOTER MOVES AFTER CLOSE OF REGISTRA-
25 TION. Any voter who moves to a new location within his city
26 or borough after the close of registration shall be permitted
27 to vote at the following election in the precinct where he
28 formerly resided and is registered, or he may vote as pro-
29 vided in AS 15.07.140.

1 Sec. 15.07.180. REGISTRATION OFFICERS AND CLERKS.
2 There shall be only one registration officer in each city.
3 The following officials are hereby designated as registration
4 officers:

5 (1) the city clerk or the deputy city clerk, if
6 designated by the city clerk, of each city subject to the
7 provisions of this chapter;

8 (2) in areas outside of incorporated cities but
9 within boroughs subject to the provisions of this chapter,
10 magistrates or deputy magistrates; or

11 (3) persons designated by published written order
12 of the secretary of state.

13 Registration officers are authorized to appoint regis-
14 tration clerks where clerks are reasonably necessary to the
15 efficient registration of voters. Appointment of registra-
16 tion clerks is subject to the approval of the secretary of
17 state.

18 Registration clerks, whether permanent or temporary em-
19 ployees of any registration office, shall be appointed on the
20 basis of their qualifications to perform registration work
21 and without regard to their party affiliation.

22 Each registration officer shall be charged with the re-
23 sponsibility and direction of registration and all clerical
24 work within his office that is incidental to registration.

25 No election judge or clerk in any city or borough shall
26 act as registration officer or clerk.

27 The prohibitions of this section shall not apply to reg-
28 istration in accordance with AS 15.07.090.

29 Sec. 15.07.190. EXPENSE OF REGISTRATION. The state,

1 through the secretary of state, shall pay each city in which
2 the city clerk or deputy city clerk acts as registration
3 officer or clerk a reasonable fee to be determined by the
4 secretary of state.

5 Magistrates and deputy magistrates shall not be compen-
6 sated for registering voters.

7 Sec. 15.07.200. POWER TO ADMINISTER OATHS. Every reg-
8 istration officer or clerk shall have the power and duty to
9 require any applicant for registration to answer under oath
10 or affirmation any questions touching upon his qualifications
11 as a voter, and for the performance of their duties under
12 this chapter shall have power to administer oaths and swear
13 persons as to the truth of statements contained in affidavits.

14 Sec. 15.07.210. RECORDS TO BE KEPT BY REGISTRATION
15 OFFICERS. Registration officers shall maintain adequate and
16 systematic records covering the following subjects:

- 17 (1) personnel;
- 18 (2) fraud cases;
- 19 (3) official actions of the office, including com-
20 plaints and petitions received;
- 21 (4) detailed statistics of registration and voting;
- 22 (5) financial accounts; and
- 23 (6) other records required by law or regulation of
24 the secretary of state.

25 Sec. 15.07.220. REGISTRATION CARDS AND RECORDS--FORM.
26 For the purpose of expediting the work of the registration
27 officers, to promote uniformity in registration, registration
28 records shall be substantially as follows:

- 29 (1) suitable card index devices shall be provided;

- 1 (2) suitable index cards, in duplicate, of suffi-
2 cient size to contain the data thereon, shall be provided;
3 (3) an individual index card shall be used for
4 each registrant whenever practical;
5 (4) required registration information as delineated
6 in AS 15.07.060 shall be placed upon such index cards; and
7 (5) the original registration cards shall be filed
8 by precincts arranged alphabetically, said file to be herein-
9 after termed the "precinct file." The duplicate registration
10 cards shall be filed alphabetically without regard to pre-
11 cincts, said file to be hereinafter termed the "master file:"
12 Provided, that in cities or boroughs having not more than
13 one voting precinct the duplicate "master file" may be
14 dispensed with.

15 Sec. 15.07.230. CUSTODY OF REGISTRATION FILES. The
16 master file shall at all times remain in the custody of the
17 secretary of state. The precinct files shall at all times
18 remain in the custody of the registration officers, except
19 that the precinct files shall be delivered to the election
20 supervisors or other persons publicly designated by the sec-
21 retary of state 20 days prior to any state election or pri-
22 mary election and who shall have custody of the same during
23 any state election or primary election. The election super-
24 visors shall return said precinct files to the custody of
25 the registration officer or officers within 15 days after
26 any state election or primary election.

27 Sec. 15.07.240. REGISTRATION CARDS--ELIMINATION OF EX-
28 CESS NAMES--RE-REGISTRATION. At the close of each calendar
29 year, the secretary of state shall examine the registration

1 cards for the purpose of eliminating excess names.

2 Whenever it appears that a registered voter has not
3 voted in an election at least once in four consecutive calen-
4 dar years his card shall be taken from the precinct and the
5 master file. Such voter shall be advised, by first-class
6 mail sent to his last known address, that he must re-register
7 in order to vote in the city or borough at any ensuing
8 election and that he may re-register by returning a signed
9 request therefor, stating that he is qualified to vote and
10 resides at his registered address. If the voter fails to
11 submit such signed request within 30 days, his registration
12 shall be forthwith cancelled.

13 In cities where prior registration is required, the
14 health officer of such cities shall report to the registra-
15 tion officer the names of all residents over 18 years of age
16 who have died and the registration officer shall forthwith
17 cancel their registrations.

18 Sec. 15.07.250. CHECK-UP OF REGISTERED VOTERS. Regis-
19 tration officers are authorized to make a mail check-up or a
20 house-to-house canvass of registered voters where such inves-
21 tigation are considered to be necessary by either the secre-
22 tary of state or the registration officer.

23 Sec. 15.07.260. DUTY OF SECRETARY OF STATE. It shall be
24 the duty of the secretary of state to make the proper forms,
25 affidavits and other materials for use in the registration and
26 re-registration of electors, in recommending the use of same
27 to the registration officers, and in instructing the regis-
28 tration officers in the state as to the requirements of this
29 chapter.

1 Sec. 15.07.270. SECRETARY OF STATE TO ESTABLISH REGIS-
2 TRATION PLAN. The secretary of state shall immediately pro-
3 ceed to establish the registration plan provided for herein.
4 When any city or borough shall hereafter come within the
5 application of this chapter the secretary of state shall put
6 the registration plan into operation without delay.

7 Sec. 15.07.280. SECRETARY OF STATE TO GIVE PUBLIC NO-
8 TICE. The secretary of state shall give full public notice
9 of the dates and manner of prior registration and re-regis-
10 tration, and the names of voters in each precinct, and may
11 select any means of communication permitted to be used in
12 giving notice of the date and time of the general election.
13 The full public notice required shall be given by the
14 secretary of state at least 60 days before the date of the
15 next election or party primary, and at other times in the
16 discretion of the secretary of state.

17 Sec. 15.07.290. GENERAL ADMINISTRATIVE SUPERVISION BY
18 SECRETARY OF STATE. The secretary of state shall provide
19 general administrative supervision over the registration and
20 re-registration of voters and may issue any regulations pur-
21 suant to the Administrative Procedure Act (AS 44.62) neces-
22 sary for the administration of such registration to protect
23 the interest of the voter and assure administrative efficiency.

24 Sec. 15.07.300. RIGHTS OF MEMBERS OF ARMED FORCES. No
25 elector's registration shall be cancelled, nor shall he be
26 deprived of his right to vote at any election by reason of
27 the removal of his official registration card from the regis-
28 ter of voters, during any period that he is serving in the
29 armed forces of the United States if he is otherwise

1 qualified to vote.

2 Sec. 15.07.310. NAME OF VOTER OMITTED BY CLERICAL
3 ERROR--CERTIFICATE OF REGISTRATION. Registration officers in
4 cities and boroughs where prior registration is required are
5 authorized to issue a certificate of registration to any
6 qualified voter on election day when a check of the master
7 file discloses that the name of the voter was omitted from
8 the precinct register through clerical error. The secretary
9 of state shall provide the registration officers with certifi-
10 cates for this purpose.

11 Sec. 15.07.320. APPEAL TO SUPERIOR COURT FOR DENIAL OF
12 REGISTRATION. Whenever any voter is refused registration by
13 any registration clerk, said voter shall have the right to
14 an immediate appeal to the registration officer of the city
15 or borough. Whenever any voter is refused registration by
16 any registration officer such action may be reviewed by the
17 superior court of the judicial district by the aggrieved
18 elector by his filing within 10 days a petition with the
19 clerk of said court.

20 Sec. 15.07.330. UNLAWFUL REGISTRATION. No registration
21 officer or clerk shall register any person whom such officer
22 shall know or have good reason to believe not to be a resi-
23 dent or otherwise qualified to vote nor shall any person
24 knowingly or having good reason to believe himself not to be
25 a resident or otherwise qualified to vote, cause himself to
26 be registered as a voter. Every person so offending, or who
27 shall aid or abet another in so offending, shall upon con-
28 viction be adjudged guilty of a misdemeanor.

29 Sec. 15.07.340. FALSE STATEMENTS. If the applicant for

1 registration or re-registration shall, in his answers to any
2 questions or in his registration or re-registration affidavit
3 knowingly make any material statement which is false, he is
4 guilty of a felony.

5 Sec. 15.07.350. FEES PROHIBITED. Registration officers
6 and clerks shall accept no fee from any applicant applying
7 for registration, either for the registering of the voter or
8 for the taking of the acknowledgment thereon. Any person
9 accepting a fee, upon conviction shall be deemed guilty of a
10 misdemeanor.

11 Sec. 15.07.360. CITY REGISTRATION LAWS TO REMAIN IN
12 EFFECT UNTIL STATE LAW IMPLEMENTED. Notwithstanding the pro-
13 visions of AS 15.07.040, in cities in which 3,000 or more
14 votes were cast in the 1962 general election existing city
15 registration laws shall remain in effect until 90 days after
16 the 1964 general election. In cities which subsequently
17 come under the provisions of this chapter, existing city reg-
18 istration laws shall remain in effect until 90 days after
19 the first general election in which registration is required
20 by this chapter in those cities. Nothing in this section
21 shall be construed to limit the requirement that voters in
22 such cities register at the 1964 party primary or 1964
23 general election and at subsequent elections.

24 * Sec. 3. This Act takes effect on the day after its passage
25 and approval or on the day it becomes law without such approval.
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