

1 IN THE HOUSE

BY MR. HOLM

2 HOUSE BILL NO. 130

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 elections."

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

8 \* Section 1. AS 15.15.010 is amended to read:

9 Sec. 15.15.010. GENERAL ADMINISTRATIVE SUPERVISION BY  
10 SECRETARY OF STATE. (a) The secretary of state shall pro-  
11 vide general administrative supervision over the conduct of  
12 state elections and may issue any regulations pursuant to  
13 the Administrative Procedure Act (AS 44.62) necessary for  
14 the administration of elections to protect the interest of  
15 the voter and assure administrative efficiency.

16 (b) The secretary of state shall require that election  
17 materials, whenever they are not under the immediate personal  
18 supervision of election officials, be kept in a locked room,  
19 safe, or strongbox, to which no person other than the elec-  
20 tion officials has a key or combination. He shall take any  
21 other steps which may be necessary to ensure the security of  
22 all election materials until all election matters to which  
23 they may relate are finally determined.

24 \* Sec. 2. AS 15.15.250 is amended to read:

25 Sec. 15.15.250. DISPOSITION OF IMPROPERLY MARKED BALLOT  
26 If a voter improperly marks or otherwise damages a ballot,  
27 the voter may request and the election board shall provide  
28 him with another ballot, with a maximum of three, and the  
29 board shall retain the improperly marked or damaged ballot,

1 and shall immediately stamp or write across the face of the  
2 ballot the words "replaced ballot".

3 \* Sec. 3. AS 15.15.330 is amended to read:

4 Sec. 15.15.330. IMMEDIATE COMMENCEMENT OF CANVASS.

5 When the polls are closed and the last vote has been cast,  
6 the election board and clerks or counters shall immediately  
7 proceed to open the ballot box and to count and canvass the  
8 votes cast. The election board shall cause the canvass to  
9 be continued without adjournment until the canvass is com-  
10 plete, except that no election judge may work for more than  
11 12 hours without a break. If a judge has worked for 12  
12 hours without a break and no replacement for him is avail-  
13 able, he shall, after taking necessary measures for the  
14 security of election materials, suspend the count and canvass  
15 for a period he designates of not more than eight hours.

16 \* Sec. 4. AS 15.15.360(2) and 15.15.360(5) are repealed.

17 \* Sec. 5. AS 15.15.360(7) is amended to read:

18 (7) Erasures and corrections invalidate only the  
19 section of the ballot in which the erasure or correction  
20 occurs.

21 \* Sec. 6. AS 15.15.370 is amended to read:

22 Sec. 15.15.370. COMPLETION OF CANVASS. When the can-  
23 vass is completed, and in no event later than the day after  
24 the election, the election board or counters shall make a  
25 certificate of the results in duplicate. The certificate  
26 includes the number of votes cast for each candidate, for  
27 and against each proposition, yes or no on each question,  
28 and any additional information prescribed by the secretary  
29 of state. The election board shall immediately upon

1 completion of the certificate or as soon thereafter as the  
2 local mail services permit send one copy of the certificate,  
3 the original register, all the ballots cast, all ballots im-  
4 properly marked, damaged and unlawfully exhibited, properly  
5 identified, and all oaths and affidavits made, in one package  
6 to the secretary of state. Each board shall immediately upon  
7 completion of the certificate or as soon thereafter as local  
8 mail services permit send the duplicate certificate and the  
9 duplicate register to its respective election supervisor.  
10 The secretary of state may authorize election boards in pre-  
11 cincts in those areas of the state where distance and weather  
12 make mail communication unreliable to forward their election  
13 certificates by telegram or radio. The secretary of state  
14 may authorize the unofficial canvass of votes on a regional  
15 basis by election supervisors tallying the votes as indicated  
16 on duplicate certificates. The secretary of state shall pre-  
17 scribe the manner in which the ballots, registers and all  
18 other election records and materials are thereafter preserved,  
19 transferred and destroyed to assure adequate protection.

20 \* Sec. 7. AS 15.20.140 is amended to read:

21       Sec. 15.20.140. CASTING VOTE IN PERSON. Upon receipt  
22 of an absentee ballot in person, the voter, in the presence  
23 of the election official from whom he received the ballot,  
24 shall proceed to mark the ballot in secret, to place the  
25 ballot in the small blank envelope, to place the small  
26 envelope in the larger envelope, and to sign the voter's  
27 certificate on the back of the larger envelope in the  
28 presence of the election official, and return the ballot  
29 properly enclosed in the envelopes to the election official

1 who shall sign as attesting witness and note on the envelope  
2 the date and time received. The election official shall  
3 not accept a ballot that has been unlawfully exhibited by an  
4 absentee voter. If the absentee voter improperly marks or  
5 otherwise damages a ballot, the voter may request, and the  
6 election official shall provide him with another ballot with  
7 a maximum of three, and shall retain the improperly marked  
8 or damaged ballot.

9 \* Sec. 8. AS 15.20.440 is amended to read:

10 Sec. 15.20.440. FORM OF APPLICATION. The application  
11 shall state in substance the basis of the belief that a  
12 mistake has been made, the particular election precinct or  
13 election district for which the recount is to be held, the  
14 particular office, proposition, or question for which the  
15 recount is to be held, and that the person making the appli-  
16 cation is a candidate or that the 10 persons making the  
17 application are qualified voters. The candidate or persons  
18 making the application shall designate by full name and  
19 mailing address two persons who shall represent the appli-  
20 cant and be present and assist during the recount. Any  
21 person may be named representative, including the candidate  
22 himself or any person signing the application, and the  
23 representatives shall be paid in the same amount and manner  
24 as election judges. Applications by 10 qualified voters  
25 shall also include the designation of one of the number as  
26 chairman. The candidate or persons making the application  
27 shall sign the application and shall print or type their  
28 full name and mailing address. Any candidate whose seat may  
29 be placed in jeopardy by the recount is entitled to have a

1 representative to be present and assist during the recount.  
2 Any person may be named representative, including the candi-  
3 date himself, but the representative is not entitled to be  
4 paid.

5 \* Sec. 9. AS 15.20.450 is amended to read:

6       Sec. 15.20.450. REQUIREMENT OF DEPOSIT. The applica-  
7 tion shall include a deposit in cash, by certified check,  
8 or by bond with a surety approved by the secretary of state.  
9 The amount of the deposit is \$50 for each precinct, \$250 for  
10 each election district, \$500 for each major senate district,  
11 and \$2,000 for the entire state. However, if the recount  
12 includes an office for which candidates received a tie vote,  
13 or the difference between the number of votes cast for the  
14 two candidates receiving the largest number of votes was 10  
15 or less or was less than .1 [.5] per cent of the total  
16 number of votes cast for the two candidates for the contest-  
17 ed office, or a question or proposition for which there was  
18 a tie vote on the issue, the application need not include a  
19 deposit. If, on the recount, a candidate other than the  
20 candidate who received the original election certificate is  
21 declared elected, or if the vote on recount is determined to  
22 be four per cent or more in excess of the vote reported by  
23 the state canvass for the candidate applying for the recount  
24 or in favor or opposed to the question or proposition as  
25 stated in the application, the entire deposit shall be re-  
26 funded. If the entire deposit is not refunded, the secretary  
27 of state shall refund any money remaining after the cost of  
28 the recount has been paid from the deposit.

29 \* Sec. 10. AS 15.20.510 is amended to read:

1                   Sec. 15.20.510. PROVISION FOR APPEAL TO COURTS. A  
2 candidate, or any person who requested a recount, who has  
3 reason to believe an error has been made in the recount (1)  
4 involving any question or proposition, or the validity of  
5 any ballot, may appeal to the superior court in accordance  
6 with applicable court rules governing appeals in civil  
7 matters, and (2) involving candidates for the legislature or  
8 Congress or the office of governor and secretary of state,  
9 may appeal to the supreme court in accordance with rules as  
10 may be promulgated by the court. Appeal shall be filed  
11 within five days of the completion of the recount. Upon  
12 order of the court, the secretary of state shall furnish the  
13 record of the recount taken including all ballots, registers,  
14 and other election material and papers pertaining to the  
15 election contest. The appeal shall be heard by the court  
16 sitting without a jury. The inquiry in the appeal shall ex-  
17 tend to the questions whether the secretary of state has  
18 properly determined what ballots, parts of ballots, or marks  
19 for candidates on ballots are valid and to which candidate  
20 or division on the question or proposition the vote should  
21 be attributed. The court shall enter judgment either setting  
22 aside, modifying, or affirming the action of the secretary  
23 of state on recount.

24                   \* Sec. 11. AS 15.55 is amended by adding a new section to  
25 read:

26                   Sec. 15.55.135. IMPROPER DELAY IN SENDING OF ELECTION  
27 MATERIALS. A person who wilfully delays, attempts to delay,  
28 or causes to be delayed, the sending of the certificate,  
29 register, ballots or other material, whether original or

1 duplicate, as required by AS 15.15.370, is guilty of a  
2 felony.  
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