

Original Sponsor: Mr. Holm

Offered: 3/29/63
Referred: Rules

1 IN THE HOUSE

BY THE SENATE STATE
AFFAIRS COMMITTEE

2 SENATE CS FOR 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 making certain changes in the Alaska
7 Election Code."

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

9 * Section 1. AS 15.05.010(2) is repealed and re-enacted to
10 read:

11 (2) is at least 19 years of age;

12 * Sec. 2. AS 15.05 is amended by adding a new section to read:

13 Sec. 15.05.015. MOVING FROM ELECTION DISTRICT JUST
14 BEFORE ELECTION. A person who meets all voter qualifications
15 except that listed in sec. 10(4) of this chapter is qualified
16 to vote by absentee ballot in the election district in which
17 he formerly resided if he lived in that election district for
18 at least 30 days immediately before his change of residence.

19 * Sec. 3. AS 15.10.140 is amended to read:

20 Sec. 15.10.140. APPOINTMENT OF COUNTERS. The chairman
21 of the election board may appoint a maximum of six [FOUR] per-
22 sons as counters of ballots in each precinct, if the election
23 supervisor authorizes the appointment. The appointments may
24 [SHALL] be made from among the qualified voters in the
25 precincts from which they are appointed and may be made at
26 any time before the close of the precinct canvass. If two
27 counters are appointed, the counters may not be of the same
28 political party. If four or less counters are appointed, no
29 more than two may be of the same political party. If more

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than four counters are appointed, no more than three counters may be of the same political party. No counter may work continuously for more than six hours. [IF MORE THAN TWO COUNTERS ARE APPOINTED, NO MORE THAN TWO COUNTERS MAY BE OF THE SAME POLITICAL PARTY.]

* Sec. 4. AS 15.10.170 is amended to read:

Sec. 15.10.170. APPOINTMENT AND PRIVILEGES OF WATCHERS.

The district party committee may appoint one or more persons [PERSON] as watchers [WATCHER] in each precinct for any primary nomination or election. Each candidate not representing a political party may appoint one or more watchers [A WATCHER] for each precinct in his respective district or the state for any election. No district party committee or candidate not representing a political party may have more than one watcher on duty at a time in any precinct. The watcher may be present at a position inside the place of voting which affords a full view of all action of the election board taken from the time the polls are opened until the ballots are finally counted and the result certified by the election board. The election board may require each watcher to present a certificate showing that he is the watcher appointed by the district party committee or candidate he represents and signed by the chairman of the district committee or candidate representing no party. The secretary of state may prescribe regulations governing the conduct of watchers to assure the privileges of the watchers and the proper conduct of the election.

* Sec. 5. AS 15.15.010 is amended to read:

Sec. 15.15.010. GENERAL ADMINISTRATIVE SUPERVISION BY

1 SECRETARY OF STATE. The secretary of state shall provide
2 general administrative supervision over the conduct of state
3 elections and may issue any regulations pursuant to the
4 Administrative Procedure Act (AS 44.62) necessary for the
5 administration of elections to protect the interest of the
6 voter and assure administrative efficiency. When the secre-
7 tary of state is administering a borough or special election
8 he may issue regulations under AS 44.62 changing the time
9 required for notices of election, appointment of election
10 officials, absentee voting, canvass of the vote, and election
11 recounts.

12 * Sec. 6. AS 15.15.030(12) is repealed.

13 * Sec. 7. AS 15.15.250 is amended to read:

14 Sec. 15.15.250. DISPOSITION OF IMPROPERLY MARKED BALLOT.

15 If a voter improperly marks or otherwise damages a ballot,
16 the voter may request and the election board shall provide
17 him with another ballot, with a maximum of three, and the
18 board shall record the number of [RETAIN] the improperly
19 marked or damaged ballot and destroy it immediately without
20 examining it.

21 * Sec. 8. AS 15.15.360(5) is amended to read:

22 (5) The mark shall be counted only if it is sub-
23 stantially inside the square provided, or touching the square
24 [AND NO OTHER, OR PLACED NEAR THE SQUARE] so as to indicate
25 clearly that the voter intended the particular square to be
26 designated.

27 * Sec. 9. AS 15.15.360(7) is amended to read:

28 (7) [ERASURES AND CORRECTIONS INVALIDATE THE BALLOT.]

29 An erasure or correction invalidates only that section of the

1 ballot in which it appears.

2 Sec. 10. AS 15.15.360 is amended by adding a new subsection
3 to read:

4 (1) Stickers bearing a candidate's name may be
5 affixed to the ballot in lieu of writing in a candidate's
6 name if write-in votes or ballots are otherwise permitted.

7 * Sec. 11. AS 15.15.370 is amended to read:

8 Sec. 15.15.370. COMPLETION OF CANVASS. When the can-
9 vass is completed, and in no event later than the day after
10 the election, the election board or counters shall make a
11 certificate of the results in duplicate. The certificate
12 includes the number of votes cast for each candidate, for
13 and against each proposition, yes or no on each question,
14 and any additional information prescribed by the secretary
15 of state. The election board shall, immediately upon
16 completion of the certificate or as soon thereafter as the
17 local mail service permits, send one copy of the certificate,
18 the original register, [ALL THE BALLOTS CAST,] all ballots
19 [IMPROPERLY MARKED, DAMAGED AND] unlawfully exhibited,
20 properly identified, the record of ballots destroyed under
21 sec. 250 of this chapter, and all oaths and affidavits made,
22 in one sealed package to the secretary of state. In addition,
23 all ballots properly cast shall be mailed to the secretary
24 of state in a separate, sealed package. Both packages, in
25 addition to an address on the outside, shall clearly indicate
26 the precinct from which they come. Each board shall imme-
27 diately upon completion of the certification and as soon
28 thereafter as the local mail service permits, send the
29 duplicate certificate and the duplicate register to its

1 respective election supervisor. The secretary of state
2 may authorize election boards in precincts in those areas
3 of the state where distance and weather make mail com-
4 munication unreliable to forward their election certifi-
5 cates by telegram or radio. The secretary of state may
6 authorize the unofficial canvass of votes on a regional
7 basis by election supervisors tallying the votes as indi-
8 cated on duplicate certificates. The secretary of state
9 shall prescribe the manner in which the ballots, registers
10 and all other election records and materials are thereafter
11 preserved, transferred and destroyed to assure adequate
12 protection.

13 * Sec. 12. AS 15.15.430 is amended to read:

14 Sec. 15.15.430. SCOPE OF CANVASS. The canvass by the
15 secretary of state shall include only (1) a review and com-
16 parison of the tallies of paper ballots in the election poll
17 books with the precinct election certificates to correct any
18 mathematical error in the count of paper ballots, (2) a review
19 of the tallies of write-in ballots and a comparison of elec-
20 tion certificates as provided by law from precincts using
21 voting machines, and (3) the canvass of absentee ballots as
22 prescribed by law. If the secretary of state finds unex-
23 plained error in the tally of paper ballots in any precinct
24 election poll book, he may count the ballots from the pre-
25 inct. If the secretary of state finds the precinct counters
26 have not entered tallies in the precinct tally books but have
27 certified a candidate as having received a fixed number of
28 votes, the secretary may recount the ballots from that
29 precinct. The secretary shall certify in writing to the state

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canvass board any changes resulting from the count.

* Sec. 13. AS 15.15.440 is amended to read:

Sec. 15.15.440. DATES FOR OPENING AND CLOSING STATE CANVASS. The state canvass shall begin eight [SIX] days after the election and be continued daily until completed. The secretary of state may designate the hours per day the state canvass board is to conduct its canvass. The secretary of state shall close the canvass when he is satisfied that no missing precinct certificate of election would, if received, change the result of the election. If no election certificate has been received from a precinct, the secretary of state may secure from the election supervisors and may count a certified copy of the duplicate election certificate of the precinct. If no election poll books have been received but an authorized election certificate has been received by telegram or radio, the secretary of state shall count the election certificate so received. If the secretary has reason to believe that a missing precinct certificate, if received, would affect the result of the election, the secretary of state shall await the receipt of the certificate until four o'clock in the afternoon of the 15th day after the date of election. A certificate not actually delivered to the secretary of state by four o'clock on the 15th day after the election shall not be counted at the canvass.

* Sec. 14. AS 15.20.030 is amended to read:

Sec. 15.20.030. PREPARATION OF BALLOTS, ENVELOPES AND OTHER MATERIAL. The secretary of state shall provide the paper ballots prepared for use at the polls as the absentee ballots. The secretary of state shall provide a small blank

1 envelope in which the voter shall initially place the marked
2 ballot and shall provide a larger envelope with the prescribed
3 voter's certificate on the back in which the smaller envelope
4 with ballot enclosed shall be placed. The secretary of state
5 shall prescribe the form of and prepare the voter's certifi-
6 cate, envelopes and other material used in absentee voting.
7 The voter's certificate shall include an oath, for use when
8 required, that the voter is a qualified voter in all respects,
9 a blank for the voter's signature, a certification that the
10 affiant properly executed the marking of the ballot and
11 identified himself, [AND] blanks for the attesting witnesses,
12 and a place for recording the date and time the envelope was
13 sealed and delivered.

14 * Sec. 15. AS 15.20.040 is amended to read:

15 Sec. 15.20.040. DISTRIBUTION OF BALLOTS, ENVELOPES,
16 AND OTHER MATERIAL. The secretary of state shall distribute
17 the absentee ballots, envelopes, and other absentee voting
18 material to the election supervisors for redistribution to
19 the proper election officials prior to the date upon which
20 a person may first apply for an absentee ballot in person.

21 * Sec. 16. AS 15.20.080 is amended to read:

22 Sec. 15.20.080. DATE FOR APPLICATION IN PERSON. A
23 qualified voter may apply for an absentee ballot in person
24 on any day not more than 30 [40] days before the day of an
25 election, but not on election day [, NOR LESS THAN ONE DAY
26 BEFORE THE DATE OF AN ELECTION, BUT NOT MORE THAN 20 DAYS
27 NOR LESS THAN ONE DAY BEFORE THE DATE OF A SPECIAL ELECTION
28 HELD TO RECALL AN ELECTED OFFICIAL OR TO FILL A VACANCY IN
29 THE OFFICE OF UNITED STATES REPRESENTATIVE OR GOVERNOR AND

1 SECRETARY OF STATE]. For special elections held to recall
2 an elected official or to fill a vacancy in the office of
3 United States representative or governor and secretary of
4 state a qualified voter may apply for an absentee ballot
5 20 days before the date of an election but not on election
6 day.

7 * Sec. 17. AS 15.20.200 is amended to read:

8 Sec. 15.20.200. TIME OF DISTRICT CANVASS. Eight [TEN]
9 days after the date of the election, the election supervisor,
10 in the presence and with the assistance of the district
11 absentee ballot canvassing board, shall proceed to count and
12 canvass the absentee ballots and shall continue the canvass
13 without recess until the ballots are canvassed.

14 * Sec. 18. AS 15.20.440 is amended to read:

15 Sec. 15.20.440. FORM OF APPLICATION. (a) The applica-
16 tion shall state in substance the basis of the belief that a
17 mistake has been made, the particular election precinct or
18 election district for which the recount is to be held, the
19 particular office, proposition, or question for which the
20 recount is to be held, and that the person making the appli-
21 cation is a candidate or that the 10 persons making the
22 application are qualified voters. The candidate or persons
23 making the application shall designate by full name and
24 mailing address two persons who shall represent the applicant
25 and be present and assist during the recount. Any person may
26 be named representative, including the candidate himself or
27 any person signing the application, and the representatives
28 shall be paid in the same amount and manner as election
29 judges. Applications by 10 qualified voters shall also

1 include the designation of one of the number as chairman.
2 The candidate or persons making the application shall sign
3 the application and shall print or type their full name and
4 mailing address.

5 (b) Candidates, political parties, or organized groups
6 having a direct interest in a recount and who are seeking to
7 protect their interests during a recount may provide, at
8 their own expense, not more than two observers, to witness
9 the recount.

10 * Sec. 19. AS 15.20.510 is amended to read:

11 Sec. 15.20.510. PROVISION FOR APPEAL TO COURTS. A
12 candidate, or any person who requested a recount, who has
13 reason to believe an error has been made in the recount (1)
14 involving any question or proposition, or the validity of any
15 ballot, may appeal to the superior court in accordance with
16 applicable court rules governing appeals in civil matters,
17 and (2) involving candidates for the legislature or Congress
18 or the office of governor and secretary of state, may appeal
19 to the supreme court in accordance with rules as may be promul-
20 gated by the court. Appeal shall be filed within five days of
21 the completion of the recount. Upon order of the court, the
22 secretary of state shall furnish the record of the recount
23 taken including all ballots, registers, and other election
24 material and papers pertaining to the election contest. The
25 appeal shall be heard by the court sitting without a jury.
26 The inquiry in the appeal shall extend to the questions
27 whether the secretary of state has properly determined what
28 ballots, parts of ballots, or marks for candidates on ballots
29 are valid and to which candidate or division on the question

1 or proposition the vote should be attributed. The court shall
2 enter judgment either setting aside, modifying, or affirming
3 the action of the secretary of state on recount.

4 * Sec. 20. AS 15.25.040 is amended to read:

5 Sec. 15.25.040. MANNER AND DATE OF FILING DECLARATION.
6 The declaration is filed by either (1) the actual physical
7 delivery of the declaration by mail or in person at or before
8 5:00 p.m. Alaska Standard time, May 1 of the year in which a
9 general election is held for the office, or (2) the actual
10 physical delivery by telegram of a copy in substance of the
11 statements made in the declaration at or before 5:00 p.m.
12 Alaska Standard time, May 1 of the year in which a general
13 election is held for the office, and also the actual
14 physical delivery of the original declaration postmarked at
15 or before 5:00 p.m. Alaska Standard time, May 1 of the year
16 in which a general election is held for the office. A
17 candidate for state-wide offices shall file with the secre-
18 tary of state. A candidate for district-wide offices shall
19 file either with a clerk of the superior court in the major
20 senate district of which the candidate is a resident [.] or
21 the secretary of state. If a candidate for district-wide
22 office files a declaration with the secretary of state the
23 secretary of state shall immediately, by telegram to be
24 followed by letter, notify the appropriate clerk of the
25 superior court of the filing. If the candidate files his
26 declaration with the clerk of the superior court, the [THE]
27 clerk [OF THE SUPERIOR COURT] shall immediately forward the
28 declaration to the secretary of state. If May 1 is a Sunday
29 or holiday, declaration may be filed no later than 5:00 p.m.

1 Alaska Standard time on the following day.

2 * Sec. 21. AS 15.25.135 is repealed.

3 * Sec. 22. AS 15.25.180 is amended to read:

4 Sec. 15.25.180. REQUIREMENTS FOR PETITION. The
5 petition shall state in substance: (1) the full name of the
6 candidate, (2) the full resident address of the candidate,
7 (3) the full mailing address of the candidate, (4) the name
8 of the political group supporting the candidate, (5) if the
9 candidacy is for the office of state senator or state repre-
10 sentative, the election or senate district of which the
11 candidate is a resident, (6) the office for which the candi-
12 date is nominated, (7) the date of the election at which the
13 candidate seeks election, (8) that the candidate meets, or
14 will meet, as required by law, the specific requirements of
15 the office for which he is a candidate, (9) that the sub-
16 scribers are qualified voters of the state or election or
17 senate district in which the candidate resides, (10) that the
18 subscribers intend to vote for the candidate at the general
19 election, (11) that the subscribers request that the candi-
20 date's name be placed on the ballot, [AND] (12) that the
21 proposed candidate accepts the nomination and will serve if
22 elected, with the statement signed by the proposed candidate,
23 and (13) if the candidacy is for the office of the governor,
24 the name of the candidate for secretary of state running
25 jointly with him.

26 * Sec. 23. AS 15.35 is amended by adding a new section to read:

27 Sec. 15.35.041. REQUIREMENT OF FILING FEE FOR SUPREME
28 COURT CANDIDATE. At the time the declaration is filed, each
29 candidate shall pay a filing fee to the secretary of state.

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The filing fee for a candidate for the supreme court is \$100.

* Sec. 24. AS 15.35 is amended by adding a new section to read:

Sec. 15.35.071. REQUIREMENT OF FILING FEE FOR SUPERIOR COURT CANDIDATE. At the time the declaration is filed, each candidate shall pay a filing fee to the secretary of state. The filing fee for a candidate for the superior court is \$30.

* Sec. 25. AS 15.55.130 is repealed and re-enacted to read:

Sec. 15.55.130. IMPROPER DELAY IN SENDING OF ELECTION MATERIALS. A person who wilfully delays, attempts to delay, or causes to be delayed, the sending of the certificate, register, ballots, or other materials, whether original or duplicate, as required by AS 15.15.370, is guilty of a felony.

* Sec. 26. AS 15.62.010 is repealed.