

Introduced: 3/6/63  
Referred: Judiciary

1 IN THE SENATE

RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 137

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 15.10.140 is amended to read:

10 Sec. 15.10.140. APPOINTMENT OF COUNTERS. The chairman  
11 of the election board may appoint a maximum of six [FOUR]  
12 persons as counters of ballots in each precinct, if the elec-  
13 tion supervisor authorizes the appointment. The appoint-  
14 ments may [SHALL] be made from among the qualified voters  
15 in the precincts from which they are appointed and may be  
16 made at any time before the close of the precinct canvass.  
17 If two counters are appointed, the counters may not be of  
18 the same political party. If four or less counters are  
19 appointed no more than two may be of the same political  
20 party. If more than four counters are appointed no more  
21 than three counters may be of the same political party.  
22 [IF MORE THAN TWO COUNTERS ARE APPOINTED, NO MORE THAN TWO  
23 COUNTERS MAY BE OF THE SAME POLITICAL PARTY.]

24 \* Sec. 2. AS 15.15.030 is amended by deleting subsection (12).

25 \* Sec. 3. AS 15.15.360(7) is amended to read:

26 (7) Erasures and corrections do not invalidate  
27 the entire ballot. An erasure or correction invalidates  
28 only that section of the ballot in which it appears.

29 \* Sec. 4. AS 15.15.360(5) is amended to read:

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

6 \* Sec. 5. AS 15.15.360 is amended by adding a new subsection  
7 to read:

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

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

12 Sec. 15.15.370. COMPLETION OF CANVASS. When the can-  
13 vass is completed, and in no event later than the day after  
14 the election, the election board or counters shall make a  
15 certificate of the results in duplicate. The certificate  
16 includes the number of votes cast for each candidate, for  
17 and against each proposition, yes or no on each question,  
18 and any additional information prescribed by the secretary  
19 of state. The election board shall send one copy of the  
20 certificate, the original register, [ALL THE BALLOTS CAST,]  
21 all ballots improperly marked, damaged and unlawfully ex-  
22 hibited, properly identified, and all oaths and affidavits  
23 made, in one sealed package to the secretary of state. In  
24 addition, all ballots properly cast shall be mailed to the  
25 secretary of state in a separate, sealed package. Both  
26 packages, in addition to an address on the outside, shall  
27 clearly indicate the precinct from which they come. Each  
28 board shall send the duplicate certificate and the duplicate  
29 register to its respective election supervisor. The secre-

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

12 \* Sec. 7. AS 15.15.430 is amended to read:

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

29 \* Sec. 8. AS 15.15.440 is amended to read:

1           Sec. 15.15.440. DATES FOR OPENING AND CLOSING STATE  
2 CANVASS. The state canvass shall begin eight [SIX] days  
3 after the election and be continued daily until completed.  
4 The secretary of state may designate the hours per day the  
5 state canvass board is to conduct its canvass. The secretary  
6 of state shall close the canvass when he is satisfied that  
7 no missing precinct certificate of election would, if re-  
8 ceived, change the result of the election. If no election  
9 certificate has been received from a precinct, the secretary  
10 of state may secure from the election supervisors and may  
11 count a certified copy of the duplicate election certificate  
12 of the precinct. If no election poll books have been re-  
13 ceived but an authorized election certificate has been re-  
14 ceived by telegram or radio, the secretary of state shall  
15 count the election certificate so received. If the secre-  
16 tary has reason to believe that a missing precinct certifi-  
17 cate, if received, would affect the result of the election,  
18 the secretary of state shall await the receipt of the  
19 certificate until four o'clock in the afternoon of the 15th  
20 day after the date of election. A certificate not actually  
21 delivered to the secretary of state by four o'clock on the  
22 15th day after the election shall not be counted at the  
23 canvass.

24 \* Sec. 9. AS 15.20.040 is amended to read:

25           Sec. 15.20.040. DISTRIBUTION OF BALLOTS, ENVELOPES,  
26 AND OTHER MATERIAL. The secretary of state shall distribute  
27 the absentee ballots, envelopes, and other absentee voting  
28 material to the election supervisors for redistribution to  
29 the proper election officials prior to the date upon which

1 a person may first apply for an absentee ballot in person.

2 \* Sec. 10. AS 15.20.080 is amended to read:

3 Sec. 15.20.080. DATE FOR APPLICATION IN PERSON. A  
4 qualified voter may apply for an absentee ballot in person  
5 on any day not more than 30 [40] days before the day of an  
6 election, but not on election day. [, NOR LESS THAN ONE DAY  
7 BEFORE THE DATE OF AN ELECTION, BUT NOT MORE THAN 20 DAYS  
8 NOR LESS THAN ONE DAY BEFORE THE DATE OF A SPECIAL ELECTION  
9 HELD TO RECALL AN ELECTED OFFICIAL OR TO FILL A VACANCY IN  
10 THE OFFICE OF UNITED STATES REPRESENTATIVE OR GOVERNOR AND  
11 SECRETARY OF STATE.] For special elections held to recall  
12 an elected official or to fill a vacancy in the office of  
13 United States representative or governor and secretary of  
14 state a qualified voter may apply for an absentee ballot  
15 20 days before the date of an election but not on election  
16 day.

17 \* Sec. 11. AS 15.20.200 is amended to read:

18 Sec. 15.20.200. TIME OF DISTRICT CANVASS. Eight [TEN]  
19 days after the date of the election, the election supervisor,  
20 in the presence and with the assistance of the district ab-  
21 sentee ballot canvassing board, shall proceed to count and  
22 canvass the absentee ballots and shall continue the canvass  
23 without recess until the ballots are canvassed.

24 \* Sec. 12. AS 15.20.440 is amended to read:

25 Sec. 15.20.440. FORM OF APPLICATION. The application  
26 shall state in substance the basis of the belief that a  
27 mistake has been made, the particular election precinct or  
28 election district for which the recount is to be held, the  
29 particular office, proposition, or question for which the

1 recount is to be held, and that the person making the appli-  
2 cation is a candidate or that the 10 persons making the  
3 application are qualified voters. The candidate or persons  
4 making the application shall designate by full name and  
5 mailing address two persons who shall represent the appli-  
6 cant and be present and assist during the recount. Any  
7 person may be named representative, including the candidate  
8 himself or any person signing the application, and the  
9 representatives shall be paid in the same amount and manner  
10 as election judges. Applications by 10 qualified voters  
11 shall also include the designation of one of the number as  
12 chairman. The candidate or persons making the application  
13 shall sign the application and shall print or type their  
14 full name and mailing address.

15 Candidates, political parties, or organized groups  
16 having a direct interest in a recount and who are seeking  
17 to protect their interests during a recount may provide,  
18 at their own expense, not more than two observers, to  
19 witness the recount.

20 \* Sec. 13. AS 15.20.450 is amended to read:

21 Sec. 15.20.450. REQUIREMENT OF DEPOSIT. The appli-  
22 cation shall include a deposit equal to the minimum charge  
23 in cash, by certified check, or by bond with a surety  
24 approved by the secretary of state. The minimum charge for  
25 each recount is \$50 for each precinct, \$250 for each election  
26 district, \$500 for each major senate district and \$2,000 for  
27 the entire state. The charge for each recount shall be  
28 assessed against the applicant on the basis of the follow-  
29 ing formula: 3 1/2 cents for each ballot counted, plus

1 1/2 cent per ballot counted for each candidate challenged.  
2 The applicant shall designate the candidate or candidates  
3 challenged. [THE AMOUNT OF THE DEPOSIT IS \$50 FOR EACH  
4 PRECINCT, \$250 FOR EACH ELECTION DISTRICT, \$500 FOR EACH  
5 MAJOR SENATE DISTRICT, AND \$2,000 FOR THE ENTIRE STATE.  
6 HOWEVER,] If the recount includes an office for which can-  
7 didates received a tie vote, or the difference between the  
8 number of votes cast for the two candidates receiving the  
9 largest number of votes was 10 or less or was less than  
10 .5 per cent of the total number of votes cast for the two  
11 candidates for the contested office, or a question or  
12 proposition for which there was a tie vote on the issue,  
13 the application need not include a deposit. If, on the  
14 recount, a candidate other than the candidate who received  
15 the original election certificate is declared elected, or  
16 if the vote on recount is determined to be four per cent  
17 or more in excess of the vote reported by the state canvass  
18 for the candidate applying for the recount or in favor or  
19 opposed to the question or proposition as stated in the  
20 application, the entire deposit shall be refunded. If the  
21 entire deposit is not refunded, the secretary of state  
22 shall refund any money remaining after the cost of the re-  
23 count has been paid from the deposit.

24 \* Sec. 14. AS 15.25.040 is amended to read:

25 Sec. 15.25.040. MANNER AND DATE OF FILING DECLARATION.  
26 The declaration is filed by either (1) the actual physical  
27 delivery of the declaration by mail or in person at or be-  
28 fore 5:00 p.m. Alaska Standard time, May 1 of the year in  
29 which a general election is held for the office, or (2) the

1 actual physical delivery by telegram of a copy in substance  
2 of the statements made in the declaration at or before 5:00  
3 p.m. Alaska Standard time, May 1 of the year in which a  
4 general election is held for the office, and also the actual  
5 physical delivery of the original declaration postmarked at  
6 or before 5:00 p.m. Alaska Standard time, May 1 of the year  
7 in which a general election is held for the office. A  
8 candidate for state-wide offices shall file with the secre-  
9 tary of state. A candidate for district-wide offices shall  
10 file either with a clerk of the superior court in the major  
11 senate district of which the candidate is a resident [.]  
12 or the secretary of state. If a candidate for district-wide  
13 office files a declaration with the secretary of state the  
14 secretary of state shall immediately notify the appropriate  
15 clerk of the superior court of the filing. If the candi-  
16 date files his declaration with the clerk of the superior  
17 court, the clerk [OF THE SUPERIOR COURT] shall immediately  
18 forward the declaration to the secretary of state. If  
19 May 1 is a Sunday or holiday, declaration may be filed no  
20 later than 5:00 p.m. Alaska Standard time on the following  
21 day.

22 \* Sec. 15. AS 15.35 is amended by adding a new section to  
23 read:

24 Sec. 15.35.041. REQUIREMENT OF FILING FEE. At the  
25 time the declaration is filed, each candidate shall pay a  
26 filing fee to the secretary of state. The filing fee for  
27 a candidate for the Alaska supreme court shall be \$100.

28 \* Sec. 16. AS 15.35 is amended by adding a new section to  
29 read:

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Sec. 15.35.071. REQUIREMENT OF FILING FEE. 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 shall be \$75.