

Introduced: 2/7/66
Referred: State Affairs

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

2 HOUSE BILL NO. 381

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act amending the State Election Code;
7 and providing for an effective date."

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

9 * Section 1. AS 15.05.020(4) is amended to read:

10 (4) A person does not gain or lose a residence
11 solely by reason of his presence or absence while employed in
12 the service of the United States or of this state, [OR WHILE
13 A STUDENT OF AN INSTITUTION OF LEARNING,] or while kept in
14 an institution or asylum at public expense, or while con-
15 fined in a public prison or while residing upon an Indian or
16 military reservation.

17 * Sec. 2. AS 15.05.020 is amended by adding a new paragraph to
18 read:

19 (10) For the purpose of voting, the residence of
20 a student enrolled in an institution of learning shall be
21 that residence which the student claims as his voting regis-
22 tration at the time of his annual registration.

23 * Sec. 3. AS 15.10.030 is amended to read:

24 Sec. 15.10.030. UNIFORM PRECINCT BOUNDARIES[AND
25 POLLING PLACES] REQUIRED FOR STATE AND LOCAL ELECTIONS. The
26 precinct boundaries [AND POLLING PLACES] established by the
27 secretary of state shall be the [POLLING PLACES AND]
28 boundaries for both state and local elections. The secretary
29 of state by regulation pursuant to the provisions of the

1 Administrative Procedure Act (AS 44.62) may authorize the
2 combining, consolidation, or altering of precinct boundaries
3 [AND POLLING PLACES] for local elections.

4 * Sec. 4. AS 15.10.110 is amended to read:

5 Sec. 15.10.110. APPOINTMENT OF ELECTION SUPERVISORS.

6 The secretary of state shall appoint four [AN] election
7 supervisors, [SUPERVISOR] one each to serve at Juneau,
8 Anchorage, Fairbanks and Nome, [FOR EACH OF THE FOUR MAJOR
9 SENATE DISTRICTS DESCRIBED IN SEC. 2, ART. XIV, OF THE STATE
10 CONSTITUTION] to assist in the administration of elections
11 in the election districts designated by the secretary of
12 state [WITHIN THEIR RESPECTIVE SENATE DISTRICTS]. The
13 secretary of state may appoint as an election supervisor a
14 person who is a qualified voter in the area over which he
15 has jurisdiction [OF THE RESPECTIVE SENATE DISTRICT] and
16 who does not hold an office in a political party. An
17 election supervisor shall be appointed to serve for a term
18 to begin not more than 90 days before the date of the pri-
19 mary nomination or special election and to end not more than
20 45 [30] days after the date of the general or special elec-
21 tion. An election supervisor is entitled to receive compen-
22 sation in an amount that is comparable to that received for
23 similar state employment as determined by the secretary of
24 state. Executive department employees shall be appointed
25 election supervisors whenever feasible and shall serve with-
26 out additional compensation.

27 * Sec. 5. AS 15.10.120 is amended to read:

28 Sec. 15.10.120. APPOINTMENT OF ELECTION BOARD. The
29 election supervisors [FOR EACH SENATE DISTRICT] shall appoint

1 within their district an election board, composed of three
2 judges, for each precinct from among the qualified voters of
3 each of the precincts for which they are appointed. One
4 judge shall be designated chairman and be primarily respon-
5 sible for the administration of the election in the precinct.
6 If no clerks are appointed for the precinct, the other two
7 judges shall perform the duties of clerks of the election.
8 No more than two judges may be of the same political party.
9 At the time of making the appointments, the election super-
10 visor shall notify the secretary of state of the name and
11 full local mailing address of the designated chairman and
12 other judges of the election board in each precinct. Election
13 boards in local government unit elections shall be appointed
14 by the appropriate local government unit for all local elec-
15 tions.

16 * Sec. 6. AS 15.10.130 is amended to read:

17 Sec. 15.10.130. APPOINTMENT OF CLERKS. The election
18 Supervisor shall appoint if available two clerks for each
19 precinct [IN WHICH THE ELECTION SUPERVISOR DETERMINES THAT
20 TWO CLERKS ARE REQUIRED TO ADMINISTER THE ELECTION OR
21 PRIMARY NOMINATION IN AN EFFICIENT AND ECONOMICAL MANNER.
22 CLERKS SHALL BE APPOINTED FROM AMONG THE QUALIFIED VOTERS IN
23 PRECINCTS FROM WHICH THEY ARE APPOINTED. THE CLERKS MAY NOT
24 BE OF THE SAME POLITICAL PARTY].

25 * Sec. 7. AS 15.10.150 is amended to read:

26 Sec. 15.10.150. APPOINTMENT OF NOMINEES FOR JUDGES AND
27 CLERKS. Whenever the appointment of election judges or
28 clerks is required, the party district committee of the
29 political party of which the governor is a member may present

1 in writing to the election supervisor at least 60 [45] days
2 before the party nomination or election, the names of two
3 party nominees for judges, and one for clerk, in any or all
4 election precincts, and the election supervisor shall appoint
5 the party nominees to the respective precinct election boards.
6 The party district committee of the political party which
7 received the second largest number of votes in the preceding
8 general election may present in writing to the election
9 supervisor at least 60 [45] days before the party nomination
10 or election the name of one party nominee for judge and one
11 for clerk for any or all election precincts and the election
12 supervisor shall appoint the party nominees to the respective
13 precinct election boards. If any party district committee
14 fails to present the names prescribed by this section within
15 the specified time, the election supervisor may appoint any
16 qualified person.

17 * Sec. 8. AS 15.10.160 is repealed.

18 * Sec. 9. AS 15.10.170 is amended to read:

19 Sec. 15.10.170. APPOINTMENT AND PRIVILEGES OF WATCHERS.

20 The precinct [DISTRICT] party committee, where an organized
21 precinct committee exists, or the district party committee
22 where no organized precinct committee exists, may appoint one
23 or more persons as watchers in each precinct for any primary
24 nomination or election. Each candidate not representing a
25 political party may appoint one or more watchers for each
26 precinct in his respective district or the state for any
27 election. Any organization or organized group that sponsors
28 or opposes an initiative, referendum or recall may have one
29 or more persons as watchers at the polls after first

1 obtaining authorization from the secretary of state. No
2 precinct party committee, no district party committee or
3 candidate not representing a political party or organization
4 or organized group may have more than one watcher on duty at
5 at time in any precinct. The watcher may be present at a
6 position inside the place of voting which affords a full view
7 of all action of the election board taken from the time the
8 polls are opened until the ballots are finally counted and
9 the result certified by the election board. The election
10 board may require each watcher to present a certificate show-
11 ing that he is the watcher appointed by the precinct party
12 committee, the district party committee, the organization or
13 organized group or the candidate he represents and signed by
14 the chairman of the precinct party committee, the district
15 party committee, the organization or organized group or the
16 candidate representing no party. The secretary of state may
17 prescribe regulations governing the conduct of watchers to
18 assure the privileges of the watchers and the proper conduct
19 of the election.

20 * Sec. 10. AS 15.15.040 is amended to read:

21 Sec. 15.15.040. PREPARATION OF OTHER ELECTION MATERIALS.

22 The secretary of state shall prescribe the form of and prepare
23 tinted sample ballots, the original and duplicate registers
24 or duplicate registration cards, oaths of office of judges,
25 challenge oaths, tally sheets, instructions to voters, warn-
26 ing notices and other forms and supplies required for the
27 election.

28 * Sec. 11. AS 15.15.050 is amended to read:

29 Sec. 15.15.050. DISTRIBUTION OF ELECTION MATERIALS.

1 The secretary of state shall distribute an adequate supply
2 of sample and official ballots, original registers, duplicate
3 registers or duplicate registration cards, oaths, and other
4 forms and supplies required for the election to the election
5 supervisors for distribution to chairmen of election boards
6 in precincts not less than 25 days before the date for the
7 election.

8 * Sec. 12. AS 15.15.060 is amended to read:

9 Sec. 15.15.060. PROCUREMENT OF POLLING PLACES AND OTHER
10 SUPPLIES. Immediately following the appointment of the
11 election board, [AT LEAST 10 DAYS BEFORE THE DATE OF THE
12 ELECTION] the election supervisor in conjunction with the
13 election board chairman shall secure polling places for
14 holding the election, including alternate emergency locations,
15 suitable ballot boxes which will assure security and an
16 adequate number of voting booths or screens, national flags,
17 pens, and pencils. Not less than one voting booth or screen
18 shall be furnished for each 100 votes or fractional part of
19 100 votes cast in the previous election. The secretary of
20 state may issue rules prescribing the type of polling place
21 for holding the election and the requirements regarding
22 ballot boxes, voting booths, screens, national flags, and
23 other supplies to assure administrative economy and to
24 protect the secrecy of the ballot. The state, through the
25 office of secretary of state, shall pay the cost of necessary
26 election expenses incurred in securing a place for holding
27 the election, a suitable ballot box, and an adequate number
28 of voting booths, screens, national flags, and other supplies.
29 The national flag shall be displayed over or near the entrance

1 of each polling place.

2 * Sec. 13. AS 15.15.120 is amended to read:

3 Sec. 15.15.120. FILLING VACANCIES IN ELECTION BOARD.

4 If an appointed judge or clerk fails to appear and subscribe
5 to the oath on election day or becomes incapacitated during
6 the time of the election or canvass, the election board
7 members [QUALIFIED VOTERS] present shall elect, by a majority
8 voice vote, a qualified voter [PRESENT] to fill the vacancy.
9 The qualified voter elected to fill the vacancy shall be of
10 the same political party as the person for whom the substitu-
11 tion is made.

12 * Sec. 14. AS 15.15.180 is amended to read:

13 Sec. 15.15.180. KEEPING OF ORIGINAL REGISTER. The

14 judges shall keep an original register in which each voter
15 before receiving his ballot shall sign his name and give both
16 his resident and mailing address. A record shall be kept in
17 the registration book in space provided of the name of per-
18 sons who offer to vote but are refused, and a brief statement
19 of the basis of the refusal. The signing of the register
20 constitutes a declaration by the voter that he is qualified
21 to vote.

22 * Sec. 15. AS 15.15.190 is repealed and re-enacted to read:

23 Sec. 15.15.190. KEEPING OF DUPLICATE REGISTER OR

24 DUPLICATE REGISTRATION CARDS. The judge or clerk assigned to
25 keep the duplicate register or duplicate registration cards
26 shall transfer to the duplicate register or duplicate regis-
27 tration cards the names of the voter and all other information
28 appearing in the original registration book.

29 * Sec. 16. AS 15.15.210 is amended to read:

1 Sec. 15.15.210. CHALLENGING OF VOTERS OF SUSPECT
2 QUALIFICATION. Every election judge and election clerk shall
3 challenge, and every watcher and other person qualified to
4 vote in the precinct may challenge a person attempting to
5 vote if the challenger has good reason to suspect that the
6 challenged person is not qualified to vote. All challenges
7 shall be made in writing setting forth the reason for the
8 challenge. A challenged person before voting shall subscribe
9 to an oath and affidavit provided by the secretary of state
10 attesting to the fact that in each particular the person meets
11 all the qualifications of a voter or that the person legally
12 voted in the general election of November 4, 1924, and meeting
13 the residency requirements of a qualified voter, that he is
14 not disqualified, that he has not voted at the same election
15 and stating the place from which the person came immediately
16 prior to living in the precinct in which he now offers to
17 vote and the length of time of his residence in the former
18 place. After the challenged person has taken the oath and
19 signed the affidavit, the person may vote. If the challenged
20 person refuses to take the oath or sign the affidavit, the
21 person may not vote.

22 * Sec. 17. AS 15.20.070 is amended to read:

23 Sec. 15.20.070. APPLICATION TO SECRETARY OF STATE BY
24 MAIL. A qualified voter may apply by mail for an absentee
25 ballot to the secretary of state. The application shall
26 include [THE NAME OF THE APPLICANT AND BOTH HIS PRESENT] the
27 address to which the absentee ballot shall be returned and
28 the applicant's [HIS] full [LOCAL] Alaska resident address
29 and signature.

1 * Sec. 18. AS 15.20.100 is amended to read:

2 Sec. 15.20.100. DATE FOR APPLICATION BY MAIL. A
3 qualified voter may apply for an absentee ballot by mail if
4 postmarked not more than six months [90 DAYS] nor less than
5 four days before any election.

6 * Sec. 19. AS 15.20.430 is amended to read:

7 Sec. 15.20.430. AUTHORIZATION OF RECOUNT APPLI-
8 CATION. (a) A defeated candidate or 10 qualified voters who
9 believe there has been a mistake made by an election official
10 or by the canvassing board in counting the votes in an elec-
11 tion, may file an application within five days after the com-
12 pletion of the state canvass to the secretary of state for a
13 recount of the votes from any particular precinct or any
14 election district and for any particular office, proposition,
15 or question. However, the application may be filed only with-
16 in three days after the completion of the state canvass after
17 the general election for a recount of votes cast for the
18 office of governor and secretary of state. If there is a
19 tie vote as provided in AS 15.15.460, the secretary of state
20 shall initiate the recount and give notice to the interested
21 parties as provided in Sec. 470 of this chapter.

22 (b) The date on which the secretary of state receives
23 an application rather than the date of mailing or transmission
24 determines whether the application is filed within the time
25 allowed under (a) of this section. If the actual physical
26 delivery by telegram of a copy in substance of the statements
27 made in the application for recount is received in the office
28 of the secretary of state at or before 5 P.M. Alaska Standard
29 Time, on the due date the application will be accepted;

1 providing the original signed application is postmarked at or
2 before 5 P.M. Alaska Standard Time of the same day.

3 * Sec. 20. AS 15.20.450 is amended to read:

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

27 * Sec. 21. AS 15.25.010 is repealed and re-enacted to read:

28 Sec. 15.25.010. PROVISION FOR PRIMARY ELECTION. Candi-
29 dates for the elective state executive and state and national

1 legislative offices shall be nominated in a primary election
2 by direct vote of the people in the manner prescribed by this
3 chapter.

4 * Sec. 22. AS 15.25.020 is amended to read:

5 Sec. 15.25.020. DATE OF PRIMARY. The [PARTY] primary
6 election [NOMINATION] is held on the Tuesday after the second
7 Monday in August in every even numbered year.

8 * Sec. 23. AS 15.25.030 is amended to read:

9 Sec. 15.25.030. [REQUIREMENTS OF] DECLARATION OF [PARTY]
10 CANDIDACY. A member of a political party who seeks to become
11 a candidate of the party in the primary election [NOMINATION]
12 shall execute and file a declaration of candidacy. The
13 declaration shall be executed under oath before an officer
14 authorized to take acknowledgments and shall state in sub-
15 stance: (1) the full name of the candidate and the manner
16 in which he wishes his name to appear on the ballot; (2) the
17 full resident address of the candidate; (3) the full mailing
18 address of the candidate; (4) if the candidacy is for the
19 office of state senator or state representative, the election
20 or senate district of which the candidate is a resident; (5)
21 the office for which the candidate seeks nomination; (6) the
22 name of the political party of which he is a candidate for
23 nomination; (7) the date of the primary election [NOMINA-
24 TION] at which the candidate declares himself to be a candi-
25 date; (8) that the candidate meets the specific residency
26 requirements of the office for which he is a candidate; (9)
27 that the candidate will meet the specific citizenship re-
28 quirements of the office for which he is a candidate; (10)
29 that the candidate is a qualified voter as required by law;

1 (11) that the candidate will meet the specific age require-
2 ments of the office for which he is a candidate; (12) that
3 the candidate if nominated and elected will support the
4 principles of the party he seeks to represent; (13) that the
5 candidate requests that his name be placed on the [PARTY]
6 primary election [NOMINATION] ballot; and (14) that the
7 required fee accompanies the declaration.

8 * Sec. 24. AS 15.25.040(c) is amended to read:

9 (c) A candidate for state-wide offices shall file with
10 the secretary of state. A candidate for district-wide office
11 shall file either with a clerk of the superior court in the
12 [MAJOR] senate district of which the candidate is a resident
13 or the secretary of state. If a candidate for district-wide
14 office files a declaration with the secretary of state, the
15 secretary of state shall immediately, by telegram to be
16 followed by letter, notify the appropriate clerk of the
17 superior court of the filing. If the candidate files his
18 declaration with the clerk of the superior court, the clerk
19 shall immediately forward the declaration to the secretary
20 of state.

21 * Sec. 25. AS 15.25.060 is repealed and re-enacted to read:

22 Sec. 15.25.060. PREPARATION AND DISTRIBUTION OF BALLOTS.
23 The primary election ballot shall be prepared and distributed
24 by the secretary of state in the manner prescribed for general
25 election ballots except as specifically provided otherwise
26 for the primary election. The secretary of state shall place
27 the names of all candidates who have properly filed in groups
28 according to offices filed for, without regard to party af-
29 filiation. The names for each office shall be rotated as

1 provided for the general election ballot. No blank spaces
2 shall be provided on the ballot for the writing or pasting in
3 of names.

4 * Sec. 26. AS 15.25.070 is repealed and re-enacted to read:

5 Sec. 15.25.070. SPECIAL PROVISIONS ON COUNTING BALLOTS.

6 No voter may vote for a person whose name is not on the
7 ballot. Votes cast for a person whose name is not on the
8 ballot shall not be counted, but writing in a candidate's
9 name does not invalidate the entire ballot.

10 * Sec. 27. AS 15.25.080 is repealed.

11 * Sec. 28. AS 15.25.090 is amended to read:

12 Sec. 15.25.090. GENERAL PROCEDURE FOR CONDUCT OF
13 PRIMARY ELECTION[NOMINATION]. Unless specifically provided
14 otherwise, all provisions regarding the conduct of the general
15 election shall govern the conduct of the [PARTY] primary
16 election [NOMINATION], including, but not limited to, pro-
17 visions concerning voter qualification; provisions regarding
18 the duties, powers, rights, and obligations of the secretary
19 of state, of other election officials, and of cities and
20 organized boroughs; provision for notification of the elec-
21 tion; provisions regarding payment of election expenses; pro-
22 visions regarding employees being allowed time from work to
23 vote; provisions for the counting, canvassing, and certifica-
24 tion of returns; provisions for the determination of tie votes
25 and of recount, contests and appeal; and provisions for ab-
26 sentee voting and the use of voting machines.

27 * Sec. 29. AS 15.25.110 is amended to read:

28 Sec. 15.25.110. FILLING VACANCIES BY PARTY PETITION.

29 If a candidate nominated at the [PARTY] primary election

1 [NOMINATION] dies, withdraws, resigns, becomes disqualified
2 from holding office for which he is nominated, or is certi-
3 fied as being incapacitated in the manner prescribed by this
4 section after the primary election [NOMINATION] and 10 days
5 or more before the general election, the vacancy may be
6 filled by party petition. The central committee of any
7 political party or any party district committee may certify
8 as being incapacitated any candidate nominated by their re-
9 spective party by presenting to the secretary of state a sworn
10 statement made by a panel of three licensed physicians, not
11 more than two of whom shall be of the same political party,
12 that the candidate is physically or mentally incapacitated to
13 an extent that would in his judgment prevent the candidate
14 from active service during the term of office if elected. The
15 secretary of state shall place the name of the person nomin-
16 ated by party petition on the general election ballot or, if
17 the general election ballot has been prepared, the secretary
18 of state or the election officials directed by the secretary
19 of state shall prepare, print, and distribute a sufficient
20 number of gummed labels or stickers bearing the name of the
21 candidate to fill the vacancy to each voting precinct with
22 instructions that the election judges shall place one of the
23 stickers or labels on the appropriate place on each ballot
24 before the ballot is handed to the voter. The name of a
25 candidate disqualified under this section shall not appear on
26 the general election ballot.

27 * Sec. 30. AS 15.25 is amended by adding a new section to
28 read:

29 Sec. 15.25.045. WITHDRAWAL OF CANDIDACY. Notice of

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withdrawal of candidacy must be in writing over the signature
of the candidate.

* Sec. 31. AS 15.30.080 is amended to read:

Sec. 15.30.080. FILLING OF VACANCIES. If there is a
vacancy caused by death, failure to attend, ineligibility
or other cause, and if available alternates have not been
designated, the electors shall fill the vacancy by plurality
vote.

* Sec. 32. This Act takes effect on the day after its passage
and approval or on the day it becomes law without such approval.

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