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Original Sponsor: Peter

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1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 4

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 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 15.15.360 is amended by adding a new
10 paragraph to read:

11 (11) A write-in vote for a person whose
12 candidacy for that office was rejected in a party
13 primary election in the same year is invalid unless
14 the party nominee for that office has died, withdrawn,
15 become disqualified, or been certified as incapacitated
16 before the general election. A write-in vote cast
17 contrary to this rule does not invalidate the entire
18 ballot.

19 * Sec. 2. AS 15.05.020(4) is amended to read:

20 (4) A person does not gain or lose a residence
21 solely by reason of his presence or absence while employed
22 in the service of the United States or of this state, [OR
23 WHILE A STUDENT OF AN INSTITUTION OF LEARNING,] or while
24 kept in an institution or asylum at public expense, or
25 while confined in a public prison or while residing upon
26 an Indian or military reservation.

27 * Sec. 3. AS 15.05.020 is amended by adding a new paragraph
28 to read:

29 (10) The residence of a student enrolled in an

1 institution of learning and who meets the qualifications of
2 sec. 10 of this chapter is the residence shown on his last
3 registration at the institution made at least 30 days before
4 an election.

5 * Sec. 4. AS 15.10.030 is amended to read:

6 Sec. 15.10.030. UNIFORM PRECINCT BOUNDARIES [AND
7 POLLING PLACES] REQUIRED FOR STATE AND LOCAL ELECTIONS.
8 The precinct boundaries [AND POLLING PLACES] established
9 by the secretary of state shall be the [POLLING PLACES
10 AND] boundaries for both state and local elections. The
11 secretary of state by regulation pursuant to the provi-
12 sions of the Administrative Procedure Act (AS 44.62)
13 may authorize the combining, consolidation, or altering of
14 precinct boundaries [AND POLLING PLACES] for local elec-
15 tions.

16 * Sec. 5. AS 15.10.110 is amended to read:

17 Sec. 15.10.110. APPOINTMENT OF ELECTION SUPERVISORS.
18 The secretary of state shall appoint four [AN] election
19 supervisors, [SUPERVISOR] one each to serve at Juneau,
20 Anchorage, Fairbanks and Nome, [FOR EACH OF THE FOUR MAJOR
21 SENATE DISTRICTS DESCRIBED IN SEC. 2, ART. XIV, OF THE STATE
22 CONSTITUTION] to assist in the administration of elections
23 in the election districts designated by the secretary of
24 state [WITHIN THEIR RESPECTIVE SENATE DISTRICTS]. The
25 secretary of state may appoint as an election supervisor a
26 person who is a qualified voter in the area over which he
27 has jurisdiction [OF THE RESPECTIVE SENATE DISTRICT] and
28 who does not hold an office in a political party. An
29 election supervisor shall be appointed to serve for a term

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1 to begin not more than 90 days before the date of the pri-
2 mary nomination or special election and to end not more than
3 45 [30] days after the date of the general or special elec-
4 tion. An election supervisor is entitled to receive compen-
5 sation in an amount that is comparable to that received for
6 similar state employment as determined by the secretary of
7 state. Executive department employees shall be appointed
8 election supervisors whenever feasible and shall serve with-
9 out additional compensation.

10 * Sec. 6. AS 15.10.120 is amended to read:

11 Sec. 15.10.120. APPOINTMENT OF ELECTION BOARD. The
12 election supervisors [FOR EACH SENATE DISTRICT] shall appoint
13 within their district an election board, composed of three
14 judges, for each precinct from among the qualified voters of
15 each of the precincts for which they are appointed. One
16 judge shall be designated chairman and be primarily respon-
17 sible for the administration of the election in the precinct.
18 If no clerks are appointed for the precinct, the other two
19 judges shall perform the duties of clerks of the election.
20 No more than two judges may be of the same political party.
21 At the time of making the appointments, the election super-
22 visor shall notify the secretary of state of the name and
23 full local mailing address of the designated chairman and
24 other judges of the election board in each precinct. Elec-
25 tion boards in local government unit elections shall be
26 appointed by the appropriate local government unit for all
27 local elections.

28 * Sec. 7. AS 15.10.130 is amended to read:

29 Sec. 15.10.130. APPOINTMENT OF CLERKS. The election

1 supervisor may [SHALL] appoint a maximum of two clerks for
2 each precinct in which the election supervisor determines
3 that [TWO] clerks are required to administer the election or
4 primary nomination in an efficient and economical manner.
5 Clerks shall be appointed from among the qualified voters in
6 precincts from which they are appointed. The clerks may not
7 be of the same political party.

8 * Sec. 8. AS 15.10.150 is amended to read:

9 Sec. 15.10.150. APPOINTMENT OF NOMINEES FOR JUDGES AND
10 CLERKS. Whenever the appointment of election judges or
11 clerks is required, the party district committee of the
12 political party of which the governor is a member may present
13 in writing to the election supervisor at least 60 [45] days
14 before the party nomination or election, the names of two
15 party nominees for judges, and one for clerk, in any or all
16 election precincts, and the election supervisor shall appoint
17 the party nominees to the respective precinct election boards.
18 The party district committee of the political party which
19 received the second largest number of votes in the preceding
20 general election may present in writing to the election
21 supervisor at least 60 [45] days before the party nomination
22 or election the name of one party nominee for judge and one
23 for clerk for any or all election precincts and the election
24 supervisor shall appoint the party nominees to the respective
25 precinct election boards. If any party district committee
26 fails to present the names prescribed by this section within
27 the specified time, the election supervisor may appoint any
28 qualified person.

29 * Sec. 9. AS 15.10.160 is repealed.

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1 * Sec. 10. AS 15.10.170 is amended to read:

2 Sec. 15.10.170. APPOINTMENT AND PRIVILEGES OF WATCHERS.

3 The precinct [DISTRICT] party committee, where an organized
4 precinct committee exists, or the district party committee
5 where no organized precinct committee exists, may appoint one
6 or more persons as watchers in each precinct for any primary
7 nomination or election. Each candidate not representing a
8 political party may appoint one or more watchers for each
9 precinct in his respective district or the state for any
10 election. Any organization or organized group that sponsors
11 or opposes an initiative, referendum or recall may have one
12 or more persons as watchers at the polls after first obtaining
13 authorization from the secretary of state. No precinct
14 party committee, no district party committee or candidate
15 not representing a political party or organization or
16 organized group may have more than one watcher on duty at a
17 time in any precinct. The watcher may be present at a
18 position inside the place of voting which affords a full view
19 of all action of the election board taken from the time the
20 polls are opened until the ballots are finally counted and
21 the result certified by the election board. The election
22 board may require each watcher to present a certificate show-
23 ing that he is the watcher appointed by the precinct party
24 committee, the district party committee, the organization or
25 organized group or the candidate he represents and signed by
26 the chairman of the precinct party committee, the district
27 party committee, the organization or organized group or the
28 candidate representing no party. The secretary of state may
29 prescribe regulations governing the conduct of watchers to

1 assure the privileges of the watchers and the proper conduct
2 of the election.

3 * Sec. 11. AS 15.15.040 is amended to read:

4 Sec. 15.15.040. PREPARATION OF OTHER ELECTION MATERIALS.

5 The secretary of state shall prescribe the form of and prepare
6 tinted sample ballots, the original and duplicate registers
7 or duplicate registration cards, oaths of office of judges,
8 challenge oaths, tally sheets, instructions to voters, warn-
9 ing notices and other forms and supplies required for the
10 election.

11 * Sec. 12. AS 15.15.050 is amended to read:

12 Sec. 15.15.050. DISTRIBUTION OF ELECTION MATERIALS.

13 The secretary of state shall distribute an adequate supply
14 of sample and official ballots, original registers, duplicate
15 registers or duplicate registration cards, oaths, and other
16 forms and supplies required for the election to the election
17 supervisors for distribution to chairmen of election boards
18 in precincts not less than 25 days before the date for the
19 election.

20 * Sec. 13. AS 15.15.060 is amended to read:

21 Sec. 15.15.060. PROCUREMENT OF POLLING PLACES AND OTHER
22 SUPPLIES. Immediately following the appointment of the
23 election board, [AT LEAST 10 DAYS BEFORE THE DATE OF THE
24 ELECTION] the election supervisor in conjunction with the
25 election board chairman shall secure polling places for
26 holding the election, including alternate emergency locations,
27 suitable ballot boxes which will assure security and an
28 adequate number of voting booths or screens, national flags,
29 pens, and pencils. Not less than one voting booth or screen

1 shall be furnished for each 100 votes or fractional part of
2 100 votes cast in the previous election. The secretary of
3 state may issue rules prescribing the type of polling place
4 for holding the election and the requirements regarding
5 ballot boxes, voting booths, screens, national flags, and
6 other supplies to assure administrative economy and to
7 protect the secrecy of the ballot. The state, through the
8 office of secretary of state, shall pay the cost of necessary
9 election expenses incurred in securing a place for holding
10 the election, a suitable ballot box, and an adequate number
11 of voting booths, screens, national flags, and other supplies.
12 The national flag shall be displayed over or near the entrance
13 of each polling place.

14 * Sec. 14. AS 15.15.120 is amended to read:

15 Sec. 15.15.120. FILLING VACANCIES IN ELECTION BOARD.

16 If an appointed judge or clerk fails to appear and subscribe
17 to the oath on election day or becomes incapacitated during
18 the time of the election or canvass, the election board
19 members [QUALIFIED VOTERS] present shall elect, by a majority
20 voice vote, a qualified voter [PRESENT] to fill the vacancy.
21 The qualified voter elected to fill the vacancy shall be of
22 the same political party as the person for whom the substitu-
23 tion is made.

24 * Sec. 15. AS 15.15.180 is amended to read:

25 Sec. 15.15.180. KEEPING OF ORIGINAL REGISTER. The
26 judges shall keep an original register in which each voter
27 before receiving his ballot shall sign his name and give
28 both his resident and mailing address. A record shall be
29 kept in the registration book in space provided of the name of

1 persons who offer to vote but are refused, and a brief state-
2 ment of the basis of the refusal. The signing of the register
3 constitutes a declaration by the voter that he is qualified
4 to vote.

5 * Sec. 16. AS 15.15.190 is repealed and re-enacted to read:

6 Sec. 15.15.190. KEEPING OF DUPLICATE REGISTER OR
7 DUPLICATE REGISTRATION CARDS. The judge or clerk assigned to
8 keep the duplicate register or duplicate registration cards
9 shall transfer to the duplicate register or duplicate regis-
10 tration cards the names of the voter and all other information
11 appearing in the original registration book.

12 * Sec. 17. AS 15.15.210 is amended to read:

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

1 place. After the challenged person has taken the oath and
2 signed the affidavit, the person may vote. If the challenged
3 person refuses to take the oath or sign the affidavit, the
4 person may not vote.

5 * Sec. 18. AS 15.20.070 is amended to read:

6 Sec. 15.20.070. APPLICATION TO SECRETARY OF STATE BY
7 MAIL. A qualified voter may apply by mail for an absentee
8 ballot to the secretary of state. The application shall
9 include the [NAME OF THE APPLICANT AND BOTH HIS PRESENT]
10 address to which the absentee ballot shall be returned and
11 the applicant's [HIS] full [LOCAL] Alaska resident address
12 and signature.

13 * Sec. 19. AS 15.20.100 is amended to read:

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

18 * Sec. 20. AS 15.20.430 is amended to read:

19 Sec. 15.20.430. AUTHORIZATION OF RECOUNT APPLICATION.
20 (a) A defeated candidate or 10 qualified voters who believe
21 there has been a mistake made by an election official or
22 by the canvassing board in counting the votes in an election,
23 may file an application within five days after the completion
24 of the state canvass to the secretary of state for a re-
25 count of the votes from any particular precinct or any
26 election district and for any particular office, proposition,
27 or question. However, the application may be filed only with-
28 in three days after the completion of the state canvass after
29 the general election for a recount of votes cast for the

1 office of governor and secretary of state. If there is a
2 tie vote as provided in AS 15.15.460, the secretary of state
3 shall initiate the recount and give notice to the interested
4 parties as provided in sec. 470 of this chapter.

5 (b) The date on which the secretary of state receives
6 an application rather than the date of mailing or transmission
7 determines whether the application is filed within the time
8 allowed under (a) of this section. If the actual physical
9 delivery by telegram of a copy in substance of the statements
10 made in the application for recount is received in the office
11 of the secretary of state at or before 5:00 p.m. Alaska
12 Standard Time, on the due date the application will be accepted;
13 providing the original signed application is postmarked at or
14 before 5:00 p.m. Alaska Standard Time of the same day.

15 * Sec. 21. AS 15.20.450 is amended to read:

16 Sec. 15.20.450. REQUIREMENT OF DEPOSIT. The application
17 shall include a deposit in cash, by certified check, or by
18 bond with a surety approved by the secretary of state. The
19 amount of the deposit is \$50 for each precinct, \$250 for each
20 election district, [\$500 FOR EACH MAJOR SENATE DISTRICT] and
21 \$2,000 for the entire state. However, if the recount in-
22 cludes an office for which candidates received a tie vote, or
23 the difference between the number of votes cast was 10 or
24 less or was less than .5 per cent of the total number of
25 votes cast for the two candidates for the contested office,
26 or a question or proposition for which there was a tie vote
27 on the issue, the application need not include a deposit.
28 If, on the recount, a candidate other than the candidate who
29 received the original election certificate is declared

1 elected, or if the vote on recount is determined to be four
2 per cent or more in excess of the vote reported by the state
3 canvass for the candidate applying for the recount or in
4 favor or opposed to the question or proposition as stated in
5 the application, the entire deposit shall be refunded. If
6 the entire deposit is not refunded, the secretary of state
7 shall refund any money remaining after the cost of the
8 recount has been paid from the deposit.

9 * Sec. 22. AS 15.25.040(c) is amended to read:

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

22 * Sec. 23. AS 15.25 is amended by adding a new section to read:

23 Sec. 15.25.045. WITHDRAWAL OF CANDIDACY. Notice of
24 withdrawal of candidacy must be in writing over the signature
25 of the candidate.

26 * Sec. 24. AS 15.25 is amended by adding a new section to read:

27 Sec. 15.25.056. NOMINATION BY PARTY PETITION WHERE
28 INCUMBENT DIES OR IS DISQUALIFIED OR INCAPACITATED. (a)

29 If an incumbent candidate for renomination dies, becomes

1 disqualified from holding the office he is seeking, or is
2 certified as being incapacitated between June 1 of the
3 election year and that date which is 15 days before the
4 date of the party primary nomination, his place on the
5 ballot may be filled by party petition. The petition shall
6 state that the political party requests the name of the
7 proposed candidate replace that of the incumbent on the
8 primary nomination ballot and shall be accompanied by a
9 declaration of candidacy from the person named in the peti-
10 tion. The petition must be received by the secretary of
11 state no later than 14 days after the death, disqualification
12 or certification of incapacity of the incumbent or 10 days
13 before the party primary nomination date, whichever time is
14 earlier.

15 (b) The method for certifying an incumbent candidate
16 for nomination as being incapacitated, the method for select-
17 ing the person who is to be named in the party petition, and
18 the method for placing the name of the person selected on
19 the primary nomination ballot are the same as those prescribed
20 in secs. 110 and 130 of this chapter relating to filling
21 vacancies of party nominees in a general election.

22 (c) The death, disqualification or certification of
23 incapacity of the incumbent within 10 days before or on the
24 party primary nomination date shall not affect the canvass
25 of the ballots. If the result of the canvass discloses
26 that the candidate, if he had lived, would have been nominated,
27 the candidate shall be declared nominated. The vacancy may
28 be filled by party petition as provided in secs. 110 - 130
29 of this chapter.

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* Sec. 25. 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. 26. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.