

Introduced: 2/8/68  
Referred: State Affairs  
and Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 524

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

9 \* Section 1. AS 15.05.020 is repealed and re-enacted to read:

10 Sec. 15.05.020. RULES FOR DETERMINING RESIDENCE OF VOTER. For  
11 the purpose of determining residence for voting, the place of residence  
12 is governed by the following rules:

13 (1) No person may be deemed to have gained a residence  
14 solely by reason of his presence nor may he lose it solely by reason  
15 of his absence while in the civil or military service of this state  
16 or of the United States, while a student at an institution of learning,  
17 while in an institution or asylum at public expense, while confined  
18 in public prison, while engaged in the navigation of waters of this  
19 state, of the United States or of the high seas, or while residing  
20 upon an Indian or military reservation.

21 (2) The residence of a person is that place in which his  
22 habitation is fixed, and to which, whenever he is absent, he has the  
23 intention to return.

24 (3) A change of residence is made only by the act of  
25 removal joined with the intent to remain in another place. There  
26 can only be one residence.

27 (4) A person does not lose his residence if he leaves his  
28 home and goes to another country, state or place within this state  
29 for temporary purposes only and with the intent of returning.

1 (5) A person does not gain a residence in a place to which  
2 he comes for temporary purposes only.

3 (6) A person loses his residence in this state if he votes  
4 in another state, either in person or by absentee ballot, and will  
5 not be eligible to vote in this state until he again qualifies under  
6 AS 15.05.010.

7 (7) A qualified voter of this state who leaves the state  
8 with the intent of not returning and has not established a residence  
9 in another state may vote for President and Vice President by applying  
10 to the office of the secretary of state for a presidential ballot as  
11 provided by AS 15.05.012 and 15.05.014.

12 (8) The term of residence is computed by including the  
13 day on which the person's residence begins and excluding the day of  
14 election.

15 \* Sec. 2. AS 15.10.120 is amended to read:

16 Sec. 15.10.120. APPOINTMENT OF ELECTION BOARD. The election  
17 supervisors shall appoint within their district an election board,  
18 composed of three judges, for each precinct from among qualified  
19 voters of each of the precincts for which they are appointed. One  
20 judge shall be designated chairman and be primarily responsible for  
21 the administration of the election in the precinct. If no clerks  
22 are appointed for the precinct, the other two judges shall perform  
23 the duties of clerks of the election. No more than two judges may be  
24 of the same political party. When the election board is completed  
25 [AT THE TIME OF MAKING THE APPOINTMENTS], the election supervisor  
26 shall notify the secretary of state of the name and full local mailing  
27 address of the designated chairman and other judges of the election  
28 board in each precinct. Election boards in local government unit  
29 elections shall be appointed by the appropriate local government

1 unit for all local elections.

2 \* Sec. 3. AS 15.10 is amended by adding a new section to read:

3 Sec. 15.10.125. APPOINTMENT OF SECOND ELECTION BOARD OR COUNTING  
4 BOARD. (a) There may be only one election board in each precinct  
5 except as provided in this section.

6 (b) In each precinct using paper ballots having 300 or more  
7 voters there shall be appointed, and in each precinct using paper  
8 ballots and having 200 or more but less than 300 voters there may be  
9 appointed, two election boards composed of three judges and one clerk.  
10 The second election board shall be designated as the counting board.

11 \* Sec. 4. AS 15.10.130 is repealed and re-enacted to read:

12 Sec. 15.10.130. APPOINTMENT OF CLERKS. The election supervisor  
13 may appoint one clerk to assist the election board in conducting the  
14 election in precincts whenever necessary. The election supervisor  
15 may appoint one additional clerk to serve in such precincts as he  
16 determines necessary to administer the elections in an efficient and  
17 economical manner. Clerks shall be appointed from among qualified  
18 voters in precincts in which they reside. If only one clerk is  
19 appointed he may not be of the same political party as the governor.  
20 If two clerks are appointed they may not be of the same political  
21 party.

22 \* Sec. 5. AS 15.10.140 is amended to read:

23 Sec. 15.10.140. APPOINTMENT OF COUNTERS. The chairman of the  
24 election board or the chairman of the counting board when a counting  
25 board is used may appoint a team of [MAXIMUM OF SIX PERSONS AS]  
26 counters to assist with the counting of the ballots in each precinct  
27 where the election supervisor deems necessary [OF BALLOTS IN EACH  
28 PRECINCT IF THE ELECTION SUPERVISOR AUTHORIZES THE APPOINTMENT]. The  
29 appointments may be made from among the qualified voters in the

1 precincts in [FROM] which they reside [ARE APPOINTED], and may be  
2 made at any time before the close of the precinct canvass. There  
3 shall be four counters on each counting team, no more than two of  
4 whom may be of the same political party [IF TWO COUNTERS ARE APPOINTED,  
5 THE COUNTERS MAY NOT BE OF THE SAME POLITICAL PARTY. IF FOUR OR LESS  
6 COUNTERS ARE APPOINTED, NO MORE THAN TWO MAY BE OF THE SAME POLITICAL  
7 PARTY. IF MORE THAN FOUR COUNTERS ARE APPOINTED, NO MORE THAN THREE  
8 COUNTERS MAY BE OF THE SAME POLITICAL PARTY]. No counter may work  
9 continuously for more than six hours.

10 • Sec. 6. AS 15.10.150 is amended to read:

11 Sec. 15.10.150. APPOINTMENT OF NOMINEES FOR JUDGES AND CLERKS.  
12 Whenever the appointment of election judges or clerks is required, the  
13 party district committee of the political party of which the governor  
14 is a member may present in writing to the election supervisor on or  
15 before June 1st in each regular election year, or at least 60 days  
16 before a special [THE PARTY NOMINATION OR] election, the names of two  
17 party nominees for judges, and one for clerk, in any or all election  
18 precincts, and the election supervisor shall appoint the party nominees  
19 to the respective precinct election boards. The party district com-  
20 mittee of the political party which received the second largest number  
21 of votes in the preceding general election may present in writing to  
22 the election supervisor on or before June 1st in each regular election  
23 year, or at least 60 days before a special [THE PARTY NOMINATION OR]  
24 election, the name of one party nominee for judge and one for clerk  
25 for any or all election precincts and the election supervisor shall  
26 appoint the party nominees to the respective precinct election boards.  
27 If any party district committee fails to present the names prescribed  
28 by this section by June 15th of a regular election year or before the  
29 60th day preceding a special election [WITHIN THE SPECIFIED TIME],

1 the election supervisor may appoint any qualified person.

2 \* Sec. 7. AS 15.15.030(5) is amended to read:

3 (5) The general election ballot shall be printed on white  
4 paper with the names of the candidates and their party designation  
5 placed in separate sections under the office designation to which  
6 they are nominated. The party affiliation, if any shall be desig-  
7 nated after the name of the candidate. The secretary of state and  
8 the governor shall be included under the same section. Provision  
9 shall be made for voting for write-in and no-party candidates within  
10 each section. The squares appearing on the ballots shall measure 1/4  
11 inch on each side.

12 \* Sec. 8. AS 15.15 is amended by adding a new section to read:

13 Sec. 15.15.035. PRINTING OF BALLOTS AND OTHER MATERIAL. The  
14 secretary of state may not be required to do business with a printing  
15 company while the company is involved in a labor dispute.

16 \* Sec. 9. AS 15.15.070(f) is amended to read:

17 (f) [IT IS NOT NECESSARY FOR THE SECRETARY OF STATE TO POST OR  
18 PUBLISH NOTICE NOT PROVIDED FOR IN THIS SECTION.] Additional notice  
19 shall [MAY] be given of all bond issues, initiatives, referendums and  
20 propositions by use of newspapers, television, radio, printed posters,  
21 maps and similar means of communication considered necessary. The  
22 secretary of state may not be required to post or publish notices  
23 except those provided for in this section.

24 \* Sec. 10. AS 15.15.090 is amended to read:

25 Sec. 15.15.090. VOTING IN PERSON ONLY AT RESIDENT PRECINCT. On  
26 election day a qualified voter voting in person shall vote only at the  
27 polling place designated for [IN] the precinct of his residence. The  
28 polling place shall be located within the precinct unless the super-  
29 visor and the election board chairman determines that a building

1 located in an adjoining precinct is more suitable or convenient to  
2 the voters.

3 \* Sec. 11. AS 15.15 is amended by adding a new section to read:

4 Sec. 15.15.213. QUESTIONING A VOTER'S BALLOT. An election  
5 judge, clerk, or watcher may question a voter's ballot if the voter  
6 is unable to prove that he is qualified to vote at the polling place  
7 for that precinct. If his polling place is in question the voter  
8 shall be allowed to vote, and the election officer shall consider the  
9 ballot as a questioned ballot. A questioned ballot shall be treated  
10 in the same manner as a challenged ballot as set forth in AS 15.20.210.

11 \* Sec. 12. AS 15.15.330 is amended to read:

12 Sec. 15.15.330. IMMEDIATE COMMENCEMENT OF CANVASS. In precincts  
13 where only one election board is used, when [WHEN] the polls are  
14 closed and the last vote has been cast, the election board and clerks  
15 or counters shall immediately proceed to open the ballot box and to  
16 count and canvass the votes cast. The election board shall cause the  
17 canvass to be continued without adjournment until the canvass is  
18 complete.

19 \* Sec. 13. AS 15.15 is amended by adding a new section to read:

20 Sec. 15.15.335. CANVASS OF BALLOTS WHEN A COUNTING BOARD IS  
21 USED. (a) When a counting board is used pursuant to AS 15.10.125,  
22 the counting of ballots shall commence at 4:00 p.m. on the afternoon  
23 of election day. The counting board shall supervise the counting of  
24 the ballots. The count shall be continued without adjournment from  
25 that time until all ballots have been counted.

26 (b) Before entering upon the duties of the office each member  
27 of the counting board shall take the oath as set forth in sec. 110 of  
28 this chapter.

29 (c) When the polls have closed the election board chairman shall

1 turn over to the chairman of the counting board the ballot box or  
2 boxes and all other election material.

3 \* Sec. 14. AS 15.15.340 is amended to read:

4 Sec. 15.15.340. REPORT, OATH AND VACANCIES OF COUNTERS.

5 Counters shall report to the election board at the polls at the time  
6 designated by the election supervisor [THE POLLS CLOSE] to assume  
7 their duties to assist the election board in counting and canvassing  
8 the vote. Before undertaking the duties of office, each counter shall  
9 subscribe to an oath to honestly, faithfully, impartially and promptly  
10 carry out the duties of his position. An election judge may administer  
11 the oath. If an appointed counter fails to appear and subscribe to  
12 the oath at the time designated by the election supervisor [THE POLLS  
13 CLOSE] the election board shall appoint any qualified voter present  
14 to fill the vacancy.

15 \* Sec. 15. AS 15.15.350 is amended to read:

16 Sec. 15.15.350. GENERAL PROCEDURE FOR CANVASS. The secretary  
17 of state shall issue rules prescribing the manner in which the pre-  
18 cinct canvass is accomplished so as to assure accuracy in the count  
19 and to expedite the process. The election board or counting board  
20 [COUNTERS] shall canvass the ballots in a manner that allows watchers  
21 to see the ballots when opened and read. No person handling the  
22 ballot after it has been taken from the ballot box and before it is  
23 placed in the envelope for mailing may have a marking device in hand.

24 \* Sec. 16. AS 15.15 is amended by adding a new section to read:

25 Sec. 15.15.355. COUNTING TO BE IN PRIVATE - WATCHERS. The  
26 counting of ballots while the polls are open shall in all cases be  
27 conducted in private in a closed room designated for that purpose,  
28 except that any recognized watchers as set forth in AS 15.10.170 may  
29 be present to witness the counting of the ballots if the watchers

1 first sign an oath of secrecy and do not leave the counting room  
2 during the hours the polls are open.

3 \* Sec. 17. AS 15.15 is amended by adding a new section to read:

4 Sec. 15.15.356. DIVULGING BALLOT COUNT - PENALTY. (a) No  
5 election officer or other person authorized by law to be present while  
6 votes are being counted may divulge the result of the count of the  
7 ballots at any time before the closing of the polls.

8 (b) Violation of this section is punishable, upon conviction  
9 by imprisonment for not more than one year or by a fine not to exceed  
10 the sum of \$1,000 or by both.

11 \* Sec. 18. AS 15.15 is amended by adding a new section to read:

12 Sec. 15.15.357. PROCEDURE WHEN BOTH ELECTION BOARD AND COUNTING  
13 BOARD ARE USED. (a) When a counting board is used pursuant to AS  
14 15.10.125, a second ballot box for receiving ballots shall be used,  
15 and the first ballot box shall be sealed by the election board and  
16 delivered to the counting board. The counting board shall proceed  
17 to the place provided for them and start counting the ballots at once.

18 (b) The election board conducting the election shall perform  
19 all the duties provided by law except for the posting and certifi-  
20 cation of the unofficial returns and the delivery of the official  
21 returns, together with the election supplies to the office of the  
22 election supervisor and the secretary of state.

23 \* Sec. 19. AS 15.15.380 is amended to read:

24 Sec. 15.15.380. REMUNERATION OF ELECTION JUDGES, CLERKS, AND  
25 COUNTERS. The state, through the office of the secretary of state,  
26 shall pay each judge, clerk and counter \$2.50 [\$2.00] per hour for  
27 the time spent at their election duties including the receiving  
28 instructions [BUT IN NO EVENT SHALL A JUDGE OR CLERK RECEIVE COM-  
29 PENSATION OF LESS THAN \$20].

1 \* Sec. 20. AS 15.20.170 is repealed and re-enacted to read:

2       Sec. 15.20.170. DISPOSITION OF BALLOTS. Each district judge  
3 and magistrate who has been designated by the secretary of state to  
4 issue absentee ballots shall stamp on the envelope containing the oath  
5 the date on which the ballot is received in his office. All ballots  
6 received shall be immediately transmitted by the most expeditious  
7 mail service to the election supervisor for his district.

8 \* Sec. 21. AS 15.20.180 is repealed and re-enacted to read:

9       Sec. 15.20.180. NAMES OF ABSENTEE VOTERS TO BE MADE AVAILABLE.  
10 The election supervisors, district judges and magistrates shall have  
11 available for public inspection the names and addresses of persons  
12 who voted absentee.

13 \* Sec. 22. AS 15.20.190 is amended to read:

14       Sec. 15.20.190. APPOINTMENT, DUTIES AND COMPENSATION OF DISTRICT  
15 CANVASSING BOARD. Thirty days prior to the date of an election, the  
16 election supervisor shall appoint in the same manner provided for the  
17 appointment of election judges prescribed in AS 15.10.150, district  
18 absentee ballot canvassing boards composed of four [THREE] members,  
19 two from each major [NOT OF THE SAME] political party. The district  
20 board shall assist the election supervisor in counting [TO COUNT] and  
21 canvassing [CANVASS] the absentee ballots and shall receive the same  
22 compensation paid election judges.

23 \* Sec. 23. AS 15.20.200 is repealed and re-enacted to read:

24       Sec. 15.20.200. TIME OF DISTRICT CANVASS AND TIME FOR COUNTING  
25 ABSENTEE BALLOTS. (a) On the third day following the date of  
26 election, the election supervisor, in the presence and with the  
27 assistance of the district absentee canvassing board shall proceed  
28 to count all absentee ballots on hand which were canvassed on the  
29 previous day, and shall continue to count without recess until

1 completed. The election supervisor may appoint additional counting  
2 boards when deemed necessary to assist in the counting of absentee  
3 ballots.

4 (b) Eight days after the date of the election the election  
5 supervisor, in the presence and with the assistance of the district  
6 absentee ballot canvassing board, shall examine affidavits, count  
7 and canvass all additional absentee ballots plus all challenged and  
8 questioned ballots without recess, and certify the absentee canvass.

9 \* Sec. 24. AS 15.20.210 is amended to read:

10 Sec. 15.20.210. PROCEDURE FOR DISTRICT CANVASS. On the second  
11 day following the date of election, the election supervisor, in the  
12 presence and with the assistance of the district absentee ballot  
13 canvassing board shall meet and examine all voters' certificates on  
14 hand [THE DISTRICT CANVASS SHALL BE CONDUCTED ACCORDING TO THE  
15 FOLLOWING PROCEDURE]. No ballot shall be counted if the voter has  
16 failed [FAILS] to properly execute the certificate, if the witness  
17 or the officer or other person authorized by law to administer the  
18 oath fails to affix his signature, or if the voter fails to enclose  
19 his marked ballot inside the small envelope provided. The election  
20 supervisor or a member of the district absentee ballot canvassing  
21 board may challenge the name of an absentee voter when read from the  
22 voter's certificate on the back of the large envelope, if he has good  
23 reason to suspect that the challenged voter is not qualified to vote,  
24 is disqualified, or has voted at the same election. The person  
25 making the challenge shall specify the basis of the challenge in  
26 writing. The district board by majority vote may refuse to accept  
27 and count the absentee ballot of a person properly challenged. If  
28 the absentee ballot is refused, the district supervisor shall return  
29 a copy of the statement of the challenge to the absentee voter, and

1 shall enclose all rejected ballots in a separate envelope with  
2 statements of challenge. The envelope shall be labeled "rejected  
3 ballots" and shall be forwarded to the secretary of state with the  
4 election certificates and other returns. If the absentee ballot is  
5 not refused, the large envelope shall be opened, the smaller, inner  
6 blank envelope shall be placed in a container and mixed with other  
7 blank absentee ballot envelopes. The mixed smaller blank envelopes  
8 shall be drawn from the container, opened, and the ballots counted  
9 according to the rules of determining properly marked ballots as are  
10 provided for counting by the election board. Upon completion of the  
11 canvass, the election supervisor shall prepare an election certificate  
12 of results in the manner provided for the preparation of election  
13 certificates by precinct election boards, and shall forward the  
14 original certificates and returns to the secretary of state no later  
15 than eight days after the date of the election [THE DAY THE DISTRICT  
16 CANVASS IS COMPLETED].

17 \* Sec. 25. AS 15.25.150 is amended to read:

18 Sec. 15.25.150. DATE OF FILING PETITION. The petition is filed  
19 with the secretary of state by actual physical delivery in person or  
20 by mail before June 1 [MAY 1] in the year in which a general election  
21 is held for the office.

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