

Original Sponsor: Rules Committee
by request of the Governor

Offered: 3/23/68
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR 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 AS 15.05.020 is repealed and re-enacted to read: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 or
16 of the United States, while a student at an institution of learning,
17 while in an institution or asylum at public expense, while confined in
18 public prison, while engaged in the navigation of waters of this state,
19 of the United States or of the high seas, or while residing upon an
20 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 re-
25 moval joined with the intent to remain in another place. There can
26 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 he
2 comes for temporary purposes only.

3 (6) A person loses his residence in this state if he votes in
4 another state's election, either in person or by absentee ballot, and
5 will not be eligible to vote in this state until he again qualifies un-
6 der sec. 10 of this chapter.

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 in
9 another state may vote for President and Vice President by applying to
10 the office of the secretary of state for a presidential ballot as pro-
11 vided by secs. 12 and 14 of this chapter.

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

14 (9) Notwithstanding the provisions of (1) of this section,
15 the residence of a student enrolled in an institution of learning and
16 who meets the qualifications of sec. 10 of this chapter is the resi-
17 dence shown on his last registration at the institution made at least
18 30 days before an election.

19 * Sec. 2. AS 15.10.120 is amended to read:

20 Sec. 15.10.120. APPOINTMENT OF ELECTION BOARD. The election
21 supervisors shall appoint within their district an election board, com-
22 posed of three judges, for each precinct from among the qualified
23 voters of each of the precincts for which they are appointed. One
24 judge shall be designated chairman and be primarily responsible for the
25 administration of the election in the precinct. If no clerks are ap-
26 pointed for the precinct, the other two judges shall perform the duties
27 of clerks of the election. No more than two judges may be of the same
28 political party. When appointments to the election board have been
29 accepted [AT THE TIME OF MAKING THE APPOINTMENTS], the election

1 supervisor shall notify the secretary of state of the name and full lo-
2 cal mailing address of the designated chairman and other judges of the
3 election board in each precinct. Election boards in local government
4 unit elections shall be appointed by the appropriate local government
5 unit for all local elections.

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

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

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

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

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

26 * Sec. 5. AS 15.10.140 is amended to read:

27 Sec. 15.10.140. APPOINTMENT OF COUNTERS. The chairman of the
28 election board or the chairman of the counting board when a counting
29 board is used may appoint a team of [MAXIMUM OF SIX PERSONS AS]

1 counters to assist with the counting of the ballots in each precinct
2 where the election supervisor considers necessary [OF BALLOTS IN EACH
3 PRECINCT IF THE ELECTION SUPERVISOR AUTHORIZES THE APPOINTMENT]. The
4 appointments may be made from among the qualified voters in the
5 precincts in [FROM] which they reside [ARE APPOINTED], and may be
6 made at any time before the close of the precinct canvass. There
7 shall be four counters on each counting team, no more than two of
8 whom may be of the same political party [IF TWO COUNTERS ARE APPOINTED,
9 THE COUNTERS MAY NOT BE OF THE SAME POLITICAL PARTY. IF FOUR OR LESS
10 COUNTERS ARE APPOINTED, NO MORE THAN TWO MAY BE OF THE SAME POLITICAL
11 PARTY. IF MORE THAN FOUR COUNTERS ARE APPOINTED, NO MORE THAN THREE
12 COUNTERS MAY BE OF THE SAME POLITICAL PARTY]. No counter may work
13 continuously for more than six hours.

14 * Sec. 6. AS 15.10.150 is amended to read:

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

1 appoint the party nominees to the respective precinct election boards.
2 If any party district committee fails to present the names prescribed
3 by this section by June 15th of a regular election year or before the
4 60th day preceding a special election [WITHIN THE SPECIFIED TIME],
5 the election supervisor may appoint any qualified person not other-
6 wise disqualified under sec. 120 of this chapter.

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

8 (5) The general election ballot shall be printed on white
9 paper with the names of the candidates and their party designations
10 placed in separate sections under the office designation to which they
11 were nominated. The party affiliation, if any, shall be designated
12 after the name of the candidate. The secretary of state and the gover-
13 nor shall be included under the same section. Provision shall be made
14 for voting for write-in and no-party candidates within each section.
15 The squares appearing on the ballots shall measure 1/4 inch on each
16 side.

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

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

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

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

29 * Sec. 10. AS 15.15.080 is amended to read:

1 Sec. 15.15.080. TIME FOR OPENING AND CLOSING POLLS. On the day
2 of election, each election board shall open the polls for voting at
3 eight o'clock in the morning, shall close the polls for voting at eight
4 o'clock in the evening, and shall keep the polls open during the time
5 between these hours. The election board members shall report to the
6 polling place at 7:30 in the morning of an election day. The
7 hour shall be determined by the standard time, or daylight saving time,
8 that is applicable to the polling place.

9 * Sec. 11. AS 15.15.090 is amended to read:

10 Sec. 15.15.090. VOTING IN PERSON ONLY AT RESIDENT PRECINCT. On
11 election day a qualified voter voting in person shall vote only at the
12 polling place designated for [IN] the precinct of his residence. The
13 polling place shall be located within the precinct unless the super-
14 visor and the election board chairman determine that a building located
15 in an adjoining precinct is more suitable or convenient to the voters.

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

17 Sec. 15.15.213. QUESTIONING A VOTER'S BALLOT. An election judge,
18 clerk, or watcher may question a voter's ballot if the voter is unable
19 to prove that he is qualified to vote at the polling place for that
20 precinct. If his polling place is in question the voter shall be
21 allowed to vote, and the election officer shall consider the ballot as
22 a questioned ballot. A questioned ballot shall be treated in the same
23 manner as a challenged ballot as set out in AS 15.20.210.

24 * Sec. 13. AS 15.15.330 is amended to read:

25 Sec. 15.15.330. IMMEDIATE COMMENCEMENT OF CANVASS. In precincts
26 where only one election board is used, when [WHEN] the polls are closed
27 and the last vote has been cast, the election board and clerks or
28 counters shall immediately proceed to open the ballot box and to count
29 and canvass the votes cast. The election board shall cause the canvass

1 to be continued without adjournment until the canvass is complete.

2 * Sec. 14. AS 15.15.340 is amended to read:

3 Sec. 15.15.340. REPORT, OATH AND VACANCIES OF COUNTERS. Counters
4 shall report to the election board at the polls at the time designated
5 by the election supervisor [THE POLLS CLOSE] to assume their duties to
6 assist the election board in counting and canvassing the vote. Before
7 undertaking the duties of office, each counter shall subscribe to an
8 oath to honestly, faithfully, impartially and promptly carry out the
9 duties of his position. An election judge may administer the oath. If
10 an appointed counter fails to appear and subscribe to the oath at the
11 time designated by the election supervisor [THE POLLS CLOSE], the
12 election board shall appoint any qualified voter present to fill the
13 vacancy. In no case may the election supervisor proceed with counting
14 the vote before the closing of the polls.

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

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

24 * Sec. 16. AS 15.15.380 is amended to read:

25 Sec. 15.15.380. REMUNERATION OF ELECTION JUDGES, CLERKS, AND
26 COUNTERS. The state, through the office of the secretary of state, shall
27 pay each judge, clerk and counter \$3 [\$2] per hour for the time spent in
28 their election duties including the receiving instructions [BUT IN NO
29 EVENT SHALL A JUDGE OR CLERK RECEIVE COMPENSATION OF LESS THAN \$20].

1 * Sec. 17. AS 15.20.170 is repealed and re-enacted to read:

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

8 * Sec. 18. 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 who
12 voted absentee.

13 * Sec. 19. 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. 20. AS 15.20.200 is repealed and re-enacted to read:

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

1 election supervisor may appoint additional counting boards when
2 considered necessary to assist in the counting of absentee ballots.

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

8 * Sec. 21. AS 15.20.210 is amended to read:

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

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

15 (b) Notwithstanding (a) of this section, in instances where a
16 resident of the state has received his absentee ballot from the wrong
17 election district and his ballot is returned to the election super-
18 visor having jurisdiction over the election district in which he
19 actually resides, the votes cast for statewide candidates and state
20 senate candidates, if the person has voted for candidates from the
21 senate election district in which he resides, shall be counted. Votes
22 for a constitutional amendment or statewide referendum shall also be
23 counted. Votes for other local candidates shall be held invalid.

24 * Sec. 22. AS 15.25.150 is amended to read:

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

29 * Sec. 23. This Act takes effect on the day after its passage and

1 approval or on the day it becomes law without approval.

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