

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 AS 15.05.020 is repealed and re-enacted to read: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 or of his absence because of marriage to a person  
17 engaged in the civil or military service of this state or the United  
18 States, while a student at an institution of learning, while in an  
19 institution or asylum at public expense, while confined in public  
20 prison, while engaged in the navigation of waters of this state, of  
21 the United States or of the high seas, or while residing upon an  
22 Indian or military reservation.

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

26 (3) A change of residence is made only by the act of re-  
27 moval joined with the intent to remain in another place. There can  
28 only be one residence.

29 (4) A person does not lose his residence if he leaves his

1 home and goes to another country, state or place within this state  
2 for temporary purposes only and with the intent of returning.

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

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

9 (7) A qualified voter of this state who leaves the state  
10 with the intent of not returning and has not established a residence in  
11 another state may vote for President and Vice President by applying to  
12 the office of the secretary of state for a presidential ballot as pro-  
13 vided by secs. 12 and 14 of this chapter.

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

17 (9) Notwithstanding the provisions of (1) of this section,  
18 the residence of a student enrolled in an institution of learning and  
19 who meets the qualifications of sec. 10 of this chapter is the resi-  
20 dence shown on his last registration at the institution made at least  
21 30 days before an election.

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

23 Sec. 15.10.120. APPOINTMENT OF ELECTION BOARD. The election  
24 supervisors shall appoint within their district an election board, com-  
25 posed of three judges, for each precinct from among the qualified  
26 voters of each of the precincts for which they are appointed. One  
27 judge shall be designated chairman and be primarily responsible for the  
28 administration of the election in the precinct. If no clerks are ap-  
29 pointed for the precinct, the other two judges shall perform the duties

1 of clerks of the election. No more than two judges may be of the same  
2 political party. When appointments to the election board have been  
3 accepted [AT THE TIME OF MAKING THE APPOINTMENTS], the election  
4 supervisor shall notify the secretary of state of the name and full lo-  
5 cal mailing address of the designated chairman and other judges of the  
6 election board in each precinct. Election boards in local government  
7 unit elections shall be appointed by the appropriate local government  
8 unit for all local elections.

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

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

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

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

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

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

1           Sec. 15.10.140. APPOINTMENT OF COUNTERS. The chairman of the  
2 election board or the chairman of the counting board when a counting  
3 board is used may appoint a team of [MAXIMUM OF SIX PERSONS AS]  
4 counters to assist with the counting of the ballots in each precinct  
5 where the election supervisor considers necessary [OF BALLOTS IN EACH  
6 PRECINCT IF THE ELECTION SUPERVISOR AUTHORIZES THE APPOINTMENT]. The  
7 appointments may be made from among the qualified voters in the  
8 precincts in [FROM] which they reside [ARE APPOINTED], and may be  
9 made at any time before the close of the precinct canvass. There  
10 shall be four counters on each counting team, no more than two of  
11 whom may be of the same political party [IF TWO COUNTERS ARE APPOINTED,  
12 THE COUNTERS MAY NOT BE OF THE SAME POLITICAL PARTY. IF FOUR OR LESS  
13 COUNTERS ARE APPOINTED, NO MORE THAN TWO MAY BE OF THE SAME POLITICAL  
14 PARTY. IF MORE THAN FOUR COUNTERS ARE APPOINTED, NO MORE THAN THREE  
15 COUNTERS MAY BE OF THE SAME POLITICAL PARTY]. No counter may work  
16 continuously for more than six hours.

17 \* Sec. 6. AS 15.10.150 is amended to read:

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

1 year, or at least 60 days before a special [THE PARTY NOMINATION OR]  
2 election the name of one party nominee for judge and one for clerk  
3 for any or all election precincts and the election supervisor shall  
4 appoint the party nominees to the respective precinct election boards.  
5 If any party district committee fails to present the names prescribed  
6 by this section by June 15th of a regular election year or before the  
7 60th day preceding a special election [WITHIN THE SPECIFIED TIME],  
8 the election supervisor may appoint any qualified person not other-  
9 wise disqualified under sec. 120 of this chapter.

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

11 (5) The general election ballot shall be printed on white  
12 paper with the names of the candidates and their party designations  
13 placed in separate sections under the office designation to which they  
14 were nominated. The party affiliation, if any, shall be designated  
15 after the name of the candidate. The secretary of state and the  
16 governor shall be included under the same section. Provision shall be  
17 made for voting for write-in and no-party candidates within each  
18 section. The squares appearing on the ballots shall measure 1/4 inch  
19 on each side.

20 \* Sec. 8. AS 15.15.030 is amended by adding a new subsection to read:

21 (13) The secretary of state may provide for the use of  
22 punched card ballots in state elections.

23 \* Sec. 9. AS 15.15 is amended by adding a new section to read:

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

27 \* Sec. 10. AS 15.15.070(f) is amended to read:

28 (f) [IT IS NOT NECESSARY FOR THE SECRETARY OF STATE TO POST OR  
29 PUBLISH NOTICE NOT PROVIDED FOR IN THIS SECTION.] Additional notice

1 shall [MAY] be given of all bond issues, initiatives, referendums and  
2 propositions by use of newspapers, television, radio, printed posters,  
3 maps, and similar means of communication considered necessary. The  
4 secretary of state may not be required to post or publish notices ex-  
5 cept those provided for in this section.

6 \* Sec. 11. AS 15.15.080 is amended to read:

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

15 \* Sec. 12. AS 15.15.090 is amended to read:

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

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

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

1 \* Sec. 14. AS 15.15.330 is amended to read:

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

8 \* Sec. 15. AS 15.15.340 is amended to read:

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

21 \* Sec. 16. AS 15.15.350 is amended to read:

22       Sec. 15.15.350. GENERAL PROCEDURE FOR CANVASS. The secretary of  
23 state shall issue rules prescribing the manner in which the precinct  
24 canvass is accomplished so as to assure accuracy in the count and to  
25 expedite the process. The election board or counting board [COUNTERS]  
26 shall canvass the ballots in a manner that allows watchers to see the  
27 ballots when opened and read. No person handling the ballot after it  
28 has been taken from the ballot box and before it is placed in the  
29 envelope for mailing may remove any ballot from the immediate vicinity

1 of the polls or have a marking device in hand.

2 \* Sec. 17. AS 15.15.380 is amended to read:

3 Sec. 15.15.380. REMUNERATION OF ELECTION JUDGES, CLERKS AND  
4 COUNTERS. The state, through the office of secretary of state, shall  
5 pay each judge, clerk and counter \$2.50 [\$2] per hour for time spent  
6 at their election duties, including the receiving of instructions [BUT  
7 IN NO EVENT SHALL A JUDGE OR CLERK RECEIVE COMPENSATION OF LESS THAN  
8 \$20].

9 \* Sec. 18. AS 15.20.170 is repealed and re-enacted to read:

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

16 \* Sec. 19. AS 15.20.180 is repealed and re-enacted to read:

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

21 \* Sec. 20. AS 15.20.190 is amended to read:

22 Sec. 15.20.190. APPOINTMENT, DUTIES, AND COMPENSATION OF DISTRICT  
23 CANVASSING BOARD. Thirty days prior to the date of an election, the  
24 election supervisor shall appoint, in the same manner provided for the  
25 appointment of election judges prescribed in AS 15.10.150, district  
26 absentee ballot canvassing boards composed of four [THREE ] members,  
27 two from each major [NOT OF THE SAME] political party. The district  
28 board shall assist the election supervisors in counting [TO COUNT] and  
29 canvassing [CANVASS] the absentee ballots and shall receive the same

1 compensation paid election judges.

2 \* Sec. 21. AS 15.20.200 is repealed and re-enacted to read:

3 Sec. 15.20.200. TIME OF DISTRICT CANVASS AND FOR COUNTING  
4 ABSENTEE BALLOTS. (a) On the third day following the date of the  
5 election, the election supervisor, in the presence and with the as-  
6 sistance of the district absentee canvassing board shall proceed to  
7 count all absentee ballots on hand which were canvassed on the previous  
8 day, and shall continue to count without recess until completed. The  
9 election supervisor may appoint additional counting boards when  
10 considered necessary to assist in the counting of absentee ballots.

11 (b) Eight days after the date of the election the election  
12 supervisor, in the presence and with the assistance of the district  
13 absentee ballot canvassing board, shall examine affidavits, count and  
14 canvass all additional absentee ballots plus all challenged and  
15 questioned ballots without recess, and certify the absentee canvass.

16 \* Sec. 22. AS 15.20.210 is amended to read:

17 Sec. 15.20.210. PROCEDURE FOR DISTRICT CANVASS. (a) On the  
18 second day following the date of election, the election supervisor, in  
19 the presence and with the assistance of the district absentee ballot  
20 canvassing board shall meet and examine all voter certificates on hand  
21 [THE DISTRICT CANVASS SHALL BE CONDUCTED ACCORDING TO THE FOLLOWING  
22 PROCEDURE]. No ballot shall be counted if the voter has failed [FAILS]  
23 to properly execute the certificate, if the witnesses or the officer  
24 or other person authorized by law to administer the oath fails to af-  
25 fix his signature, or if the voter fails to enclose his marked ballot  
26 inside the small envelope provided. The election supervisor or a  
27 member of the district absentee ballot canvassing board may challenge  
28 the name of an absentee voter when read from the voter's certificate or  
29 the back of the large envelope, if he has good reason to suspect that

1 the challenged voter is not qualified to vote, is disqualified, or  
2 has voted at the same election. The person making the challenge shall  
3 specify the basis of the challenge in writing. The district board by  
4 majority vote may refuse to accept and count the absentee ballot of a  
5 person properly challenged. If the absentee ballot is refused, the  
6 district supervisor shall return a copy of the statement of the  
7 challenge to the absentee voter, and shall enclose all rejected bal-  
8 lots in a separate envelope with statements of challenge. The  
9 envelope shall be labeled "rejected ballots" and shall be forwarded to  
10 the secretary of state with the election certificates and other returns  
11 If the absentee ballot is not refused, the large envelope shall be  
12 opened, the smaller, inner blank envelopes shall be placed in a  
13 container and mixed with other blank absentee ballot envelopes. The  
14 mixed smaller blank envelopes shall be drawn from the container,  
15 opened, and the ballots counted according to the rules of determining  
16 properly marked ballots as are provided for counting by the election  
17 board. Upon completion of the canvass, the election supervisor shall  
18 prepare an election certificate of results in the manner provided for  
19 the preparation of election certificates by precinct election boards,  
20 and shall forward the original certificates and returns to the secre-  
21 tary of state no later than eight days after the date of the election  
22 [THE DAY THE DISTRICT CANVASS IS COMPLETED].

23 (b) Notwithstanding (a) of this section, in instances where a  
24 resident of the state has received his absentee ballot from the wrong  
25 election district and his ballot is returned to the election super-  
26 visor having jurisdiction over the election district in which he  
27 actually resides, the votes cast for statewide candidates and state  
28 senate candidates, if the person has voted for candidates from the  
29 senate election district in which he resides, shall be counted. Votes

1 for a constitutional amendment or statewide referendum shall also be  
2 counted. Votes for other local candidates shall be held invalid.

3 \* Sec. 23. AS 15.25.150 is amended to read:

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

8 \* Sec 24. AS 15.62 is amended by adding a new section to read:

9 Sec. 15.62.020. REGISTRATION OF PARTY OFFICIALS. Major political  
10 parties within the state shall register with the secretary of state the  
11 names, addresses, and terms of office of its elected precinct, district,  
12 and state officials, including national committee representatives.  
13 This provision shall not apply to temporary officials or delegates to  
14 political conventions. The secretary of state shall promulgate the  
15 necessary regulations to enforce the provisions of this section.

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