

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 AS 15.05.020 is repealed and re-enacted to read: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
2 same political party. When appointments to the election board have
3 been accepted [AT THE TIME OF MAKING THE APPOINTMENTS], the election
4 supervisor shall notify the secretary of state of the name and full
5 local mailing address of the designated chairman and other judges
6 of the election board in each precinct. Election boards in local
7 government unit elections shall be appointed by the appropriate local
8 government 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 and having 200 or more
14 voters there may be appointed, two election boards. The second
15 election board shall be designated as the counting board.

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 AS 15.10.130 is repealed and re-enacted to read:

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

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

28 Sec. 15.10.140. APPOINTMENT OF COUNTERS. The chairman of
29 the election board or the chairman of the counting board when a

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

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

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

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

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

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

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

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

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

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

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

27 (f) [IT IS NOT NECESSARY FOR THE SECRETARY OF STATE TO POST OR
28 PUBLISH NOTICE NOT PROVIDED FOR IN THIS SECTION.] Additional notice
29 shall [MAY] be given of all bond issues, initiatives, referendums and

1 propositions by use of newspapers, television, radio, printed posters,
2 maps, and similar means of communication considered necessary. The
3 secretary of state may not be required to post or publish notices ex-
4 cept those provided for in this section.

5 * Sec. 11. AS 15.15.080 is amended to read:

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

14 * Sec. 12. AS 15.15.090 is amended to read:

15 Sec. 15.15.090. VOTING IN PERSON ONLY AT RESIDENT PRECINCT.
16 On election day a qualified voter voting in person shall vote only
17 at the polling place designated for [IN] the precinct of his residence
18 The polling place shall be located within the precinct unless the
19 supervisor and the election board chairman determine that a building
20 located in an adjoining precinct is more suitable or convenient
21 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
24 judge, clerk, or watcher may challenge a voter if the voter is
25 unable to prove that he is qualified to vote at the polling place
26 for that precinct. If his polling place is in question the voter
27 shall be allowed to vote, and the election officer shall consider
28 the ballot as a challenged ballot.

29 * Sec. 14. AS 15.15.330 is amended to read:

1 Sec. 15.15.330. IMMEDIATE COMMENCEMENT OF CANVASS. In precincts
2 where only one election board is used, when [WHEN] the polls are
3 closed and the last vote has been cast, the election board and
4 clerks or counters shall immediately proceed to open the ballot
5 box and to count and canvass the votes cast. The election board
6 shall cause the canvass to be continued without adjournment until
7 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. Counter
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
12 to assist the election board in counting and canvassing the vote.
13 Before undertaking the duties of office, each counter shall subscribe
14 to an oath to honestly, faithfully, impartially, and promptly carry
15 out the duties of his position. An election judge may administer the
16 oath. If an appointed counter fails to appear and subscribe to the oath
17 at the time designated by the election supervisor [THE POLLS CLOSE],
18 the election board shall appoint any qualified voter [PRESENT] to fill
19 the vacancy. In no case may the election supervisor proceed with
20 counting 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 ballots
15 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 envelope 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 the day the district canvass is completed.

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

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counted. Votes for other local candidates shall be held invalid.

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

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

* Sec. 24. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.