

Introduced: 4/3/72
Referred: Rules

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 323
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SEVENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act relating to elections; and providing for an
7 effective date."

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

9 * Section 1. AS 15.05.010(4) is amended to read:

10 (4) has been a resident of the state and of the election
11 district in which he seeks to vote for at least 30 days just before
12 the election; and

13 * Sec. 2. AS 15.07.010 is amended to read:

14 Sec. 15.07.010. REGISTRATION OF VOTERS. The precinct election
15 judges at any [AN] election shall allow a person to vote whose name is
16 registered and who is qualified under AS 15.05.010 in the precinct in
17 which he intends to vote.

18 * Sec. 3. AS 15.07.040 is amended to read:

19 Sec. 15.07.040. TIME FOR REGISTRATION. A person who is qualified
20 under AS 15.05.010(1) - (4) is entitled to register at any time through-
21 out the year [COMMENCING DECEMBER 21, 1968,] except that no registration
22 will be made for a period of 14 days preceding the election if the
23 application for registration is made in person or 30 days preceding the
24 election if the application for registration is made by mail [; HOWEVER,
25 REGISTRATION MAY BE MADE IN PERSON AT EITHER THE 1968 PRIMARY OR GENERAL
26 ELECTION AS PROVIDED IN SEC. 70(d) OF THIS CHAPTER].

27 * Sec. 4. AS 15.07.070(d) is amended to read:

28 (d) Qualified voters may register in person before a registration
29 official at any time throughout the year. No [AFTER DECEMBER 21, 1968,

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1 EXCEPT THAT NO] registration may be made within 14 days preceding an
2 election. Upon receipt and approval of the registration forms the
3 lieutenant governor or the election supervisor shall forward to the
4 voter an acknowledgment in the form of a registration card, His [AND
5 HIS] name shall immediately be placed on the master register located
6 in the office of the lieutenant governor and on the district register
7 located in the office of the election supervisor.

8 * Sec. 5. AS 15.07.090(c) is amended to read:

9 (c) The lieutenant governor shall [IT SHALL BE INCUMBENT UPON THE
10 LIEUTENANT GOVERNOR AND THE ELECTION SUPERVISOR TO] transfer the registra-
11 tion of a voter from one precinct to another within an election district
12 when requested by the [A] voter. The request shall be made 14 or more days
13 before the election day. The lieutenant governor shall transfer the regis-
14 tration of a voter from one election district to another when requested by
15 the voter. The voter must reside in his new election district for at least
16 30 days in order to vote [SO TO DO, UPON GOOD CAUSE SHOWN].

17 * Sec. 6. AS 15.07.090(d) is amended to read:

18 (d) A person who claims he is a registered voter, but for whom no
19 evidence of registration in the precinct can be found, shall be granted
20 the right to vote in the same manner as that of a questioned [CHALLENGED]
21 voter and his ballot shall be treated in the same manner. The ballot
22 shall be considered to be a "questioned ballot" and shall be so desig-
23 nated. The lieutenant governor or his representative shall determine
24 whether the voter is registered in the election district before counting
25 the ballot. A voter who has failed to obtain a transfer as provided in
26 (c) of this section may vote in the precinct where registered or he may
27 vote a "questioned ballot" in his precinct of residence.

28 * Sec. 7. AS 15.07.140 is amended to read:

29 Sec. 15.07.140. GENERAL ADMINISTRATIVE SUPERVISION BY LIEUTENANT GOV-

1 ERNOR. The lieutenant governor shall provide general administrative super-
2 vision over the registration and re-registration of voters and may issue
3 regulations under the Administrative Procedure Act (AS 44.62) necessary
4 to protect the interest of the voter and assure administrative efficiency,
5 however, the lieutenant governor may not issue or promulgate administrative
6 regulations which are inconsistent with the provisions of this chapter.
7 The lieutenant governor shall, no later than 40 days before any primary or
8 general election, arrange to have the list of registered voters of the pre-
9 cinct publicly displayed in the precinct. The lieutenant governor shall in-
10 struct registration officials to post the list of registered voters in a
11 number of locations calculated to obtain maximum recognition. Upon request
12 by the mayor or city manager of a municipality or a borough chairman the
13 lieutenant governor shall furnish registration information for all precincts
14 all or part of which are within the boundaries of the local government unit.

15 * Sec. 8. AS 15.07.200 is repealed and re-enacted to read:

16 Sec. 15.07.200. REGISTRATION PROGRAM. The registration program shall
17 be under the supervision of the lieutenant governor as set out in AS 15.10.110.

18 * Sec. 9. AS 15.10.110 is amended to read:

19 Sec. 15.10.110. APPOINTMENT OF ELECTION SUPERVISORS. The lieut-
20 enant governor shall appoint four election supervisors, one each to
21 serve at Juneau, Anchorage, Fairbanks and Nome, to assist in the
22 administration of elections in the election districts designated by the
23 lieutenant governor. The lieutenant governor may appoint as an
24 election supervisor a person who is a qualified voter in the area
25 over which he has jurisdiction and who does not hold an office in a
26 political party. [AN ELECTION SUPERVISOR SHALL BE APPOINTED TO SERVE
27 FOR A TERM TO BEGIN NOT MORE THAN 120 DAYS BEFORE THE DATE OF THE
28 PRIMARY ELECTION OR SPECIAL ELECTION AND TO END NOT MORE THAN 45 DAYS
29 AFTER THE DATE OF THE GENERAL OR SPECIAL ELECTION.] An election

1 supervisor is entitled to receive compensation in an amount that is
2 comparable to that received for similar state employment as determined
3 by the lieutenant governor. [EXECUTIVE BRANCH EMPLOYEES SHALL BE
4 APPOINTED ELECTION SUPERVISORS WHENEVER FEASIBLE AND SHALL SERVE
5 WITHOUT ADDITIONAL COMPENSATION.]

6 * Sec. 10. AS 15.10.125 is repealed and re-enacted to read:

7 Sec. 15.10.125. APPOINTMENT OF ELECTION BOARDS. In each precinct
8 having 200 or more voters additional election boards may be appointed.

9 * Sec. 11. AS 15.10.140 is amended to read:

10 Sec. 15.10.140. APPOINTMENT OF COUNTERS. The chairman of the
11 election board [OR THE CHAIRMAN OF THE COUNTING BOARD WHEN A COUNTING
12 BOARD IS USED] may appoint a team of counters to assist with the
13 counting of the ballots in each precinct where the election supervisor
14 considers necessary. The appointments may be made from among the
15 qualified voters in the precincts in which they reside, and may be
16 made at any time before the close of the precinct canvass. There shall
17 be four counters on each counting team, no more than two of whom may be
18 of the same political party. [NO COUNTER MAY WORK CONTINUOUSLY FOR
19 MORE THAN SIX HOURS.]

20 * Sec. 12. AS 15.10.150 is amended to read:

21 Sec. 15.10.150. APPOINTMENT OF NOMINEES FOR JUDGES AND CLERKS.
22 Whenever the appointment of election judges or clerks is required, the
23 party district committee of the political party of which the governor
24 is a member may present in writing to the election supervisor on or
25 before April 15 [JUNE 1] in each regular election year, or at least 60
26 days before a special election, the names of two party nominees
27 for judges, and one for clerk, in any or all election precincts, and
28 the election supervisor shall appoint the party nominees to the respec-
29 tive precinct election boards. The party district committee of the

1 political party which received the second largest number of votes in the
2 preceding general election may present in writing to the election
3 supervisor on or before April 15 [JUNE 1] in each regular election
4 year, or at least 60 days before a special election the name of one
5 party nominee for judge and one for clerk for any or all election
6 precincts and the election supervisor shall appoint the party nominees
7 to the respective precinct election boards. If any party district
8 committee fails to present the names prescribed by this section by
9 April 15 [JUNE 15] of a regular election year or before the 60th
10 day preceding a special election, the election supervisor may appoint
11 any qualified person not otherwise disqualified under sec, 120 of this
12 chapter.

13 * Sec. 13. AS 15.15.040 is amended to read:

14 Sec. 15.15.040. PREPARATION OF OTHER ELECTION MATERIALS. The
15 lieutenant governor shall prescribe the form of and prepare tinted
16 sample ballots, the original and duplicate registers [OR DUPLICATE
17 REGISTRATION CARDS], oaths of office of judges, challenge oaths, tally
18 sheets, instructions to voters, warning notices and other forms and
19 supplies required for the election.

20 * Sec. 14. AS 15.15.050 is amended to read:

21 Sec. 15.15.050. DISTRIBUTION OF ELECTION MATERIALS. The
22 lieutenant governor shall distribute an adequate supply of sample
23 and official ballots, original registers, duplicate registers [OR
24 DUPLICATE REGISTRATION CARDS], oaths, and other forms and supplies
25 required for the election to the election supervisors for distribution
26 to chairmen of election boards in precincts not less than 25 days
27 before the date for the election.

28 * Sec. 15. AS 15.15.080 is amended to read:

29 Sec. 15.15.080. TIME FOR OPENING AND CLOSING POLLS. On the day

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

8 * Sec. 16. AS 15.15.110 is amended to read:

9 Sec. 15.15.110. GENERAL DUTIES AND OATH OF ELECTION BOARD AND
10 CLERKS. The election board shall supervise the election in the
11 precinct. Before entering upon the duties of office, each election
12 judge and clerk shall take an oath to honestly, faithfully, and
13 promptly perform the duties of his office. Any appointed judge, whether
14 or not having himself subscribed to the oath, may administer the oath
15 to another judge. The chairman of the election board shall rotate
16 the time at which judges and clerks may be relieved for meals.

17 * Sec. 17. AS 15.15.170 is amended to read:

18 Sec. 15.15.170. PROHIBITION OF POLITICAL PERSUASION NEAR
19 ELECTION POLLS. During the hours the polls are open, no person who is
20 in the polling place or within 100 feet of any entrance to the polling
21 place, may attempt to persuade a person to vote for or against a
22 candidate, proposition or question. The election judges shall post
23 warning notices at the required distance in the form and manner
24 prescribed by the lieutenant governor [SECRETARY OF STATE].

25 * Sec. 18. AS 15.15.190 is repealed and re-enacted to read:

26 Sec. 15.15.190. KEEPING OF DUPLICATE REGISTER. The judge or
27 clerk assigned to keep the duplicate register shall enter the number
28 of the line on which the name of a voter appears in the original
29 register in the space provided in the duplicate book.

1 * Sec. 19. AS 15,15,210 is amended to read;

2 Sec. 15.15.210. CHALLENGING OF VOTERS OF SUSPECT QUALIFICATION.
3 Every election judge and election clerk shall challenge, and every
4 watcher and other person qualified to vote in the precinct may
5 challenge a person attempting to vote if the challenger has good reason
6 to suspect that the challenged person is not qualified to vote. All
7 challenges shall be made in writing setting forth the reason for the
8 challenge. A challenged person before voting shall subscribe to an
9 oath and affidavit provided by the lieutenant governor attesting to
10 the fact that in each particular the person meets all the qualifications
11 of a voter [OR THAT THE PERSON LEGALLY VOTED IN THE GENERAL ELECTION
12 OF NOVEMBER 4, 1924, AND MEETING THE RESIDENCY REQUIREMENTS OF A
13 QUALIFIED VOTER,] that he is not disqualified, that he has not
14 voted at the same election. He shall also state the place from which
15 he [AND STATING THE PLACE FROM WHICH THE PERSON] came immediately prior
16 to living in the precinct in which he now offers to vote and the length
17 of time of his residence in the former place. After the challenged
18 person has taken the oath and signed the affidavit, the person may
19 vote. If the challenged person refuses to take the oath or sign the
20 affidavit, the person may not vote.

21 * Sec. 20. AS 15.15,213 is amended to read:

22 Sec. 15.15.213. QUESTIONING A VOTER'S BALLOT. [AN ELECTION
23 JUDGE, CLERK, OR WATCHER MAY CHALLENGE A VOTER IF THE VOTER IS UNABLE
24 TO PROVE THAT HE IS QUALIFIED TO VOTE AT THE POLLING PLACE FOR THAT
25 PRECINCT.] If his polling place is in question a [THE] voter shall
26 be allowed to vote, and any [THE] election official [OFFICER] shall
27 consider the ballot as a questioned [CHALLENGED] ballot.

28 * Sec. 21. AS 15.15.330 is repealed and re-enacted to read:

29 Sec. 15.15.330. COMMENCEMENT OF CANVASS. Counting of paper

1 ballots may begin before the polls are closed in precincts having 200
2 or more voters and designated by the lieutenant governor, provided
3 that counting shall not in any event begin before 2:00 p.m. prevailing
4 time and unless at least 100 votes have been cast. In all other
5 precincts, when the polls are closed and the last vote has been cast,
6 the election board and clerks or counters shall immediately proceed
7 to open the ballot box and to count and canvass the votes cast. In
8 all cases the election board shall cause the canvass to be continued
9 without adjournment until the canvass is complete.

10 * Sec. 22. AS 15.15.340 is amended to read:

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

12 Counters shall report to the election board at the polls at the time
13 designated by the election supervisor to assume their duties to assist
14 the election board in counting and canvassing the vote. Before under-
15 taking the duties of office, each counter shall subscribe to an oath
16 to honestly, faithfully, impartially, and promptly carry out the duties
17 of his position. An election judge may administer the oath. If an
18 appointed counter fails to appear and subscribe to the oath at the
19 time designated by the election supervisor, the election board shall
20 appoint any qualified voter to fill the vacancy. [IN NO CASE MAY THE
21 ELECTION SUPERVISOR PROCEED WITH COUNTING THE VOTE BEFORE THE CLOSING
22 OF THE POLLS.]

23 * Sec. 23. AS 15.15.360(10) is amended to read:

24 (10) Stickers bearing a candidate's name may be affixed to
25 the ballot in lieu of writing in a candidate's name if write-in votes
26 or ballots are otherwise permitted. Stickers shall not be issued by
27 members of the election board while serving at the polls. Stickers
28 shall not be offered to voters within 100 feet of the polling place.

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

1 Sec. 15.15.380. PAYMENT TO [REMUNERATION OF] ELECTION JUDGES,
2 CLERKS AND COUNTERS. The state, through the office of lieutenant
3 governor, shall pay each judge, clerk, and counter \$3.50 [\$2.50] per
4 hour for time spent at their election duties, including the receiving
5 of instructions.

6 * Sec. 25. AS 15.20 is amended by adding new sections to read:

7 Sec. 15.20.062. APPLICATION TO ELECTION BOARD CHAIRMAN BY PER-
8 SONAL REPRESENTATIVE. A qualified voter may apply by personal
9 representative for an absentee ballot to the election board chairman
10 or his designee on election day in the precinct in which he is entitled
11 to vote.

12 Sec. 15.20.065. APPLICATION TO ELECTION SUPERVISOR IN PERSON OR
13 BY REPRESENTATIVE. A qualified voter may apply in person or by a
14 personal representative for an absentee ballot for state elections for
15 his district at the office of an election supervisor or such other
16 cities designated by the lieutenant governor if time does not permit
17 him to obtain an absentee ballot under sec, 60 or 70 of this chapter.
18 Absentee ballots permitted by this section may be obtained from the
19 office of the election supervisor any time during regular office hours
20 including election day.

21 * Sec. 26. AS 15.20.080 is amended to read:

22 Sec. 15.20.080. DATE FOR APPLICATION IN PERSON. A qualified
23 voter may apply for an absentee ballot in person on any day after the
24 ballots are prepared and available [NOT MORE THAN 15 DAYS BEFORE THE
25 DAY OF AN ELECTION], but not on election day. Absentee ballots shall
26 be prepared and available at least 15 days before the day of any
27 election. Application may be made on election day only in the office
28 of the election supervisor or such other cities designated by the
29 lieutenant governor as provided in sec. 65 of this chapter [FOR SPECIAL

1 ELECTIONS HELD TO RECALL AN ELECTED OFFICIAL OR TO FILL A VACANCY IN
2 THE OFFICE OF UNITED STATES REPRESENTATIVE OR GOVERNOR AND LIEUTENANT
3 GOVERNOR, A QUALIFIED VOTER MAY APPLY FOR AN ABSENTEE BALLOT 20 DAYS
4 BEFORE THE DATE OF AN ELECTION BUT NOT ON ELECTION DAY].

5 * Sec. 27. AS 15.20.120 is amended to read:

6 Sec. 15.20.120. PROCEDURE ON APPLICATION BY PERSONAL REPRESENTA-
7 TIVE, (a) Upon receipt of a written application by personal repre-
8 sentative, the election official authorized to issue the ballot
9 shall provide the ballot and other absentee voting material if the
10 written application is signed by the applicant and is accompanied
11 by a letter from a licensed physician or a statement signed by two
12 qualified voters stating that the applicant will be unable to go to the
13 polling place because of physical disability,

14 (b) The election board chairman may issue ballots to personal
15 representatives on election day only in areas where district judges
16 or magistrates do not sit.

17 * Sec. 28. AS 15.20.140 is amended to read:

18 Sec. 15.20.140. CASTING VOTE IN PERSON. Upon receipt of an
19 absentee ballot in person, the voter [, IN THE PRESENCE OF THE ELECTION
20 OFFICIAL FROM WHOM HE RECEIVED THE BALLOT,] shall proceed to mark the
21 ballot in secret, to place the ballot in the small blank envelope, to
22 place the small envelope in the larger envelope, and to sign the
23 voter's certificate on the back of the larger envelope in the presence
24 of the election official, and return the ballot properly enclosed in
25 the envelopes to the election official who shall sign as attesting
26 witness. The election official shall not accept a marked ballot that
27 has been [UNLAWFULLY] exhibited by an absentee voter with intent to
28 influence other voters. If the absentee voter improperly marks or
29 otherwise damages a ballot, the voter may request, and the election

1 official shall provide him with another ballot up to a maximum of
2 three. Improperly marked or damaged ballots shall be destroyed.
3 The numbers of all ballots so destroyed shall be noted on the regis-
4 tration lists [WITH A MAXIMUM OF THREE, AND SHALL RETAIN THE
5 IMPROPERLY MARKED OR DAMAGED BALLOT].

6 * Sec. 29. AS 15.20.150 is amended to read:

7 Sec. 15.20.150. CASTING VOTE BY PERSONAL REPRESENTATIVE OR BY
8 MAIL. Upon receipt of an absentee ballot through a personal repre-
9 sentative or by mail, the voter, whether in or outside the state, in
10 the presence of two attesting witnesses, both of whom are at least 18
11 years of age, [QUALIFIED VOTERS, OR] before an election judge, notary
12 public, commissioned officer of the armed forces including the National
13 Guard, district judge or magistrate, United States postmaster, United
14 States assistant postmaster, or other person qualified to administer
15 oaths, may proceed to mark the ballot in secret, to place the ballot
16 in the small blank envelope, to place the small envelope in the larger
17 envelope, and to sign the voter's certificate on the back of the
18 larger envelope in the presence of the above-listed official or des-
19 cribed persons who shall sign as attesting witnesses. The voter may
20 then return the ballot properly enclosed in the envelopes, by personal
21 representative to the election official who provided the ballot or by
22 the most expeditious mail service, postmarked not later than the day
23 of the election, to the election supervisor in his district.

24 * Sec. 30. AS 15.20.250 is amended to read:

25 Sec. 15.20.250. PRESCRIBING MINIMUM REQUIREMENTS. The lieutenant
26 governor shall prescribe the minimum requirements of voting machines
27 and with the assistance of the Department of Administration, shall [MAY]
28 conduct tests necessary to determine the adequacy of any particular type
29 or make of machine. Any person, company or corporation may apply to

1 the lieutenant governor to examine their voting machine and to certify
2 the machine as meeting the minimum requirements prescribed by law.
3 The minimum requirements shall be prescribed to insure secrecy to the
4 voter, to permit voting both for candidates and on propositions and
5 questions, to prevent improper voting in primary elections, to mini-
6 mize error in marking ballots, and to assure accuracy in counting
7 returns. Uncertified machines may not be used for any election.

8 * Sec. 31. AS 15.20.380 is amended to read:

9 Sec. 15.20.380. COUNTING OF VOTES CAST. After the polls are
10 closed, the election board shall lock the operating mechanism of the
11 machine. The board, in the presence of watchers, shall proceed to
12 uncover the registering counters, read the vote, including the write-
13 in ballots, and compute the totals. In computing the vote, the board
14 may [NOT] count a write-in ballot cast for a person for an office
15 whose name appears on the machine as a candidate for that office. If
16 two or more machines, or if a machine and paper ballots were both used
17 in the precinct, the board shall compute the sum of the totals from
18 each.

19 * Sec. 32. AS 15.55.040 is amended to read:

20 Sec. 15.55.040. PUBLICATION OF FALSE STATEMENT. A person who
21 writes, prints or circulates, or who has written, printed or circulated,
22 a letter, circular, bill, placard, or poster, or who has a paid adver-
23 tisement placed in a newspaper or any other publication, or who pays
24 or contributes to the payment for any such advertisement, or who
25 makes a radio or television broadcast, wilfully knowing the letter,
26 circular, bill, placard, poster, publication, paid advertisement, or
27 radio or television broadcast to contain a false statement, charge, or
28 comment relating to a candidate at an election or to an election propo-
29 sition or question, is guilty of a corrupt practice and upon conviction

1 is punishable as for a misdemeanor.

2 * Sec. 33. AS 15.55 is amended by adding a new section to read:

3 Sec. 15.55.085. DIVULGING BALLOT COUNT - PENALTY. No election
4 official or any other person authorized by law to be present while
5 votes are being counted may divulge the results of the count of
6 the ballots at any time before the closing of the polls. A person
7 who violates this section is guilty of a misdemeanor and upon convic-
8 tion is punishable by imprisonment for not more than one year, or by
9 a fine of not less than \$1,000, or by both.

10 * Sec. 34. The following laws are repealed: AS 15.05.010(3), AS 15.05-
11 020(9), AS 15.07.070(e), AS 15.07.080, AS 15.10.060 and AS 15.15.200.

12 * Sec. 35. AS 15.60.010 is amended by adding a new paragraph to read:

13 (25) "office" includes a designated seat in those election
14 districts electing more than one state senator or state representative.

15 * Sec. 36. This Act takes effect on the day after its passage and approv-
16 al or on the day it becomes law without approval.

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