

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

FCC

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 for at least 75 days  
11 and of the election district in which he seeks to vote for at least 30  
12 days just before 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 15.05.020 is amended by adding a new subsection to read:

19 (10) The address of a voter as it appears on his official  
20 voter registration card shall be presumptive evidence of the person's  
21 voting residence. If the person has changed his voting residence, said  
22 presumption shall be negated only by the voter executing an affidavit on  
23 a form prepared by the lieutenant governor setting forth his new voting  
24 residence.

25 \* Sec. 4. AS 15.07.040 is amended to read:

26 Sec. 15.07.040. TIME FOR REGISTRATION. A person who is qualified  
27 under AS 15.05.010(1) - (4) is entitled to register at any time through-  
28 out the year [COMMENCING DECEMBER 21, 1968,] except that no registration  
29 will be made for a period of 14 days preceding the election if the

1 application for registration is made in person or 30 days preceding the  
2 election if the application for registration is made by mail [; HOWEVER,  
3 REGISTRATION MAY BE MADE IN PERSON AT EITHER THE 1968 PRIMARY OR GENERAL  
4 ELECTION AS PROVIDED IN SEC. 70(d) OF THIS CHAPTER].

5 \* Sec. 5. AS 15.07.070(d) is amended to read:

6 (d) Qualified voters may register in person before a registration  
7 official at any time throughout the year. No [AFTER DECEMBER 21, 1968,  
8 EXCEPT THAT NO] registration may be made within 14 days preceding an  
9 election. Upon receipt and approval of the registration forms the lieu-  
10 tenant governor or the election supervisor shall forward to the voter an  
11 acknowledgment in the form of a registration card. His [AND HIS] name  
12 shall immediately be placed on the master register located in the office  
13 of the lieutenant governor and on the district register located in the  
14 office of the election supervisor.

15 \* Sec. 6. AS 15.07.090(c) is amended to read:

16 (c) The lieutenant governor shall [IT SHALL BE INCUMBENT UPON THE  
17 LIEUTENANT GOVERNOR AND THE ELECTION SUPERVISOR TO] transfer the regis-  
18 tration of a voter from one precinct to another within an election dis-  
19 trict when requested by the [A] voter. The request shall be made 14 or  
20 more days before the election day. The lieutenant governor shall transfer  
21 the registration of a voter from one election district to another when  
22 requested by the voter. The voter must reside in his new election dis-  
23 trict for at least 30 days in order to vote [SO TO DO, UPON GOOD CAUSE  
24 SHOWN].

25 \* Sec. 7. AS 15.07.090(d) is amended to read:

26 (d) A person who claims he is a registered voter, but for whom no  
27 evidence of registration in the precinct can be found, shall be granted  
28 the right to vote in the same manner as that of a questioned [CHALLENG-  
29 ED] voter and his ballot shall be treated in the same manner. The

1 ballot shall be considered to be a "questioned ballot" and shall be so  
2 designated. The lieutenant governor or his representative shall deter-  
3 mine whether the voter is registered in the election district before  
4 counting the ballot. A voter who has failed to obtain a transfer as pro-  
5 vided in (c) of this section may vote in the precinct where registered or  
6 he may vote a "questioned ballot" in his precinct of residence.

7 \* Sec. 8. AS 15.07.140 is amended to read:

8 Sec. 15.07.140. GENERAL ADMINISTRATIVE SUPERVISION BY LIEUTENANT  
9 GOVERNOR. The lieutenant governor shall provide general administrative  
10 supervision over the registration and re-registration of voters and may  
11 issue regulations under the Administrative Procedure Act (AS 44.62)  
12 necessary to protect the interest of the voter and assure administrative  
13 efficiency; however, the lieutenant governor may not issue or promulgate  
14 administrative regulations which are inconsistent with the provisions of  
15 this chapter. The lieutenant governor shall, no later than 40 days before  
16 any primary or general election, arrange to have the list of registered  
17 voters of the precinct publicly displayed in the precinct. The lieutenant  
18 governor shall instruct registration officials to post the list of regis-  
19 tered voters in a number of locations calculated to obtain maximum recog-  
20 nition. Upon request by the mayor or city manager of a municipality or a  
21 borough chairman the lieutenant governor shall furnish registration in-  
22 formation for all precincts all or part of which are within the boundaries  
23 of the local government unit.

24 \* Sec. 9. AS 15.07.200 is repealed and re-enacted to read:

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

27 \* Sec. 10. AS 15.10.110 is amended to read:

28 Sec. 15.10.110. APPOINTMENT OF ELECTION SUPERVISORS. The lieutenant  
29 governor shall appoint four election supervisors one each to serve at

1 Juneau, Anchorage, Fairbanks and Nome, to assist in the administration of  
2 elections in the election districts designated by the lieutenant governor.  
3 The lieutenant governor may appoint as an election supervisor a person  
4 who is a qualified voter in the area over which he has jurisdiction and  
5 who does not hold an office in a political party. [AN ELECTION SUPERVISOR  
6 SHALL BE APPOINTED TO SERVE FOR A TERM TO BEGIN NOT MORE THAN 120 DAYS  
7 BEFORE THE DATE OF THE PRIMARY ELECTION OR SPECIAL ELECTION AND TO END NOT  
8 MORE THAN 45 DAYS AFTER THE DATE OF THE GENERAL OR SPECIAL ELECTION.] An  
9 election supervisor is entitled to receive compensation in an amount that  
10 is comparable to that received for similar state employment as determined  
11 by the lieutenant governor. [EXECUTIVE BRANCH EMPLOYEES SHALL BE APPOINT-  
12 ED ELECTION SUPERVISORS WHENEVER FEASIBLE AND SHALL SERVE WITHOUT  
13 ADDITIONAL COMPENSATION.]

14 \* Sec. 11. AS 15.10.125 is repealed and re-enacted to read:

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

17 \* Sec. 12. AS 15.10.140 is amended to read:

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

27 \* Sec. 13. AS 15.10.150 is amended to read:

28 Sec. 15.10.150. APPOINTMENT OF NOMINEES FOR JUDGES AND CLERKS.

29 Whenever the appointment of election judges or clerks is required, the

1 party district committee of the political party of which the governor is  
2 a member may present in writing to the election supervisor on or before  
3 April 15 [JUNE 1] in each regular election year, or at least 60 days be-  
4 fore a special election, the names of two party nominees for judges, and  
5 one for clerk, in any or all election precincts, and the election supervi-  
6 sor shall appoint the party nominees to the respective precinct election  
7 boards. The party district committee of the political party which re-  
8 ceived the second largest number of votes in the preceding general elec-  
9 tion may present in writing to the election supervisor on or before April  
10 15 [JUNE 1] in each regular election year, or at least 60 days before a  
11 special election the name of oneparty nominee for judge and one for clerk  
12 for any or all election precincts and the election supervisor shall  
13 appoint the party nominees to the respective precinct election boards.  
14 If any party district committee fails to present the names prescribed by  
15 this section by April 15 [JUNE 15] of a regular election year or before  
16 the 60th day preceding a special election, the election supervisor may  
17 appoint any qualified person not otherwise disqualified under sec. 120 of  
18 this chapter.

19 \* Sec. 14. AS.15.15.040 is amended to read:

20 Sec. 15.15.040. PREPARATION OF OTHER ELECTION MATERIALS. The  
21 lieutenant governor shall prescribe the form of and prepare tinted  
22 sample ballots, the original and duplicate registers [OR DUPLICATE REG-  
23 ISTRATION CARDS], oaths of office of judges, challenge oaths, tally  
24 sheets, instructions to voters, warning notices and other forms and  
25 supplies required for the election.

26 \* Sec. 15. AS 15.15.050 is amended to read:

27 Sec. 15.15.050. DISTRIBUTION OF ELECTION MATERIALS. The lieutenant  
28 governor shall distribute an adequate supply of sample and official  
29 ballots, original registers, duplicate registers [OR DUPLICATE

1 REGISTRATION CARDS], oaths, and other forms and supplies required for the  
2 election to the election supervisors for distribution to chairmen of  
3 election boards in precincts not less than 25 days before the date for the  
4 election.

5 \* Sec. 16. AS 15.15.080 is amended to read:

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

14 \* Sec. 17. AS 15.15.110 is amended to read:

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

23 \* Sec. 18. AS 15.15.170 is amended to read:

24 Sec. 15.15.170. PROHIBITION OF POLITICAL PERSUASION NEAR ELECTION  
25 POLLS. During the hours the polls are open, no person who is in the  
26 polling place or within 100 feet of any entrance to the polling place, may  
27 attempt to persuade a person to vote for or against a candidate, proposi-  
28 tion or question. The election judges shall post warning notices at the  
29 required distance in the form and manner prescribed by the lieutenant

1 governor [SECRETARY OF STATE].

2 \* Sec. 19. AS 15.15.190 is repealed and re-enacted to read:

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

7 \* Sec. 20. AS 15.15.210 is amended to read:

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

26 \* Sec. 21. AS 15.15.213 is amended to read:

27 Sec. 15.15.213. QUESTIONING A VOTER'S BALLOT. [AN ELECTION JUDGE,  
28 CLERK, OR WATCHER MAY CHALLENGE A VOTER IF THE VOTER IS UNABLE TO PROVE  
29 THAT HE IS QUALIFIED TO VOTE AT THE POLLING PLACE FOR THAT PRECINCT.]

1 If his polling place is in question a [THE] voter shall be allowed to  
2 vote, and any [THE] election official [OFFICER] shall consider the  
3 ballot as a questioned [CHALLENGED] ballot.

4 \* Sec. 22. AS 15.15.330 is repealed and re-enacted to read:

5 Sec. 15.15.330. COMMENCEMENT OF CANVASS. Counting of paper ballots  
6 may begin before the polls are closed in precincts having 200 or more  
7 voters and designated by the lieutenant governor, provided that counting  
8 shall not in any event begin before 2:00 p.m. prevailing time and unless  
9 at least 100 votes have been cast. In all other precincts, when the  
10 polls are closed and the last vote has been cast, the election board and  
11 clerks or counters shall immediately proceed to open the ballot box and  
12 to count and canvass the votes cast. In all cases the election board  
13 shall cause the canvass to be continued without adjournment until the  
14 canvass is complete.

15 \* Sec. 23. AS 15.15.340 is amended to read:

16 Sec. 15.15.340. REPORT, OATH AND VACANCIES OF COUNTERS. Counters  
17 shall report to the election board at the polls at the time designated  
18 by the election supervisor to assume their duties to assist the election  
19 board in counting and canvassing the vote. Before undertaking the duties  
20 of office, each counter shall subscribe to an oath to honestly, faith-  
21 fully, impartially, and promptly carry out the duties of his position.  
22 An election judge may administer the oath. If an appointed counter fails  
23 to appear and subscribe to the oath at the time designated by the elec-  
24 tion supervisor, the election board shall appoint any qualified voter to  
25 fill the vacancy. [IN NO CASE MAY THE ELECTION SUPERVISOR PROCEED WITH  
26 COUNTING THE VOTE BEFORE THE CLOSING OF THE POLLS.]

27 \* Sec. 24. AS 15.15.360(10) is amended to read:

28 (10) Stickers bearing a candidate's name may be affixed to  
29 the ballot in lieu of writing in a candidate's name is write-in-votes

1 or ballots are otherwise permitted. Stickers shall not be issued by  
2 members of the election board while serving at the polls. Stickers  
3 shall not be offered to voters within 100 feet of the polling place.

4 \* Sec. 25. AS 15.15.380 is amended to read:

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

10 \* Sec. 26. AS 15.20 is amended by adding new sections to read:

11 Sec. 15.20.062. APPLICATION TO ELECTION BOARD CHAIRMAN BY PERSONAL  
12 REPRESENTATIVE. A qualified voter may apply be personal representative  
13 for an absentee ballot to the election board chairman or his designee  
14 on election day in the precinct in which he is entitled to vote.

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

24 \* Sec. 27. AS 15.20.080 is amended to read:

25 Sec. 15.20.080. DATE FOR APPLICATION IN PERSON. A qualified  
26 voter may apply for an absentee ballot in person on any day after the  
27 ballots are prepared and available [NOT MORE THAN 15 DAYS BEFORE THE  
28 DAY OF AN ELECTION], but not on election day. Absentee ballots shall

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1 be prepared and available at least 15 days before the day of any  
2 election. Application may be made on election day only in the office  
3 of the election supervisor or such other cities designated by the  
4 lieutenant governor as provided in sec. 65 of this chapter [FOR SPECIAL  
5 ELECTIONS HELD TO RECALL AN ELECTED OFFICIAL OR TO FILL A VACANCY IN  
6 THE OFFICE OF UNITED STATES REPRESENTATIVE OR GOVERNOR AND LIEUTENANT  
7 GOVERNOR, A QUALIFIED VOTER MAY APPLY FOR AN ABSENTEE BALLOT 20 DAYS  
8 BEFORE THE DATE OF AN ELECTION BUT NOT ON ELECTION DAY].

9 \* Sec. 28. AS 15.20.120 is amended to read:

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

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

21 \* Sec. 29. AS 15.20.140 is amended to read:

22       Sec. 15.20.140. CASTING VOTE IN PERSON. Upon receipt of an  
23 absentee ballot in person, the voter [, IN THE PRESENCE OF THE ELECTION  
24 OFFICIAL FROM WHOM HE RECEIVED THE BALLOT,] shall proceed to mark the  
25 ballot in secret, to place the ballot in the small blank envelope, to  
26 place the small envelope in the larger envelope, and to sign the  
27 voter's certificate on the back of the larger envelope in the presence  
28 of the election official, and return the ballot properly enclosed in  
29 the envelopes to the election official who shall sign as attesting

1 witness. The election official shall not accept a marked ballot that  
2 has been [UNLAWFULLY] exhibited by an absentee voter with intent to  
3 influence other voters. If the absentee voter improperly marks or  
4 otherwise damages a ballot, the voter may request, and the election  
5 official shall provide him with another ballot up to a maximum of  
6 three. Improperly marked or damaged ballots shall be destroyed.  
7 The numbers of all ballots so destroyed shall be noted on the regis-  
8 tration lists [WITH A MAXIMUM OF THREE, AND SHALL RETAIN THE  
9 IMPROPERLY MARKED OR DAMAGED BALLOT].

10 \* Sec. 30. AS 15.20.150 is amended to read:

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

28 \* Sec. 31. AS 15.20.250 is amended to read:

29 Sec. 15.20.250. PRESCRIBING MINIMUM REQUIREMENTS. The lieutenant

1 governor shall prescribe the minimum requirements of voting machines  
2 and with the assistance of the Department of Administration, shall [MAY]  
3 conduct tests necessary to determine the adequacy of any particular type  
4 or make of machine. Any person, company or corporation may apply to  
5 the lieutenant governor to examine their voting machine and to certify  
6 the machine as meeting the minimum requirements prescribed by law.  
7 The minimum requirements shall be prescribed to insure secrecy to the  
8 voter, to permit voting both for candidates and on propositions and  
9 questions, to prevent improper voting in primary elections, to mini-  
10 mize error in marking ballots, and to assure accuracy in counting  
11 returns. Uncertified machines may not be used for any election.

12 \* Sec. 32. AS 15.20.380 is amended to read:

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

23 \* Sec. 33. AS 15.55.040 is amended to read:

24       Sec. 15.55.040. PUBLICATION OF FALSE STATEMENT. A person who  
25 writes, prints or circulates, or who has written, printed or circulated,  
26 a letter, circular, bill, placard, or poster, or who has a paid adver-  
27 tisement placed in a newspaper or any other publication, or who pays  
28 or contributes to the payment for any such advertisement, or who  
29 makes a radio or television broadcast, wilfully knowing the letter,

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circular, bill, placard, poster, publication, paid advertisement, or radio or television broadcast to contain a false statement, charge, or comment relating to a candidate at an election or to an election proposition or question, is guilty of a corrupt practice and upon conviction is punishable as for a misdemeanor.

\* Sec. 34. AS 15.55 is amended by adding a new section to read:

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

\* Sec. 35. The following laws are repealed: AS 15.05.010(3), AS 15.05-020(9), AS 15.07.070(e), AS 15.07.080, AS 15.10.060 and AS 15.15.200.

\* Sec. 36. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.