

Introduced: 1/23/75  
Referred: State Affairs and  
Finance

1 IN THE HOUSE

BY FINK

2 HOUSE BILL NO. 54

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Alaska Election Administration  
7 Commission."

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

9 \* Section 1. AS 15.15.010 is repealed and re-enacted to read:

10 Sec. 15.15.010. GENERAL ADMINISTRATIVE SUPERVISION BY LIEUTENANT  
11 GOVERNOR. (a) The Alaska Election Administration Commission shall  
12 administer state elections and shall adopt those regulations which may be  
13 necessary for the administration of elections to protect the interest of  
14 the voter and to assure administrative efficiency. The regulations shall  
15 be issued under the Administrative Procedures Act (AS 44.62).

16 (b) The lieutenant governor shall provide general administrative  
17 supervision in accordance with regulations adopted by the Alaska Election  
18 Administration Commission. When the lieutenant governor is administering  
19 a borough or special election, he may, with the approval of the Alaska  
20 Election Administration Commission, issue regulations under AS 44.62  
21 changing the time required for notices of election, appointment of  
22 election officials, absentee voting, canvassing the vote and election  
23 recounts.

24 \* Sec. 2. AS 15.15 is amended by adding a new section to read:

25 Sec. 15.15.013. ELECTION ADMINISTRATION COMMISSION. (a) There is  
26 created in the Office of the Lieutenant Governor the Alaska Election  
27 Administration Commission.

28 (b) The president of the Senate, speaker of the House, senate  
29 minority leader, House minority leader and lieutenant governor shall serve

1 as members of the Alaska Election Administration Commission.

2 (c) The lieutenant governor shall serve as chairman.

3 (d) Four members of the Alaska Election Administration Commission  
4 constitutes a quorum.

5 (e) Members of the Alaska Election Administration Commission are  
6 entitled to necessary travel expenses and per diem.

7 \* Sec. 3. AS 15.15.350 is amended to read:

8 Sec. 15.15.350. GENERAL PROCEDURE FOR CANVASS. The Alaska Election  
9 Administration Commission [LIEUTENANT GOVERNOR] shall issue rules pre-  
10 scribing the manner in which the precinct canvass is accomplished so as  
11 to assure accuracy in the count and to expedite the process. The election  
12 board or counting board shall canvass the ballots in a manner that allows  
13 watchers to see the ballots when opened and read. No person handling the  
14 ballot after it has been taken from the ballot box and before it is placed  
15 in the envelope for mailing may remove a ballot from the immediate vicin-  
16 ity of the polls or have a marking device in hand.

17 \* Sec. 4. AS 15.15.420 is amended to read:

18 Sec. 15.15.420. DUTY TO CANVASS VOTE. The Alaska Election  
19 Administration Commission [LIEUTENANT GOVERNOR] shall canvass the vote  
20 with the assistance of and in the presence of the appointed represen-  
21 tatives from the political parties.

22 \* Sec. 5. AS 15.15.430 is amended to read:

23 Sec. 15.15.430. SCOPE OF CANVASS. (a) The canvass by the Alaska  
24 Election Administration Commission [LIEUTENANT GOVERNOR] shall include  
25 only

26 (1) a review and comparison of the tallies of paper ballots in  
27 the election poll books with the precinct election certificates to correct  
28 any mathematical error in the count of paper ballots,

29 (2) a review of the tallies of write-in ballots and a compari-

1 son of election certificates as provided by law from precincts using  
2 voting machines,

3 (3) the canvass of absentee ballots as prescribed by law.

4 (b) If the Alaska Election Administration Commission [LIEUTENANT  
5 GOVERNOR] finds an unexplained error in the tally of the paper ballots  
6 in any precinct election poll book, it [HE] may count the ballots from  
7 the precinct. If the Alaska Election Administration Commission  
8 [LIEUTENANT GOVERNOR] finds the precinct counters have not entered tallies  
9 in the precinct tally books but have certified a candidate as having  
10 received a fixed number of votes, the Alaska Election Administration  
11 Commission [LIEUTENANT GOVERNOR] may recount the ballots from that pre-  
12 cinct. The Alaska Election Administration Commission [LIEUTENANT GOVER-  
13 NOR] shall certify in writing to the state canvass board any changes  
14 resulting from the count.

15 \* Sec. 6. AS 15.15.440 is amended to read:

16 Sec. 15.15.440. DATES FOR OPENING AND CLOSING STATE CANVASS. The  
17 state canvass shall begin eight days after the election and be continued  
18 daily until completed. The Alaska Election Administration Commission  
19 [LIEUTENANT GOVERNOR] may designate the hours a day the state canvass  
20 board is to conduct its canvass. The Alaska Election Administration  
21 Commission [LIEUTENANT GOVERNOR] shall close the canvass when it [HE] is  
22 satisfied that no missing precinct certificate of election would, if  
23 received, change the result of the election. If no election certificate  
24 has been received from a precinct, the Alaska Election Administration  
25 Commission [LIEUTENANT GOVERNOR] may secure from the election supervisors  
26 and may count a certified copy of the duplicate election certificate of  
27 the precinct. If no election poll books have been received, but an  
28 authorized election certificate has been received by telegram or radio,  
29 the Alaska Election Administration Commission [LIEUTENANT GOVERNOR] shall

1 count the election certificate so received. If the Alaska Election  
2 Administration Commission [LIEUTENANT GOVERNOR] has reason to believe  
3 that a missing precinct certificate, if received, would affect the  
4 result of the election, the Alaska Election Administration Commission  
5 [LIEUTENANT GOVERNOR] shall await the receipt of the certificate until  
6 four o'clock in the afternoon of the 15th day after the date of election.  
7 A certificate not actually delivered to the Alaska Election Administration  
8 Commission [LIEUTENANT GOVERNOR] by four o'clock on the 15th day after  
9 the election shall not be counted at the canvass.

10 \* Sec. 7. AS 15.15.450 is amended to read:

11 Sec. 15.15.450. CERTIFICATION OF STATE CANVASS. Upon completion  
12 of the canvass, the lieutenant governor at the direction of the Alaska  
13 Election Administration Commission shall certify the person receiving the  
14 largest number of votes for the office for which he was a candidate as  
15 elected to that office and shall certify the approval of a justice or  
16 judge not rejected by a majority of the voters voting on the question.  
17 The lieutenant governor shall issue to the elected candidates and approved  
18 justices and judges, a certificate of their election or approval. The  
19 lieutenant governor shall also certify the results of a proposition  
20 and other question.

21 \* Sec. 8. AS 15.15.460 is amended to read:

22 Sec. 15.15.460. TIE VOTES. If two or more candidates tie in having  
23 the highest number of votes for the same office for which there is to be  
24 elected only one candidate the lieutenant governor shall so notify the  
25 candidates who are tied. The Alaska Election Administration Commission  
26 [LIEUTENANT GOVERNOR] shall immediately proceed with the recount of votes  
27 in the manner provided by AS 15.20.430 - 15.20.530.

28 \* Sec. 9. AS 15.07.070(a) is amended to read:

29 (a) The Alaska Election Administration Commission [LIEUTENANT

1 GOVERNOR] shall promulgate rules and regulations consistent with the  
2 provisions of this section to enable voters to register.

3 \* Sec. 10. AS 15.07.120 is amended to read:

4 Sec. 15.07.120. CUSTODY OF REGISTERS. A master register shall at  
5 all times remain in the custody of the Alaska Election Administration  
6 Commission [LIEUTENANT GOVERNOR]. The area election supervisor shall  
7 likewise maintain a register of all voters within the precincts of the  
8 area election district he supervises.

9 \* Sec. 11. AS 15.07.140 is amended to read:

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

28 \* Sec. 12. AS 15.10.020 is amended to read:

29 Sec. 15.10.020. PRECINCT BOUNDARIES AND POLLING PLACES MODIFIED

1 BY LIEUTENANT GOVERNOR. The Alaska Election Administration Commission  
2 [LIEUTENANT GOVERNOR] shall have the exclusive power to modify the  
3 boundary of a precinct and to establish or abolish a precinct and polling  
4 place in the state by rules adopted under the Administrative Procedure  
5 Act (AS 44.62).

6 \* Sec. 13. AS 15.10.030 is amended to read:

7 Sec. 15.10.030. UNIFORM PRECINCT BOUNDARIES REQUIRED FOR STATE AND  
8 LOCAL ELECTIONS. The precinct boundaries established by the Alaska  
9 Election Administration Commission [LIEUTENANT GOVERNOR] shall be the  
10 boundaries for both state and local elections. The Alaska Election  
11 Administration Commission [LIEUTENANT GOVERNOR] by regulation pursuant  
12 to the provisions of the Administrative Procedure Act (AS 44.62) may  
13 authorize the combining, consolidation, or altering of precinct boundar-  
14 ies for local elections.

15 \* Sec. 14. AS 15.10.110 is amended to read:

16 Sec. 15.10.110. APPOINTMENT OF ELECTION SUPERVISORS. The Alaska  
17 Election Administration Commission [LIEUTENANT GOVERNOR] shall appoint  
18 election supervisors, including one in each of the municipalities of  
19 Juneau, Anchorage, Fairbanks and Nome, to assist in the administration of  
20 elections in the election districts designated by the Alaska Election  
21 Administration Commission [LIEUTENANT GOVERNOR]. The Alaska Election  
22 Administration Commission [LIEUTENANT GOVERNOR] may appoint as an election  
23 supervisor a person who is a qualified voter in the area over which he  
24 has jurisdiction and who does not hold an office in a political party. An  
25 election supervisor is entitled to receive compensation in an amount that  
26 is comparable to that received for similar state employment as determined  
27 by the lieutenant governor.

28 \* Sec. 15. AS 15.10.170 is amended to read:

29 Sec. 15.10.170. APPOINTMENT AND PRIVILEGES OF WATCHERS. The precinct

1 party committee, where an organized precinct committee exists, or the  
2 district party committee where no organized precinct committee exists,  
3 may appoint one or more persons as watchers in each precinct for any  
4 election. Each candidate not representing a political party may appoint  
5 one or more watchers for each precinct in his respective district or the  
6 state for any election. Any organization or organized group that  
7 sponsors or opposes an initiative, referendum or recall may have one or  
8 more persons as watchers at the polls after first obtaining authorization  
9 from the lieutenant governor. No precinct party committee, no district  
10 party committee or candidate not representing a political party or  
11 organization or organized group may have more than one watcher on duty  
12 at a time in any precinct. The watcher may be present at a position  
13 inside the place of voting which affords a full view of all action of the  
14 election board taken from the time the polls are opened until the ballots  
15 are finally counted and the result certified by the election board. The  
16 election board may require each watcher to present a certificate showing  
17 that he is the watcher appointed by the precinct party committee, the  
18 district party committee, the organization or organized group or the  
19 candidate he represents and signed by the chairman of the precinct party  
20 committee, the district party committee, the organization or organized  
21 group or the candidate representing no party. The Alaska Election  
22 Administration Commission [LIEUTENANT GOVERNOR] may prescribe regulations  
23 governing the conduct of watchers to assure the privileges of the watchers  
24 and the proper conduct of the election.

25 \* Sec. 16. AS 15.10.180 is amended to read:

26 Sec. 15.10.180. APPOINTMENT OF PARTY REPRESENTATIVES FOR STATE  
27 CANVASS. The Alaska Election Administration Commission [LIEUTENANT  
28 GOVERNOR] shall appoint two persons from each political party to partici-  
29 pate in the canvassing of the vote. Each person who is appointed and

1 serves is entitled to the same rate of compensation paid election judges.  
2 Each political party may present to the Alaska Election Administration  
3 Commission [LIEUTENANT GOVERNOR] a list of three or more names from which  
4 it [HE] shall select the persons to represent the party. The list of  
5 names may be submitted in writing at least 30 days before the date of  
6 the election. The persons to represent the party on the canvassing board  
7 may be selected by the state party central committee or in any other  
8 manner prescribed by the bylaws of the party. The list of names shall be  
9 certified by the chairman of the state central committee of the party or  
10 by the person authorized by the party bylaws to act in the absence of the  
11 chairman.

12 \* Sec. 17. AS 15.25.090 is amended to read:

13 Sec. 15.25.090. GENERAL PROCEDURE FOR CONDUCT OF PRIMARY ELECTION.  
14 Unless specifically provided otherwise, all provisions regarding the  
15 conduct of the general election shall govern the conduct of the primary  
16 election, including, but not limited to, provisions concerning voter  
17 qualification; provisions regarding the duties, powers, rights and  
18 obligations of the Alaska Election Administration Commission and the  
19 lieutenant governor, of other election officials, and of cities and  
20 organized boroughs; provision for notification of the election; provisions  
21 regarding payment of election expenses; provisions regarding employees  
22 being allowed time from work to vote; provisions for the counting,  
23 canvassing, and certification of returns; provisions for the determination  
24 of tie votes and of recount, contests and appeal; and provisions for  
25 absentee voting and the use of voting machines.  
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