

Introduced: 3/14/75
Referred: State Affairs
and Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 CS HOUSE BILL NO. 300 Fin
3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state elections."

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

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

9 (4) has been a resident of the state [FOR AT LEAST 75 DAYS]
10 and of the election district in which he seeks to vote for at least 30
11 days just before the election; and

12 * Sec. 2. AS 15.05.020(2) is amended to read:

13 (2) the residence of a person is that place in which his
14 habitation is fixed, and to which, whenever he is absent, he has the
15 intention to return. If a person resides with his family in one
16 place, but does business in another, the former is his place of resi-
17 dence; but any person who, having a family, establishes a dwelling
18 place other than with his family, with the intention of remaining
19 there, shall be considered a resident where he has established that
20 dwelling place.

21 * Sec. 3. AS 15.05.020(3) is amended to read:

22 (3) The mere intention to acquire a new residence without
23 physical presence at such a place does not establish residency; neither
24 does mere physical presence without the concurrent present intention
25 to establish such a place as his residence. [A CHANGE OF RESIDENCE IS
26 MADE ONLY BY THE ACT OF REMOVAL JOINED WITH THE INTENT TO REMAIN IN
27 ANOTHER PLACE.] There can be only one residence.

28 * Sec. 4. AS 15.05.020(5) is amended to read:

29 (5) A person does not gain residence in any place to

1 which he comes without the present intention to establish his permanent
2 dwelling at that place [A RESIDENCE IN A PLACE TO WHICH HE COMES FOR
3 TEMPORARY PURPOSES ONLY].

4 * Sec. 5. AS 15.07.090(a) is amended to read:

5 (a) A voter whose name is changed by marriage or court order may
6 vote under the [HIS OR HER] previous name, but if the voter desires to
7 use the new name, he or she shall notify the lieutenant governor
8 [CHOOSES TO RE-REGISTER, THE RE-REGISTRATION MAY] not [BE MADE] later
9 than 30 days preceding an election so that the registration may be
10 amended to reflect the change.

11 * Sec. 6. AS 15.07.090(b) is amended to read:

12 (b) A voter shall re-register if his registration is cancelled
13 for failure to vote in prior elections as provided in sec. 130 of this
14 chapter. The re-registration may not be made later than 30 days
15 preceding an election.

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

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

28 * Sec. 8. AS 15.10 is amended by adding a new section to read:

29 Sec. 15.10.105. APPOINTMENT OF DIRECTOR OF ELECTIONS. The

1 lieutenant governor may appoint a director of elections to act for him
2 in the supervision of central and regional election offices, the em-
3 ployment and training of election personnel, and the administration of
4 all state elections as well as those municipal elections which the
5 state is required to conduct. The director of elections may also
6 assist the lieutenant governor in the administration of the voter
7 registration program and the modification of precinct boundaries.

8 * Sec. 9. AS 15.10.150 is amended to read:

9 Sec. 15.10.150. APPOINTMENT OF NOMINEES FOR JUDGES AND CLERKS.
10 Whenever the appointment of election judges or clerks is required, the
11 party district committee of the political party of which the governor
12 is a member may present in writing to the election supervisor on or
13 before April 15 in each regular election year, or at least 60 days
14 before a special election, the names of two party nominees for judges,
15 and one for clerk, in any or all election precincts, and the election
16 supervisor shall appoint the party nominees to the respective precinct
17 election boards. The party district committee of the political party
18 which received the second largest number of statewide votes in the
19 preceding gubernatorial [GENERAL] election may present in writing to
20 the election supervisor on or before April 15 in each regular election
21 year, or at least 60 days before a special election the name of one
22 party nominee for judge and one for clerk for any or all election
23 precincts and the election supervisor shall appoint the party nominees
24 to the respective precinct election boards. If any party district
25 committee fails to present the names prescribed by this section by
26 April 15 of a regular election year or before the 60th day preceding
27 a special election, the election supervisor may appoint any qualified
28 person not otherwise disqualified under sec. 120 of this chapter.

29 * Sec. 10. AS 15.10.170 is amended to read:

1 Sec. 15.10.170. APPOINTMENT AND PRIVILEGES OF WATCHERS. The
2 precinct party committee, where an organized precinct committee exists,
3 or the district party committee where no organized precinct committee
4 exists, may appoint one or more persons as watchers in each precinct
5 and counting center for any election. Each candidate not representing
6 a political party may appoint one or more watchers for each precinct
7 or counting center in his respective district or the state for any
8 election. Any organization or organized group that sponsors or opposes
9 an initiative, referendum or recall may have one or more persons as
10 watchers at the polls and counting centers after first obtaining
11 authorization from the lieutenant governor. No precinct party committee
12 no district party committee or candidate not representing a political
13 party or organization or organized group may have more than one watcher
14 on duty at a time in any precinct or counting center. The watcher may
15 be present at a position inside the place of voting or counting which
16 affords a full view of all action of the election board and other
17 counters taken from the time the polls are opened until the ballots
18 are finally counted and the results certified by the election board
19 or the Data Processing Review Board. The election board or the Data
20 Processing Review Board may require each watcher to present written
21 proof [A CERTIFICATE] showing that he is the watcher appointed by the
22 precinct party committee, the district party committee, the organization
23 or organized group or the candidate he represents which is [AND]
24 signed by the chairman of the precinct party committee, the district
25 party committee, the organization or organized group or the candidate
26 representing no party. The lieutenant governor may prescribe regulations
27 governing the conduct of watchers to assure the privileges of the
28 watchers and the proper conduct of the election.

29 * Sec. 11. AS 15.15.040(b) is amended to read:

1 (b) The lieutenant governor shall prepare and issue [,] or make
2 available [,] with each sample ballot for a special election the [A]
3 statement [, SUBSTANTIALLY LIKE THAT] provided for in AS 24.30.037
4 [,] of the scope of each major project included in a proposed general
5 obligation bond issue creating a state debt for capital improvements
6 that is submitted to the electorate for ratification [,] under AS
7 15.15.030(11). The statement of scope for each major project shall be
8 the same statement included in the authorization bill.

9 * Sec. 12. AS 15.15.215 is amended to read:

10 Sec. 15.15.215. DISPOSITION OF CHALLENGED AND QUESTIONED VOTES.

11 (a) A challenged voter or one who casts a questioned ballot shall
12 vote his ballot in the same manner as prescribed for other voters
13 except that he shall use a paper ballot. After the election judge
14 removes the identification number from the ballot, the challenged
15 voter shall insert the ballot into a small blank envelope, seal it,
16 and put the envelope into a larger envelope on which the oath and
17 affidavit he previously signed is located [CONTAINED]. After the
18 election judge removes the identification number from the ballot, the
19 voter who casts a questioned ballot shall insert the ballot into a
20 small blank envelope, seal it, and put the envelope into a larger
21 envelope on which the information concerning that voter's residence is
22 located. These larger envelopes [THIS ENVELOPE] shall be sealed and
23 deposited in the ballot box along with their respective [THE] attached
24 statements [STATEMENT] of asserted invalidity. When the ballot box is
25 opened, these envelopes shall be segregated and delivered to the
26 official or body supervising the election. The [WHERE THE] merits of
27 the challenge or question shall be determined by this official or body
28 in accordance with the procedure prescribed for challenged absentee
29 votes in AS 15.20.210.

1 (b) A person who frivolously, maliciously or in bad faith
2 challenges a voter or questions his ballot is guilty of a misdemeanor
3 and upon conviction shall be imprisoned for not more than 30 days or
4 fined not more than \$100, or both.

5 * Sec. 13. AS 15.15.350 is amended to read:

6 Sec. 15.15.350. GENERAL PROCEDURE FOR CANVASS. The lieutenant
7 governor shall issue rules prescribing the manner in which the precinct
8 canvass is accomplished so as to assure accuracy in the count and to
9 expedite the process. The election board or counting board shall
10 canvass the ballots in a manner that allows watchers to see the ballots
11 when opened and read. No person handling the ballot after it has been
12 taken from the ballot box and before it is placed in the envelope for
13 mailing may have a marking device in hand or remove a ballot from the
14 immediate vicinity of the polls except as provided by AS 15.15.330 for
15 the early counting of ballots, and by AS 15.20.680 for the counting of
16 punch-card ballots [OR HAVE A MARKING DEVICE IN HAND].

17 * Sec. 14. AS 15.15.360(9) is amended to read:

18 (9) Write-in votes are not invalidated by writing in the
19 name of a candidate whose name is printed on the ballot unless the
20 election board determines, on the basis of other evidence that the
21 ballot was so marked for the purpose of identifying the ballot. No
22 other name written upon a ballot in a general election may be counted
23 for an office unless the person bearing it has filed a declaration
24 with the lieutenant governor declaring a write-in candidacy for that
25 particular office. The declaration may not be filed later than 10
26 days before the date of the general election.

27 * Sec. 15. 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 place of writing in a candidate's name if write-in votes

1 or ballots are otherwise permitted, but they may not be counted unless
2 the candidate has filed the declaration required by (9) of this section.
3 Stickers shall not be issued by members of the election board while
4 serving at the polls. Stickers shall not be offered to voters within
5 100 feet of the polling place.

6 * Sec. 16. AS 15.20 is amended by adding a new section to read:

7 Sec. 15.20.045. DESIGNATION OF MAGISTRATES AND OTHERS AS ELECTION
8 OFFICIALS. The lieutenant governor or election supervisory may desig-
9 nate persons to act as election officials under secs. 10 - 220 of this
10 chapter in areas where election supervisors do not have offices.
11 Magistrates may, with the approval of the administrative director of
12 the Alaska Court System, be designated under this section.

13 * Sec. 17. AS 15.20.060 is amended to read:

14 Sec. 15.20.060. APPLICATION [TO DISTRICT JUDGE OR MAGISTRATE] IN
15 PERSON OR [,] BY A REPRESENTATIVE [, OR BY MAIL]. A qualified voter
16 may apply [,] in person or [,] by a personal representative [OR BY
17 MAIL,] for an absentee ballot to the election supervisor or election
18 official [DISTRICT JUDGE OR MAGISTRATE] in the election district of
19 the resident voter. [THE APPLICATION BY MAIL SHALL INCLUDE THE NAME
20 OF THE APPLICANT AND BOTH HIS PRESENT ADDRESS TO WHICH THE ABSENTEE
21 BALLOT SHALL BE RETURNED AND HIS FULL LOCAL ALASKA RESIDENT ADDRESS.]

22 * Sec. 18. AS 15.20.120(b) is amended to read:

23 (b) The election board chairman may issue ballots to personal
24 representatives on election day only in areas where an election official
25 has not been designated to issue absentee ballots [DISTRICT JUDGES AND
26 MAGISTRATES DO NOT SIT].

27 * Sec. 19. AS 15.20.130 is amended to read:

28 Sec. 15.20.130. PROCEDURE ON APPLICATION BY MAIL. After receipt
29 of an application by mail for an absentee ballot, the lieutenant

1 governor [, OR THE DISTRICT JUDGE OR MAGISTRATE,] shall airmail to the
2 applicant the ballot and other absentee voting material when they are
3 ready for distribution, if the application includes the name and both
4 the present address and the full local resident address of the applicant
5 The larger envelope to be used for returning the absentee ballot to
6 the election officials shall be addressed to the election supervisor
7 in the district in which the voter is a resident.

8 * Sec. 20. AS 15.20.170 is amended to read:

9 Sec. 15.20.170. DISPOSITION OF BALLOTS. Each election official
10 [DISTRICT JUDGE AND MAGISTRATE] who has been designated by an election
11 supervisor or the lieutenant governor to issue absentee ballots shall
12 stamp on the envelope containing the oath the date on which the ballot
13 is received in his office. All ballots received shall be immediately
14 transmitted by the most expeditious mail service to the election
15 supervisor for his district.

16 * Sec. 21. AS 15.20.180 is amended to read:

17 Sec. 15.20.180. NAMES OF ABSENTEE VOTERS TO BE MADE AVAILABLE.
18 The election supervisors [,] and election officials [DISTRICT JUDGES
19 AND MAGISTRATES] shall have available for public inspection the names
20 and addresses of persons who voted absentee.

21 * Sec. 22. AS 15.25.040 is amended to read:

22 Sec. 15.25.040. MANNER AND DATE OF FILING DECLARATION. (a) The
23 declaration is filed by either

24 (1) the actual physical delivery of the declaration [BY
25 MAIL OR] in person at or before 5:00 p.m., prevailing time, June 1 of
26 the year in which a general election is held for the office, or

27 (2) the actual physical delivery [BY TELEGRAM OF A COPY IN
28 SUBSTANCE OF THE STATEMENTS MADE IN THE DECLARATION AT OR BEFORE 5:00
29 P.M., PREVAILING TIME, JUNE 1 OF THE YEAR IN WHICH A GENERAL ELECTION

1 IS HELD FOR THE OFFICE, AND ALSO THE ACTUAL PHYSICAL DELIVERY] of the
2 [ORIGINAL] declaration by registered mail which is postmarked at or
3 before 5:00 p.m., prevailing time, June 1 of the year in which a
4 general election is held for the office and received not more than
5 five days after that time.

6 (b) If the postmark is illegible, a dated receipt from the post
7 office where dispatched shall be acceptable as evidence of mailing.
8 If June 1 is a Sunday or holiday, the deadlines for postmarking and
9 receipt of the declaration shall be extended 24 hours in each instance
10 [MAY BE FILED NO LATER THAN 5:00 P.M., PREVAILING TIME ON THE FOLLOWING
11 DAY].

12 (c) A candidate for a statewide office shall file with the
13 lieutenant governor. A candidate for a district-wide office shall
14 file either with [A CLERK OF THE SUPERIOR COURT OR] the lieutenant
15 governor or an election supervisor. If the candidate files his
16 declaration with an election supervisor [A CLERK OF THE SUPERIOR
17 COURT], the election supervisor [CLERK] shall immediately forward the
18 declaration to the lieutenant governor.

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

20 Sec. 15.25.150. DATE OF FILING PETITION. The petition is filed
21 with the lieutenant governor by actual physical delivery in person [OR
22 BY MAIL] at or before 5:00 p.m., prevailing time, June 1 in the year
23 in which a general election is held for the office, or by actual
24 physical delivery by certified mail which is postmarked at or before
25 5:00 p.m., prevailing time, June 1 in the year in which a general
26 election is held for the office, and received not more than five days
27 after that time. If the postmark is illegible, a dated receipt from
28 the post office where dispatched shall be acceptable as evidence of
29 mailing. If June 1 is a Sunday or holiday, the deadlines for post-

1 marking and receipt of the petition shall be extended 24 hours in each
2 instance.

3 * Sec. 24. AS 15.57.010 is amended to read:

4 Sec. 15.57.010. CONTENTS OF PAMPHLET. The lieutenant governor
5 shall mail to the household of each registered voter [ALL VOTERS] of
6 the state before each state general election a candidate pamphlet con-
7 taining photographs and campaign statements of eligible nominees who
8 desire to participate in the pamphlet. The pamphlet shall also contain,
9 for each ballot proposition, (1) a neutral summary of the proposition
10 prepared by the Legislative Affairs Agency, and (2) a statement by
11 persons or organizations supporting the proposition, and (3) a statement
12 by persons or organizations opposing the proposition; and for each
13 bond question the statement of the scope of each major project re-
14 quired by AS 24.30.037 to be included in the authorization bill.

15 * Sec. 25. AS 15.57.050(a) is amended to read:

16 (a) Not less than 30 days before the election the lieutenant
17 governor shall transmit by mail, to the household of every registered
18 voter in the state [WHOSE ADDRESS HE CAN WITH REASONABLE DILIGENCE
19 ASCERTAIN], one copy of the pamphlet. When practical, the lieutenant
20 governor shall have the pamphlets printed so that no candidate's
21 picture or statement is included in the copy of the pamphlet going to
22 a district where the candidate's election is not to be voted upon.

23 * Sec. 26. AS 15.60.010(13) is amended to read:

24 (13) "election official" means [DISTRICT AND DEPUTY
25 MAGISTRATES,] election judges, clerks, counters, [AND] full-time
26 election employees, and persons designated to issue absentee ballots;
27
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29