

Original sponsor: Rules Committee by  
request of the Governor

Offered: 4/25/75  
Referred: Finance

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE  
2 CS FOR HOUSE BILL NO. 300  
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 place  
18 other than with his family, with the intention of remaining there and  
19 not returning to his family, shall be considered a resident where he has  
20 established that dwelling place. Temporary construction camps do not  
21 constitute a dwelling place.

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

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

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

1 (5) A person does not gain residence in any place to which he  
2 comes without the present intention to establish his permanent dwelling  
3 at that place [A RESIDENCE IN A PLACE TO WHICH HE COMES FOR TEMPORARY  
4 PURPOSES ONLY].

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

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

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

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

17 \* Sec. 7. 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 voter and  
21 his ballot shall be treated in the same manner. The ballot shall be  
22 considered to be a "questioned ballot" and shall be so designated. The  
23 lieutenant governor or his representative shall determine whether the  
24 voter is registered in the election district before counting the ballot.  
25 A voter who has failed to obtain a transfer as provided in (c) of this  
26 section shall [MAY] vote [IN THE PRECINCT WHERE REGISTERED OR HE MAY  
27 VOTE] a "questioned ballot" in his precinct of 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 lieutenant-

1 ant governor shall appoint a director of elections to act for him in the  
2 supervision of central and regional election offices, the employment and  
3 training of election personnel, and the administration of all state  
4 elections as well as those municipal elections which the state is  
5 required to conduct. The director of elections shall also assist the  
6 lieutenant governor in the administration of the voter registration  
7 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 is  
12 a member may present in writing to the election supervisor on or before  
13 April 15 in each regular election year, or at least 60 days before a  
14 special election, the names of two party nominees for judges, and one  
15 for clerk, in any or all election precincts, and the election supervisor  
16 shall appoint the party nominees to the respective precinct election  
17 boards. The party district committee of the political party which  
18 received the second largest number of statewide votes in the preceding  
19 gubernatorial [GENERAL] election may present in writing to the election  
20 supervisor on or before April 15 in each regular election year, or at  
21 least 60 days before a special election the name of one party nominee  
22 for judge and one for clerk for any or all election precincts and the  
23 election supervisor shall appoint the party nominees to the respective  
24 precinct election boards. If any party district committee fails to  
25 present the names prescribed by this section by April 15 of a regular  
26 election year or before the 60th day preceding a special election, the  
27 election supervisor may appoint any qualified person not otherwise  
28 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 and  
5 counting center for any election. Each candidate not representing a  
6 political party may appoint one or more watchers for each precinct or  
7 counting center in his respective district or the state for any elec-  
8 tion. Any organization or organized group that sponsors or opposes an  
9 initiative, referendum or recall may have one or more persons as watchers  
10 at the polls and counting centers after first obtaining authorization  
11 from the lieutenant governor. No precinct party committee, no district  
12 party committee or candidate not representing a political party or  
13 organization or organized group may have more than one watcher on duty  
14 at a time in any precinct or counting center. The watcher may be  
15 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 are  
18 finally counted and the results certified by the election board or the  
19 Data Processing Review Board. The election board or the Data Processing  
20 Review Board may require each watcher to present written proof [A CER-  
21 TIFICATE] showing that he is the watcher appointed by the precinct party  
22 committee, the district party committee, the organization or organized  
23 group or the candidate he represents which is [AND] signed by the  
24 chairman of the precinct party committee, the district party committee,  
25 the organization or organized group or the candidate representing no  
26 party. The lieutenant governor may prescribe regulations governing the  
27 conduct of watchers to assure the privileges of the watchers and the  
28 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 15.15.-  
7 030(11). The statement of scope for each [MAJOR] project shall be the  
8 same statement included in the authorization bill. When a ballot pro-  
9 position is submitted to the voters at a primary or a special election,  
10 a statement the same as that provided for in the election pamphlet under  
11 AS 15.57.010(2) shall be made available with each sample ballot.

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

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

14 (a) A challenged voter or one who casts a questioned ballot shall vote  
15 his ballot in the same manner as prescribed for other voters except that  
16 he shall use a paper ballot. After the election judge removes the  
17 identification number from the ballot, the challenged voter shall insert  
18 the ballot into a small blank envelope, seal it and put the envelope  
19 into a larger envelope on which the oath and affidavit he previously  
20 signed is located [CONTAINED]. After the election judge removes the  
21 identification number from the ballot, the voter who casts a questioned  
22 ballot shall insert the ballot into a small blank envelope, seal it, and  
23 put the envelope into a larger envelope on which the information con-  
24 cerning that voter's residence is located. These larger envelopes [THIS  
25 ENVELOPE] shall be sealed and deposited in the ballot box along with  
26 their respective [THE] attached statements [STATEMENT] of asserted  
27 invalidity. All envelopes shall be counted and compared to the voting  
28 list before leaving the place of polling and upon receipt by the offi-  
29 cial or body supervising the election. When the ballot box is opened,

1 these envelopes shall be segregated and delivered to the official or  
2 body supervising the election. The [WHERE THE] merits of the challenge  
3 or question shall be determined by this official or body in accordance  
4 with the procedure prescribed for challenged absentee votes in AS 15.20.  
5 210.

6 (b) A person who frivolously, maliciously or in bad faith chal-  
7 lenges a voter or questions his ballot is guilty of a misdemeanor and  
8 upon conviction shall be imprisoned for not more than 30 days or fined  
9 not more than \$100, or both.

10 \* Sec. 13. AS 15.15.350 is amended to read:

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

22 \* Sec. 14. AS 15.20 is amended by adding a new section to read:

23 Sec. 15.20.045. DESIGNATION OF MAGISTRATES AND OTHERS AS ELECTION  
24 OFFICIALS. The lieutenant governor or election supervisory may desig-  
25 nate persons to act as election officials under secs. 10 - 220 of this  
26 chapter in areas where election supervisors do not have offices.

27 Magistrates may, with the approval of the administrative director of the  
28 Alaska Court System, be designated under this section.

29 \* Sec. 15. AS 15.20.060 is amended to read:

1           Sec. 15.20.060. APPLICATION [TO DISTRICT JUDGE OR MAGISTRATE] IN  
2 PERSON OR [,] BY A REPRESENTATIVE [, OR BY MAIL]. A qualified voter may  
3 apply [,] in person or [,] by a personal representative [OR BY MAIL,]  
4 for an absentee ballot to the election supervisor or election official  
5 [DISTRICT JUDGE OR MAGISTRATE] in the election district of the resident  
6 voter. [THE APPLICATION BY MAIL SHALL INCLUDE THE NAME OF THE APPLICANT  
7 AND BOTH HIS PRESENT ADDRESS TO WHICH THE ABSENTEE BALLOT SHALL BE  
8 RETURNED AND HIS FULL LOCAL ALASKA RESIDENT ADDRESS.]

9 \* Sec. 16. AS 15.20.120(b) is amended to read:

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

14 \* Sec. 17. AS 15.20.130 is amended to read:

15           Sec. 15.20.130. PROCEDURE ON APPLICATION BY MAIL. After receipt  
16 of an application by mail for an absentee ballot, the lieutenant governor  
17 [, OR THE DISTRICT JUDGE OR MAGISTRATE,] shall airmail to the applicant  
18 the ballot and other absentee voting material when they are ready for  
19 distribution, if the application includes the name and both the present  
20 address and the full local resident address of the applicant. The  
21 larger envelope to be used for returning the absentee ballot to the  
22 election officials shall be addressed to the election supervisor in the  
23 district in which the voter is a resident.

24 \* Sec. 18. AS 15.20.170 is amended to read:

25           Sec. 15.20.170. DISPOSITION OF BALLOTS. Each election official  
26 [DISTRICT JUDGE AND MAGISTRATE] who has been designated by an election  
27 supervisor or the lieutenant governor to issue absentee ballots shall  
28 stamp on the envelope containing the oath the date on which the ballot  
29 is received in his office. All ballots received shall be immediately

1 transmitted by the most expeditious mail service to the election super-  
2 visor for his district.

3 \* Sec. 19. AS 15.20.180 is amended to read:

4 Sec. 15.20.180. NAMES OF ABSENTEE VOTERS TO BE MADE AVAILABLE.

5 The election supervisors [,] and election officials [DISTRICT JUDGES AND  
6 MAGISTRATES] shall have available for public inspection the names and  
7 addresses of persons who voted absentee.

8 \* Sec. 20. AS 15.25.040 is amended to read:

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

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

14 (2) the actual physical delivery by telegram of a copy in  
15 substance of the statements made in the declaration at or before 5:00  
16 p.m., prevailing time, June 1 of the year in which a general election is  
17 held for the office [, AND ALSO THE ACTUAL PHYSICAL DELIVERY] of the  
18 [ORIGINAL] declaration by registered mail which is postmarked at or  
19 before 5:00 p.m., prevailing time, June 1 of the year in which a general  
20 election is held for the office and received not more than five days  
21 after that time;

22 (3) the actual physical delivery of the declaration by  
23 registered mail which is postmarked at or before 5:00 p.m., prevailing  
24 time, June 1 of the year in which a general election is held for the  
25 office and received not more than 15 days after that time.

26 (b) If the postmark is illegible, a dated receipt from the post  
27 office where dispatched shall be acceptable as evidence of mailing.  
28 If June 1 is a Sunday or holiday, the deadlines for postmarking and  
29 receipt of the declaration shall be extended 24 hours in each instance

1 [MAY BE FILED NO LATER THAN 5:00 P.M., PREVAILING TIME ON THE FOLLOWING  
2 DAY].

3 (c) A candidate for a statewide office shall file with the lieuten-  
4 ant governor. A candidate for a district-wide office shall file either  
5 with [A CLERK OF THE SUPERIOR COURT OR] the lieutenant governor or an  
6 election supervisor. If the candidate files his declaration with an  
7 election supervisor [A CLERK OF THE SUPERIOR COURT], the election super-  
8 visor [CLERK] shall immediately forward the declaration to the lieuten-  
9 ant governor.

10 (d) If the declaration filed under (a) of this section is not  
11 received within seven calendar days, the candidate shall be notified of  
12 nonreceipt. The candidate shall have the opportunity to refile his  
13 declaration with proof that his previous declaration has been filed in a  
14 timely manner and in accordance with law.

15 \* Sec. 21. AS 15.25.060 is repealed and re-enacted to read:

16 Sec. 15.25.060. PREPARATION AND DISTRIBUTION OF BALLOTS. The  
17 primary nomination ballot shall be prepared and distributed by the  
18 lieutenant governor in the manner prescribed for general election  
19 ballots, except as specifically provided otherwise for the primary  
20 nomination. The lieutenant governor shall place the names of all candi-  
21 dates who have properly filed in separate columns for each political  
22 party, and a column heading shall indicate their party affiliation. The  
23 names of candidates shall be grouped according to offices, with each  
24 office having a separate section. Within each column the names for each  
25 office shall be rotated as provided for the general election ballot.  
26 Blank spaces shall be provided within each office block on the ballot  
27 for the writing or pasting in of names. The column at the left-hand  
28 side of the ballot shall contain the names of the candidates of the  
29 political party that received the largest number of votes for the office

1 of governor at the last preceding general election.

2 \* Sec. 22. AS 15.25.070 is repealed and re-enacted to read:

3 Sec. 15.25.070. SPECIAL PROVISIONS ON COUNTING BALLOTS. No voter  
4 may vote for candidates in more than one column. Ballots cast with  
5 votes for candidates in more than one party column shall not be counted,  
6 and the entire ballot is invalid.

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

8 Sec. 15.25.150. DATE OF FILING PETITION. The petition is filed  
9 with the lieutenant governor by actual physical delivery in person [OR  
10 BY MAIL] at or before 5:00 p.m., prevailing time, June 1 in the year in  
11 which a general election is held for the office, or by actual physical  
12 delivery by certified mail which is postmarked at or before 5:00 p.m.,  
13 prevailing time, June 1 in the year in which a general election is held  
14 for the office, and received not more than five days after that time.  
15 If the postmark is illegible, a dated receipt from the post office where  
16 dispatched shall be acceptable as evidence of mailing. If June 1 is a  
17 Sunday or holiday, the deadlines for postmarking and receipt of the  
18 petition shall be extended 24 hours in each instance.

19 \* Sec. 24. AS 15.57.010 is repealed and re-enacted to read:

20 Sec. 15.57.010. CONTENTS OF PAMPHLET. The lieutenant governor  
21 shall mail to each registered voter of the state before each state  
22 general election an election pamphlet containing photographs and cam-  
23 paign statements of eligible nominees who desire to participate in the  
24 pamphlet. The pamphlet shall also contain

25 (1) on a separate page, a map of the election district or  
26 districts to which the pamphlet has been directed, together with a  
27 narrative description of the district boundaries;

28 (2) for each ballot proposition,

29 (A) a neutral summary of the proposition prepared by the

1 Legislative Affairs Agency;

2 (B) a statement by persons or organizations supporting  
3 the proposition; and

4 (C) a statement by persons or organizations opposing the  
5 proposition; and

6 (3) for each bond question a statement of the scope of each  
7 project required by AS 24.30.037 to be included in the authorization  
8 bill.

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

10 (a) Not less than 30 days before the election the lieutenant  
11 governor shall transmit by mail, to every registered voter in the state  
12 [WHOSE ADDRESS HE CAN WITH REASONABLE DILIGENCE ASCERTAIN], one copy of  
13 the pamphlet, a sample ballot and an absentee ballot application. When  
14 practical, the lieutenant governor shall have the pamphlets printed so  
15 that no candidate's picture or statement is included in the copy of the  
16 pamphlet going to a district where the candidate's election is not to be  
17 voted upon.

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

19 (13) "election official" means [DISTRICT AND DEPUTY MAGIS-  
20 TRATES,] election judges, clerks, counters, [AND] full-time election  
21 employees, and persons designated to issue absentee ballots;

22 \* Sec. 27. AS 24.30.037 is amended to read:

23 Sec. 24.30.037. GENERAL OBLIGATION BOND BILLS. A bill authorizing  
24 the issuance of general obligation bonds creating a state debt for  
25 capital improvements shall contain a statement of the scope of each  
26 [MAJOR] project included in the proposed bond issue. The statement  
27 shall include a brief description of each capital improvement project,  
28 its location, and, in dollars, that portion of the total bond issue to  
29 be allocated to the project.