

Original sponsor: Rodey and Willis

Offered: 4/2/75

Referred: Rules

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 208 am H

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the appointment of registration
7 officials for elections."

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

9 * Section 1. AS 15.07 is amended by adding a new section to read:

10 Sec. 15.07.081. REGISTRATION OFFICIALS. The lieutenant governor
11 shall appoint one or more registration officials to serve in each pre-
12 cinct polling place in all municipal, primary, and general elections
13 during the hours the polling places are open. Registration officials
14 serve without compensation. An election clerk or election judge,
15 appointed under ch. 10 of this title, may also serve as a registration
16 official. If more than one registration official is appointed to serve
17 in a polling place, the major political parties shall be represented.

18 * Sec. 2. AS 15.05.010(4) is amended to read:

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

22 * Sec. 3. AS 15.05.020(2) is amended to read:

23 (2) The residence of a person is that place in which his
24 habitation is fixed, and to which, whenever he is absent, he has the
25 intention to return. If a person resides in one place, but does busi-
26 ness in another, the former is his place of residence. Temporary
27 construction camps do not constitute a dwelling place.

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

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

1 comes without the present intention to establish his permanent dwelling
2 at that place [A RESIDENCE IN A PLACE TO WHICH HE COMES FOR TEMPORARY
3 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 [CHOOSES
8 TO RE-REGISTER, THE RE-REGISTRATION MAY] not [BE MADE] later than 30
9 days preceding an election so that the registration may be amended to
10 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 no
18 evidence of registration in the precinct can be found, shall be granted
19 the right to vote in the same manner as that of a questioned voter and
20 his ballot shall be treated in the same manner. The ballot shall be
21 considered to be a "questioned ballot" and shall be so designated. The
22 lieutenant governor or his representative shall determine whether the
23 voter is registered in the election district before counting the ballot.
24 A voter who has failed to obtain a transfer as provided in (c) of this
25 section shall [MAY] vote [IN THE PRECINCT WHERE REGISTERED OR HE MAY
26 VOTE] a "questioned ballot" in his precinct of residence.

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

28 Sec. 15.10.105. APPOINTMENT OF DIRECTOR OF ELECTIONS. The lieutenant
29 ant governor shall appoint a director of elections to act for him in the

1 supervision of central and regional election offices, the employment and
2 training of election personnel, and the administration of all state
3 elections as well as those municipal elections which the state is
4 required to conduct. The director of elections shall also assist the
5 lieutenant governor in the administration of the voter registration
6 program and the modification of precinct boundaries.

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

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

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

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

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

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

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

29 (b) The lieutenant governor shall prepare and issue [,] or make

1 available [,] with each sample ballot for a special election the [A]
2 statement [, SUBSTANTIALLY LIKE THAT] provided for in AS 24.30.037 [,]
3 of the scope of each [MAJOR] project included in a proposed general
4 obligation bond issue creating a state debt for capital improvements
5 that is submitted to the electorate for ratification [,] under AS 15.15.
6 030(11). The statement of scope for each [MAJOR] project shall be the
7 same statement included in the authorization bill. When a ballot pro-
8 position is submitted to the voters at a primary or a special election,
9 a statement the same as that provided for in the election pamphlet under
10 AS 15.57.010(2) shall be made available with each sample ballot.

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

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

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

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

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

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

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

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

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

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

28 * Sec. 15. AS 15.20.060 is amended to read:

29 Sec. 15.20.060. APPLICATION [TO DISTRICT JUDGE OR MAGISTRATE] IN

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

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

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

13 * Sec. 17. AS 15.20.130 is amended to read:

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

23 * Sec. 18. AS 15.20.170 is amended to read:

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

1 visor for his district.

2 * Sec. 19. AS 15.20.180 is amended to read:

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

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

7 * Sec. 20. AS 15.25.040 is amended to read:

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

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

13 (2) the actual physical delivery by telegram of a copy in
14 substance of the statements made in the declaration at or before 5:00
15 p.m., prevailing time, June 1 of the year in which a general election is
16 held for the office and also the actual physical delivery of the
17 declaration by registered mail which is postmarked at or before
18 5:00 p.m., prevailing time, June 1 of the year in which a general
19 election is held for the office and received not more than 15 days
20 after that time [, AND ALSO THE ACTUAL PHYSICAL DELIVERY OF THE ORIGINAL
21 DECLARATION POSTMARKED AT OR BEFORE 5:00 P.M., PREVAILING TIME, JUNE 1
22 OF THE YEAR IN WHICH A GENERAL ELECTION IS HELD FOR THE OFFICE].

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

29 (c) A candidate for a statewide office shall file with the lieutenant

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

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

12 * Sec. 21. AS 15.25.150 is amended to read:

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

24 * Sec. 22. AS 15.57.010 is repealed and re-enacted to read:

25 Sec. 15.57.010. CONTENTS OF PAMPHLET. The lieutenant governor
26 shall mail to each registered voter of the state before each state
27 general election an election pamphlet containing photographs and cam-
28 paign statements of eligible nominees who desire to participate in the
29 pamphlet. The pamphlet shall also contain

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

4 (2) for each ballot proposition,

5 (A) a neutral summary of the proposition prepared by the
6 Legislative Affairs Agency;

7 (B) a statement by persons or organizations supporting
8 the proposition; and

9 (C) a statement by persons or organizations opposing the
10 proposition; and

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

14 * Sec. 23. AS 15.57.050(a) is amended to read:

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

23 * Sec. 24. AS 15.60.010(13) is amended to read:

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

27 * Sec. 25. AS 24.30.037 is amended to read:

28 Sec. 24.30.037. GENERAL OBLIGATION BOND BILLS. A bill authorizing
29 the issuance of general obligation bonds creating a state debt for

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capital improvements shall contain a statement of the scope of each [MAJOR] project included in the proposed bond issue. The statement shall include a brief description of each capital improvement project, its location, and, in dollars, that portion of the total bond issue to be allocated to the project.

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