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Original sponsor: Rodey and Willis

1 IN THE SENATE

BY THE FREE CONFERENCE COMMITTEE

2 FREE CONFERENCE CS FOR CS FOR SENATE BILL NO. 208

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 elections."

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

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

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

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

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

21 * Sec. 3. AS 15.05.010(6) is amended to read:

22 (6) has registered before the election as required under
23 ch. 7 of this title and is not registered to vote in another juris-
24 isdiction.

25 * Sec. 4. AS 15.05.020(2) is amended to read:

26 (2) The residence of a person is that place in which his
27 habitation is fixed, and to which, whenever he is absent, he has the
28 intention to return. If a person resides in one place, but does busi-
29 ness in another, the former is his place of residence. Temporary

1 construction camps do not constitute a dwelling place.

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

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

7 * Sec. 6. AS 15.07.060(4) is amended to read:

8 (4) term of residence in state and in election district; and
9 whether the applicant has previously been registered to vote in another
10 jurisdiction, and, if so, where;

11 * Sec. 7. AS 15.07.060 is amended by adding a new subsection to read:

12 (b) If the applicant has been previously registered to vote in
13 another jurisdiction, he shall surrender to the registration official
14 any voter registration or identification card or credentials from that
15 jurisdiction the applicant may possess. The lieutenant governor shall
16 notify the chief elections officer in that jurisdiction that the appli-
17 cant has registered to vote in Alaska, request that jurisdiction to
18 cancel the applicant's voter registration there, and return the appli-
19 cant's voter registration or identification card or credentials, if any,
20 to that jurisdiction.

21 * Sec. 8. AS 15.07 is amended by adding a new section to read:

22 Sec. 15.07.065. EXCHANGE OF VOTER REGISTRATION INFORMATION. The
23 lieutenant governor shall enter into reciprocal agreements or other
24 arrangements for the exchange of voter registration information with the
25 election officers in other jurisdictions to ensure that the state's
26 voter registration register is accurate and up to date and to preclude
27 a person from voting in Alaska and in another jurisdiction at the same
28 election, thus preventing election fraud.

29 * Sec. 9. AS 15.07.090(a) is amended to read:

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

7 * Sec. 10. AS 15.07.090(b) is amended to read:

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

12 * Sec. 11. AS 15.07.090(d) is amended to read:

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

23 * Sec. 12. AS 15.10.040 is amended to read:

24 Sec. 15.10.040. RESTRICTION ON PRECINCT BOUNDARY MODIFICATION.
25 No precinct may include territory lying within more than one election
26 district. Whenever practicable, precinct boundaries shall conform to
27 municipal boundaries.

28 * Sec. 13. AS 15.10 is amended by adding new sections to read:

29 Sec. 15.10.105. APPOINTMENT OF DIRECTOR OF ELECTIONS. (a) The

1 lieutenant governor shall appoint a director of elections to act for him
2 in the supervision of central and regional election offices, the employ-
3 ment and training of election personnel, and the administration of all
4 state 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 (b) It is essential that the nonpartisan nature, integrity, credi-
9 bility and impartiality of the administration of elections be maintained.
10 The director of elections and the full-time members of his staff may not
11 join, support or otherwise participate in a partisan political organiza-
12 tion, faction or activity, including but not limited to the making of
13 political contributions. The director of elections and the full-time
14 members of his staff may not hold or campaign for elective office, be an
15 officer of a political party or member or officer of a political com-
16 mittee, permit their name to be used, or make any contributions, in
17 support of or in opposition to a candidate or a ballot proposition or
18 question, participate in any way in a national, state or local election
19 campaign or lobby, employ or assist a lobbyist. However, this subsection
20 does not restrict the director of elections or the full-time members of
21 his staff from expressing private opinion, registering as to party, or
22 voting.

23 Sec. 15.10.107. STAFF TRAINING. The lieutenant governor shall
24 at least annually, and in any event not later than 30 days before each
25 primary and general election in even-numbered years, provide for a
26 comprehensive training program for election officials, both the full-
27 time members of the staff of the division of elections and those who
28 are appointed as election board judges, clerks and counters under
29 secs. 120 - 150 of this chapter and other temporary election employees.

1 * Sec. 14. AS 15.10.150 is amended to read:

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

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

22 * Sec. 15. AS 15.10.170 is amended to read:

23 Sec. 15.10.170. APPOINTMENT AND PRIVILEGES OF WATCHERS. The
24 precinct party committee, where an organized precinct committee exists,
25 or the district party committee where no organized precinct committee
26 exists, may appoint one or more persons as watchers in each precinct and
27 counting center for any election. Each candidate not representing a
28 political party may appoint one or more watchers for each precinct or
29 counting center in his respective district or the state for any elec-

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

22 * Sec. 16. AS 15.15.040(b) is amended to read:

23 (b) The lieutenant governor shall prepare and issue [,] or make
24 available [,] with each sample ballot for a special election the [A]
25 statement [, SUBSTANTIALLY LIKE THAT] provided for in AS 24.30.037 [,]
26 of the scope of each [MAJOR] project included in a proposed general
27 obligation bond issue creating a state debt for capital improvements
28 that is submitted to the electorate for ratification [,] under AS 15.15.
29 030(11). The statement of scope for each [MAJOR] project shall be the

1 same statement included in the authorization bill. When a ballot pro-
2 position is submitted to the voters at a primary or a special election,
3 a statement the same as that provided for in the election pamphlet under
4 AS 15.57.010(2) shall be made available with each sample ballot.

5 * Sec. 17. AS 15.15.215 is amended to read:

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

7 (a) A challenged voter or one who casts a questioned ballot shall vote
8 his ballot in the same manner as prescribed for other voters except that
9 he shall use a paper ballot. After the election judge removes the
10 identification number from the ballot, the challenged voter shall insert
11 the ballot into a small blank envelope, seal it and put the envelope
12 into a larger envelope on which the oath and affidavit he previously
13 signed is located [CONTAINED]. After the election judge removes the
14 identification number from the ballot, the voter who casts a questioned
15 ballot shall insert the ballot into a small blank envelope, seal it, and
16 put the envelope into a larger envelope on which the information con-
17 cerning that voter's residence is located. These larger envelopes [THIS
18 ENVELOPE] shall be sealed and deposited in the ballot box along with
19 their respective [THE] attached statements [STATEMENT] of asserted
20 invalidity. All envelopes shall be counted and compared to the voting
21 list before leaving the place of polling and upon receipt by the offi-
22 cial or body supervising the election. When the ballot box is opened,
23 these envelopes shall be segregated and delivered to the official or
24 body supervising the election. The [WHERE THE] merits of the challenge
25 or question shall be determined by this official or body in accordance
26 with the procedure prescribed for challenged absentee votes in AS 15.20-
27 210.

28 (b) A person who frivolously, maliciously or in bad faith chal-
29 lenges a voter or questions his ballot is guilty of a misdemeanor and

1 upon conviction shall be imprisoned for not more than 30 days or fined
2 not more than \$100, or both.

3 * Sec. 18. AS 15.15.350 is amended to read:

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

15 * Sec. 19. AS 15.20 is amended by adding a new section to read:

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

22 * Sec. 20. AS 15.20.060 is amended to read:

23 Sec. 15.20.060. APPLICATION [TO DISTRICT JUDGE OR MAGISTRATE] IN
24 PERSON OR [,] BY A REPRESENTATIVE [, OR BY MAIL]. A qualified voter may
25 apply [,] in person or [,] by a personal representative [OR BY MAIL,]
26 for an absentee ballot to the election supervisor or election official
27 [DISTRICT JUDGE OR MAGISTRATE] in the election district of the resident
28 voter. [THE APPLICATION BY MAIL SHALL INCLUDE THE NAME OF THE APPLICANT
29 AND BOTH HIS PRESENT ADDRESS TO WHICH THE ABSENTEE BALLOT SHALL BE

1 RETURNED AND HIS FULL LOCAL ALASKA RESIDENT ADDRESS.]

2 * Sec. 21. AS 15.20.120(b) is amended to read:

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

7 * Sec. 22. AS 15.20.130 is amended to read:

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

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

18 Sec. 15.20.170. DISPOSITION OF BALLOTS. Each election official
19 [DISTRICT JUDGE AND MAGISTRATE] who has been designated by an election
20 supervisor or the lieutenant governor to issue absentee ballots shall
21 stamp on the envelope containing the oath the date on which the ballot
22 is received in his office. All ballots received shall be immediately
23 transmitted by the most expeditious mail service to the election super-
24 visor for his district.

25 * Sec. 24. AS 15.20.180 is amended to read:

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

1 * Sec. 25. AS 15.25.040 is amended to read:

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

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

7 (2) the actual physical delivery by telegram of a copy in
8 substance of the statements made in the declaration at or before 5:00
9 p.m., prevailing time, June 1 of the year in which a general election is
10 held for the office and also the actual physical delivery of the
11 declaration by registered mail which is postmarked at or before
12 5:00 p.m., prevailing time, June 1 of the year in which a general
13 election is held for the office and received not more than 15 days
14 after that time [, AND ALSO THE ACTUAL PHYSICAL DELIVERY OF THE ORIGINAL
15 DECLARATION POSTMARKED AT OR BEFORE 5:00 P.M., PREVAILING TIME, JUNE 1
16 OF THE YEAR IN WHICH A GENERAL ELECTION IS HELD FOR THE OFFICE].

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

23 (c) A candidate for a statewide office shall file with the lieutenant
24 ant governor. A candidate for a district-wide office shall file either
25 with [A CLERK OF THE SUPERIOR COURT OR] the lieutenant governor or an
26 election supervisor. If the candidate files his declaration with an
27 election supervisor [A CLERK OF THE SUPERIOR COURT], the election super-
28 visor [CLERK] shall immediately forward the declaration to the lieutenant
29 ant governor.

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

6 * Sec. 26. AS 15.25.150 is amended to read:

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

18 * Sec. 27. AS 15.57.010 is repealed and re-enacted to read:

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

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

27 (2) for each ballot proposition,

28 (A) a neutral summary of the proposition prepared by the
29 Legislative Affairs Agency;

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

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

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

8 * Sec. 28. AS 15.57.050(a) is amended to read:

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

17 * Sec. 29. AS 15.60.010(13) is amended to read:

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

21 * Sec. 30. AS 24.30.037 is amended to read:

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