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Referred: State Affairs

1 IN THE SENATE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

HCS

2 SENATE BILL NO. 269

am (Jud)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing procedures for punch-card voting  
7 in state elections."

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

9 \* Section 1. AS 15.15.030(13) is amended to read:

10 (13) the lieutenant governor may provide for the use of  
11 punch-card voting [PUNCHED CARD BALLOTS] in state elections in any  
12 precincts where data processing equipment is available.

13 \* Sec. 2. AS 15.20 is amended by adding new sections to read:

14 ARTICLE 5. PUNCH-CARD VOTING.

15 Sec. 15.20.590. APPOINTMENT OF OFFICIALS. (a) For every area  
16 of the state designated by him for punch-card voting, the lieutenant  
17 governor shall appoint a Data Processing Review Board which is respon-  
18 sible to him for the evaluation of all computer phases of the election.  
19 The board shall consist of at least three members, at least two of  
20 whom are members of the party whose candidate for governor received  
21 the largest number of statewide votes at the preceding general election,  
22 and at least one of whom is a member of the party whose candidate  
23 received the second largest number of votes. At least one of the  
24 members must be familiar with the election process, and at least two  
25 must have expertise in computer programming and processing. One of  
26 the members who has computer expertise shall be named presiding  
27 officer of the board by the election supervisor.

28 (b) For the computer counting center in his area, each election  
29 supervisor shall appoint

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1 (1) a receiving board consisting of at least one person  
2 from each political party; and

3 (2) a control board consisting of at least one person from  
4 each political party.

5 Sec. 15.20.600. PARTY REPRESENTATION. In secs. 610 - 760 of  
6 this chapter, wherever there is a provision for a person to represent  
7 a political party, he shall be chosen by the appointing official  
8 subject to the approval of the district committee of that party. If  
9 the committee makes a reasonable objection, another person shall be  
10 appointed.

11 Sec. 15.20.610. ALTERNATE SITE. For each computer counting  
12 center, the lieutenant governor shall designate an alternate site, if  
13 available, to be used in the event of equipment failure at the main  
14 location. If no alternate site is available, the election supervisor  
15 shall designate emergency counting teams to be used if the computer  
16 fails.

17 Sec. 15.20.620. TESTS. (a) No later than one week before the  
18 election, the computer program prepared for counting votes cast in the  
19 election must be tested in the presence of and to the satisfaction of  
20 the Data Processing Review Board at both the main and alternate computer  
21 counting centers.

22 (b) In addition to the test specified in (a) of this section, a  
23 total of six tests to insure that the system is functioning properly  
24 shall be conducted in accordance with the following

25 (1) at least one day before the election, at a time specified  
26 by the Data Processing Review Board presiding officer;

27 (2) on the day of the election, one hour before the polls  
28 close; after this test, the computer system shall remain idle and  
29 secure until used to tabulate the votes;

1 (3) immediately after the final vote tabulation is complete;

2 (4) during the final tabulation by computer, a manual count  
3 of different individual races in six precincts chosen at random, shall  
4 be made and the results checked against those of the system;

5 (5) approximately one hour before the processing of the  
6 absentee and challenged ballots; after this the computer system shall  
7 remain idle and secure until used to tabulate the absentee and chal-  
8 lenged ballots;

9 (6) immediately after the final vote tabulation of absentee  
10 and challenged ballots is complete.

11 (c) If a problem is encountered, additional tests may be conducted  
12 as considered necessary.

13 Sec. 15.20.630. DEMONSTRATION. A demonstration of the punch-  
14 card process shall be made available to each voter before he begins  
15 the voting process.

16 Sec. 15.20.640. PROCESSING AT POLLING PLACE. (a) Immediately  
17 after the polls have closed, the ballot box shall be opened by election  
18 board members in full view of all persons present, and all ballots  
19 shall be removed from the ballot envelopes.

20 (b) The ballot cards shall be inspected individually, and any  
21 ballots which are damaged so that they cannot be read by the computer,  
22 or are marked so that the voter can be identified, shall be withdrawn  
23 and placed in the facsimile ballot envelope.

24 (c) The ballots containing write-in votes shall be banded to-  
25 gether and placed behind the other undamaged ballot cards which have  
26 been voted. The facsimile ballot envelope and the envelope containing  
27 questioned and challenged ballots shall be banded to the computer-  
28 ready ballots, and the bundle placed in a special container and sealed,  
29 with the seal signed by the election board members.

1 (d) The special container shall be placed in a transport box  
2 which shall be locked, sealed, or otherwise secured before delivery to  
3 the computer counting center.

4 Sec. 15.20.650. DELIVERY OF BALLOTS TO COMPUTER COUNTING CENTER.  
5 The delivery of ballots from the precinct polling place to the desig-  
6 nated computer counting center shall be made by a delivery team consist-  
7 ing of two members of the election board, one from each of the two  
8 major political parties. The delivery team shall accompany the ballots  
9 from the precinct polling place to the receiving board at the computer  
10 counting center.

11 Sec. 15.20.660. RECEIPT OF BALLOTS AT COMPUTER COUNTING CENTER.

12 (a) A state trooper shall be on duty at the computer counting center  
13 during the processing of ballots.

14 (b) Immediately inside the computer counting center the receiving  
15 board shall

16 (1) receive the transport box and examine the seal; if the  
17 seal is damaged or otherwise not intact the board shall notify the  
18 election supervisor immediately; if the seal is intact the receiving  
19 board shall sign a receipt to that effect and acknowledge delivery;

20 (2) check the precinct off on a log sheet, enter the arrival  
21 time, initial the entry, and have the delivery team sign the log  
22 sheet; and

23 (3) deliver the special container to the control board.

24 Sec. 15.20.670. RECEIPT OF BALLOTS BY CONTROL BOARD. The control  
25 board shall

26 (1) cut the seal and remove all ballots and envelopes from  
27 the special container;

28 (2) insert the proper header and end cards into the ballots;

29 (3) place the ballot bundles and facsimile envelope in a

1 tray for delivery to the computer room; and

2 (4) give the envelope containing questioned and challenged  
3 ballots to the Data Processing Review Board.

4 Sec. 15.20.680. COUNTING OF BALLOTS BY COMPUTER. (a) All pro-  
5 cessing in the computer room shall be under the supervision of the  
6 Data Processing Review Board presiding officer. The presiding officer  
7 shall resolve any problems which arise by consulting with other members  
8 of the board.

9 (b) The computer operator shall process the ballots by

10 (1) picking up the ballots of one precinct; removing any  
11 ballots he finds to be defective and adding them to the facsimile  
12 envelope;

13 (2) comparing the precinct identification on the header  
14 card against that of the envelope to insure that they are the same;  
15 any discrepancy noted shall be brought to the attention of the presiding  
16 officer of the Data Processing Review Board;

17 (3) placing the cards in the computer card reader and  
18 activating it;

19 (4) returning the counted ballots with the write-in ballots  
20 still separated, and the facsimile envelope to the Data Processing  
21 Review Board.

22 Sec. 15.20.690. ALTERNATE SITE COUNTING. (a) A computer engineer  
23 shall be on standby duty during the entire vote counting process. If  
24 equipment failure occurs and the Data Processing Review Board determines  
25 that repairs cannot be made within a reasonable time, the computer  
26 room process shall be moved to the alternate site if one is available.  
27 If an alternate site is not available, all ballots, including those  
28 previously counted, shall be counted manually in the computer counting  
29 center.

1 (b) If an alternate site is available, all ballots including  
2 those previously counted shall be boxed, and a receipt prepared. The  
3 ballot programs shall also be sealed. The sealed material shall then  
4 be transported to the alternate location accompanied by a state trooper,  
5 the election supervisor, the computer operator, and the Data Processing  
6 Review Board. On arrival at the alternate site, the board shall  
7 initiate a test run to insure that the computer is functioning properly.  
8 After checking the seals on all containers, the supervisor and presiding  
9 officer shall sign the receipt and open all of the materials. All  
10 of the ballots shall be counted at the alternate site, including those  
11 already counted at the main location.

12 (c) After processing is completed, the write-in ballots, the  
13 facsimile envelope, and the envelope containing the challenged and  
14 questioned ballots shall be given to the election supervisor, and the  
15 remaining ballots shall again be sealed and transported to a designated  
16 place of security. All computer tapes resulting from the aborted  
17 counting operation shall be erased and the summary cards destroyed.

18 Sec. 15.20.700. DISPOSITION OF BALLOTS. (a) The ballots which  
19 have been counted in the computer room shall be sealed by the Data  
20 Processing Review Board. The sealed ballots shall then be transported  
21 to a designated place of security. The facsimile envelopes, questioned  
22 and challenged ballots shall be sealed and given to the election  
23 supervisor for tallying. Any ballots containing write-in votes shall  
24 be sealed and given to the election supervisor for tallying by the  
25 district absentee ballot canvassing board.

26 (b) A representative of the lieutenant governor's office and a  
27 state trooper shall meet any aircraft carrying computer ballots to the  
28 capital, and accompany them to the security area there.

29 (c) The ballot image magnetic tape which contains an exact image

1 of each counted ballot shall be retained in a secure manner by the  
2 election supervisor until the lieutenant governor determines that it  
3 is no longer needed.

4 Sec. 15.20.710. REPORT OF PARTIAL RESULTS. The presiding officer  
5 of the Data Processing Review Board may authorize activation of the  
6 print program to provide partial results, if time permits. This  
7 print-out shall be released to the presiding officer of the Data  
8 Processing Review Board who shall file the original with the control  
9 board and provide copies for posting and distribution to news media  
10 representatives.

11 Sec. 15.20.720. PUBLIC OBSERVATION. The punch-card counting  
12 process shall be available for public viewing by closed circuit tele-  
13 vision, or by direct observation to the extent that election officials  
14 and computer personnel will not be hindered in the performance of  
15 their duties.

16 Sec. 15.20.730. INTERPRETATION OF BALLOT MARKS. (a) A vote for  
17 a candidate whose name is not printed on the ballot shall be counted  
18 only if the name is written in, the square following it is punched,  
19 and the number of punches does not exceed the number of offices avail-  
20 able. A write-in vote for a candidate whose name is also printed on  
21 the ballot may be counted only if the square following the written  
22 name is punched, the square following the printed name is not punched,  
23 and the number of punches does not exceed the number of offices avail-  
24 able.

25 (b) The computer shall be programmed to count ballots as follows

26 (1) a vote may be counted only if the punch is clearly  
27 spaced in the square designated by a plus sign following the name of  
28 the candidate the voter desires to select;

29 (2) if there is only one plus-marked square for a team

1 whose names are on separate lines, such as president and vice-president  
2 or governor and lieutenant governor, a punch in the square or elsewhere  
3 in the rectangle following the names shall be counted for that team;

4 (3) a failure to properly punch a ballot card as to one or  
5 more candidates does not itself invalidate the entire ballot;

6 (4) if a voter punches fewer names than there are persons  
7 to be elected to the office, a vote shall be counted for each candidate  
8 properly marked;

9 (5) if a voter punches more names than there are persons to  
10 be elected to the office, the votes for candidates to that office  
11 shall not be counted;

12 (6) improper marks on the ballots shall not be counted and  
13 shall not invalidate punches for candidates properly made;

14 (7) an erasure or correction invalidates only that section  
15 of the ballot in which it appears;

16 (8) a vote marked for the candidate for President of the  
17 United States is considered and counted as a vote for the election of  
18 presidential electors.  
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