

Original sponsor: By the Rules Committee
by request of the Governor

Offered: 4/28/75
Referred: Judiciary

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 269

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 area 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

1 (1) a receiving board consisting of at least one person from
2 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. 590 - 730 of this
6 chapter, wherever there is a provision for a person to represent a
7 political party, he shall be chosen by the appointing official subject
8 to the approval of the district committee of that party. If the commit-
9 tee makes a reasonable objection, another person shall be appointed.

10 Sec. 15.20.610. ALTERNATE SITE. For each computer counting
11 center, the lieutenant governor shall designate an alternate site, if
12 available, to be used in the event of equipment failure at the main
13 location. If the computer fails and no alternate site is available, the
14 election supervisor shall designate emergency counting teams to handcount
15 punch-card ballots in the manner prescribed for paper ballots.

16 Sec. 15.20.620. TESTS AND SECURITY. (a) No later than one week
17 before the election, the computer punch-card vote counting program must
18 be tested in the presence of and to the satisfaction of the Data Proces-
19 sing Review Board. Testing shall take place at both the main and
20 alternate computer counting centers.

21 (b) In addition to the test specified in (a) of this section other
22 tests shall be made to ensure that the system is functioning properly

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

25 (2) on the day of the election one hour before the polls
26 close;

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

28 (4) approximately one hour before the processing of the
29 absentee and challenged ballots; and

1 (5) immediately after the final vote tabulation of absentee
2 and challenged ballots is complete.

3 (c) As a security precaution, after the computer has been tested
4 as prescribed in (b)(2) and (4) of this section, the computer system
5 shall remain idle and the area secured until tabulation of punch-card
6 ballots begins.

7 (d) During the final tabulation by computer, a manual count of
8 different individual races in six precincts chosen at random shall be
9 made, and the results checked against those of the system.

10 (e) If a problem is encountered during any of the testing or
11 tabulating procedures, additional tests may be conducted as considered
12 necessary.

13 Sec. 15.20.630. DEMONSTRATION. A demonstration of the punch-card
14 process shall be made available to each voter at the polling place
15 before he begins 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 shall
19 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 together
25 and placed behind the other undamaged ballot cards which have been
26 voted. The facsimile ballot envelope and the envelope containing
27 questioned and challenged ballots shall be banded to the computer-ready
28 ballots, and the bundle placed in a special container and sealed, with
29 the seal signed by the election board members.

1 (d) The special container shall be placed in a transport box which
2 shall be locked, sealed, or otherwise secured before delivery to the
3 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 major
8 political parties. The delivery team shall accompany the ballots from
9 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 sheet;
22 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 Data
6 Processing Review Board presiding officer. The presiding officer shall
7 resolve any problems which arise by consulting with other members of
8 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 card
14 against that of the envelope to insure that they are the same; any
15 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 acti-
18 vating 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 service
23 technician shall be on standby duty during the entire vote counting
24 process. If equipment failure occurs and the Data Processing Review
25 Board determines that repairs cannot be made within a reasonable time,
26 the computer room process shall be moved to the alternate site if one is
27 available. If an alternate site is not available, all ballots, including
28 those previously counted, shall be counted manually in the computer
29 counting center.

1 (b) If an alternate site is available, all ballots including those
2 previously counted shall be boxed, and a receipt prepared. The ballot
3 programs shall also be sealed. The sealed material shall then be trans-
4 ported to the alternate location accompanied by a state trooper, the
5 election supervisor, the computer operator, and the Data Processing
6 Review Board. On arrival at the alternate site, the board shall initiate
7 a test run to insure that the computer is functioning properly. After
8 checking the seals on all containers, the supervisor and presiding
9 officer shall sign the receipt and open all of the materials. All of
10 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 super-
23 visor for tallying. Any ballots containing write-in votes shall be
24 sealed and given to the election supervisor for tallying by the district
25 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 is
3 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 print-
7 out shall be released to the presiding officer of the Data Processing
8 Review Board who shall file the original with the control board and
9 provide copies for posting and distribution to news media representatives.

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

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

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

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

27 (2) if there is only one plus-marked square for a team whose
28 names are on separate lines, such as president and vice-president or
29 governor and lieutenant governor, a punch in the square or elsewhere in

1 the rectangle following the names shall be counted for that team;

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

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

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

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

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

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