

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

Offered: 5/13/75  
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 269 (Judiciary)

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 one member  
20 shall be a member of the political party whose candidate for governor  
21 received the largest number of statewide votes at the preceding general  
22 election, one shall be a member of the party whose candidate received  
23 the second largest number of votes, and one shall be registered to vote  
24 either as an "independent" or "nonpartisan" or shall have declined to  
25 state his party affiliation when registering to vote. At least one of  
26 the members must be familiar with the election process, and at least two  
27 must have some expertise in computer programming and processing. The  
28 election supervisor shall name one of the members who has sufficient  
29 familiarity with computer programming and operations as presiding

1 officer of the board.

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

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

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

8 Sec. 15.20.600. PARTY REPRESENTATION. In secs. 590 - 730 of this  
9 chapter, wherever there is a provision for a person to represent a  
10 political party, he shall be chosen by the appointing official subject  
11 to the approval of the district committee of that party. If the commit-  
12 tee makes a reasonable objection, another person shall be appointed.

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

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

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

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

28 (2) on the day of the election one hour before the polls  
29 close;

1 (3) immediately after the final vote tabulation is complete;  
2 (4) approximately one hour before the processing of the  
3 absentee and challenged ballots; and

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

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

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

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

16 Sec. 15.20.630. DEMONSTRATION. A demonstration of the punch-card  
17 process shall be made available to each voter at the polling place  
18 before he begins the voting process and each voter shall be informed  
19 that the demonstration is available.

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

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

28 (c) The ballots containing write-in votes shall be banded together  
29 and placed behind the other undamaged ballot cards which have been

1 voted. The facsimile ballot envelope and the envelope containing  
2 questioned and challenged ballots shall be banded to the computer-ready  
3 ballots, and the bundle placed in a special container and sealed, with  
4 the seal signed by the election board members.

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

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

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

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

18 (b) Immediately inside the computer counting center the receiving  
19 board shall

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

24 (2) check the precinct off on a log sheet, enter the arrival  
25 time, initial the entry, and have the delivery team sign the log sheet;  
26 and

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

28 Sec. 15.20.670. RECEIPT OF BALLOTS BY CONTROL BOARD. The control  
29 board shall

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

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

4 (3) place the ballot bundles and facsimile envelope in a  
5 tray for delivery to the computer room; and

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

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

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

14 (1) picking up the ballots of one precinct; removing any  
15 ballots he finds to be defective and adding them to the facsimile  
16 envelope;

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

21 (3) placing the cards in the computer card reader and acti-  
22 vating it;

23 (4) returning the counted ballots with the write-in ballots  
24 still separated, and the facsimile envelope to the Data Processing  
25 Review Board.

26 Sec. 15.20.690. ALTERNATE SITE COUNTING. (a) A computer service  
27 technician shall be on standby duty during the entire vote counting  
28 process. If equipment failure occurs and the Data Processing Review  
29 Board determines that repairs cannot be made within a reasonable time,

1 the computer room process shall be moved to the alternate site if one is  
2 available. If an alternate site is not available, all ballots, including  
3 those previously counted, shall be counted manually in the computer  
4 counting center.

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

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

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

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

4 (c) The ballot image magnetic tape which contains an exact image  
5 of each counted ballot shall be retained in a secure manner by the  
6 election supervisor until the lieutenant governor determines that it is  
7 no longer needed.

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

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

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

27 (b) The computer shall be programmed to count ballots as follows  
28 (1) a vote may be counted only if the punch is clearly  
29 spaced in the square designated by a plus sign following the name of the

1 candidate the voter desires to select;

2 (2) if there is only one plus-marked square for a team whose  
3 names are on separate lines, such as president and vice-president or  
4 governor and lieutenant governor, a punch in the square or elsewhere in  
5 the rectangle following the names shall be counted for that team;

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

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

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

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

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

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