

Original sponsor: Miller

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1 IN THE HOUSE BY THE 2d FREE CONFERENCE COMMITTEE
2 2d FREE CONFERENCE CS FOR HOUSE BILL NO. 3
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to elections and election campaign
7 contributions; and providing for an effective date."

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

9 * Section 1. AS 15.05.010 is amended to read:

10 Sec. 15.05.010. VOTER QUALIFICATION. A person may vote at any
11 election who

12 (1) is a citizen of the United States;

13 (2) is 18 years of age or older [HAS PASSED HIS 18TH BIRTH-
14 DAY];

15 (3) (repealed)

16 (4) has been a resident of the state and of the election
17 district in which he seeks to vote for at least 30 days just before the
18 election; and

19 (5) (repealed)

20 (6) has registered before the election as required under
21 AS 15.07 and is not registered to vote in another jurisdiction.

22 * Sec. 2. AS 15.05 is amended by adding a new section to read:

23 Sec. 15.05.011. QUALIFICATIONS OF OVERSEAS VOTERS. (a) A person
24 residing outside the United States may register and vote absentee by
25 qualifying under this section.

26 (b) Before registering a person under this section, the director
27 shall determine that the person

28 (1) was domiciled in the state immediately before leaving the
29 United States;

1 (2) meets the qualifications established in AS 15.05.010(1)
2 and (2);

3 (3) has not established a domicile in another state, terri-
4 tory, or possession of the United States since leaving this state;

5 (4) is not registered to vote and has not voted in another
6 state, territory, or possession of the United States since leaving this
7 state;

8 (5) has a valid passport, card of identity and registration,
9 or other identification issued under the authority of the United States
10 Secretary of State, and identification complying with the requirements
11 of this title.

12 (c) Lack of a place of abode in the state or lack of intent to
13 return to the state does not disqualify a person who qualifies under (b)
14 of this section.

15 (d) A person registered under this section may vote in a federal
16 election in this state.

17 * Sec. 3. AS 15.05.020(10) is amended to read:

18 (10) the address of a voter as it appears on his official
19 voter registration card is presumptive evidence of the person's voting
20 residence. If the person has changed his voting residence, this pre-
21 sumption is negated only by the voter executing an affidavit on a form
22 prepared by the director [LIEUTENANT GOVERNOR] setting out his new
23 voting residence.

24 * Sec. 4. AS 15.05.030 is repealed and re-enacted to read:

25 Sec. 15.05.030. LOSS AND RESTORATION OF VOTING RIGHTS. (a) A
26 person convicted of a crime that constitutes a felony involving moral
27 turpitude under state law may not vote in a state or a municipal elec-
28 tion from the date of the conviction through the date of the restoration
29 of voting rights under this section. The right to vote withdrawn under

1 this section is automatically restored upon the unconditional discharge
2 of the person.

3 (b) The commissioner of health and social services shall establish
4 procedures by which a person unconditionally discharged is advised of
5 the restoration of voting rights withdrawn by a conviction.

6 * Sec. 5. AS 15.07.010 is amended to read:

7 Sec. 15.07.010. REGISTRATION OF VOTERS. The precinct election
8 judges at any election shall allow a person to vote whose name is on
9 the official registration list for that precinct [REGISTERED] and who is
10 qualified under AS 15.05.010 - 15.05.040 [IN THE PRECINCT IN WHICH HE
11 INTENDS TO VOTE]. A person whose name is not on the official registra-
12 tion list shall be allowed to vote a questioned ballot.

13 * Sec. 6. AS 15.07.030 is amended by adding a new subsection to read:

14 (b) A person qualified under AS 15.05.011 to vote by absentee
15 ballot in a federal election is entitled to be registered as a voter in
16 the election district in which he resided immediately before departure
17 from the United States.

18 * Sec. 7. AS 15.07.040 is amended to read:

19 Sec. 15.07.040. TIME FOR REGISTRATION. A person who is qualified
20 under AS 15.05.010(1) - (4) is entitled to register at any time through-
21 out the year except that a person under 18 years of age may register at
22 any time within 90 days immediately preceding his 18th birthday [NO RE-
23 GISTRATION WILL BE MADE FOR A PERIOD OF 30 DAYS PRECEDING THE ELECTION].

24 * Sec. 8. AS 15.07.060 is amended to read:

25 Sec. 15.07.060. REQUIRED REGISTRATION INFORMATION. (a) Each
26 applicant who requests registration or re-registration shall supply the
27 following information under oath:

28 (1) name and sex;

29 (2) address and other necessary information establishing

1 residence if requested;

2 (3) [ELECTION DISTRICT AND PRECINCT AS OF THE DATE OF REGIS-
3 TRATION;]

4 (4) term of residence in state and in election district; and
5 whether the applicant has previously been registered to vote in another
6 jurisdiction, and, if so, the jurisdiction and the address of the pre-
7 vious registration [WHERE];

8 (5) a declaration that the registrant will be 18 years of age
9 or older within 90 days of the date of registration [ON OR BEFORE THE
10 DATE OF THE NEXT STATEWIDE ELECTION];

11 (6) a declaration that the registrant is a citizen of the
12 United States;

13 (7) date of application;

14 (8) signature or mark.

15 (b) If the applicant has been previously registered to vote in
16 another jurisdiction, he shall surrender to the registration official
17 any voter registration or identification card or credentials from that
18 jurisdiction the applicant may possess. The director [LIEUTENANT GOVER-
19 NOR] shall notify the chief elections officer in that jurisdiction that
20 the applicant has registered to vote in Alaska, request that juris-
21 diction to cancel the applicant's voter registration there, and return
22 the applicant's voter registration or identification card or creden-
23 tials, if any, to that jurisdiction.

24 (c) If application for registration is made in person before a
25 registration official, the applicant shall exhibit one form of identi-
26 fication to the official, including but not limited to a driver's li-
27 cence, birth certificate, passport, hunting or fishing license. A
28 registration official who knows the identity of the applicant may waive
29 the identification requirement.

1 (d) If the applicant requests re-registration, the applicant shall
2 supply under oath any former name under which the applicant was regis-
3 tered to vote in the state.

4 * Sec. 9. AS 15.07.070 is amended to read:

5 Sec. 15.07.070. PROCEDURE FOR REGISTRATION. (a) The director
6 may adopt [LIEUTENANT GOVERNOR SHALL PROMULGATE RULES AND] regulations
7 under the Administrative Procedure Act (AS 44.62) relating to the regis-
8 tration of voters consistent with the requirements [PROVISIONS] of this
9 section [TO ENABLE VOTERS TO REGISTER].

10 (b) To register by mail the director [LIEUTENANT GOVERNOR] or the
11 area election supervisor shall furnish, upon request, and at no cost to
12 the voter, forms prepared by the director [LIEUTENANT GOVERNOR] on which
13 the registration information required under AS 15.07.060 shall be in-
14 serted by the voter, or by a person on behalf of the voter if he is
15 physically incapacitated. The forms shall be executed before a notary
16 public, a commissioned officer of the armed forces including the National
17 Guard, a district judge or magistrate, a United States postal official,
18 or other person qualified to administer oaths. If none of the officials
19 listed in this subsection is reasonably accessible, the person shall have
20 the forms witnessed by two persons over the age of 18 years, and, in
21 addition, shall provide the certification required by AS 09.65.012 [TWO
22 ALASKA RESIDENTS IF THE PERSON REGISTERING IS IN THE STATE. IF THE
23 PERSON IS OUTSIDE THE STATE, THE FORMS SHALL BE EXECUTED BEFORE A PERSON
24 QUALIFIED TO ADMINISTER OATHS]. The director may require proof of
25 identification of the applicant as required by regulations adopted by
26 the director under the Administrative Procedure Act (AS 44.62). Upon
27 receipt and approval of the completed registration forms the director
28 [LIEUTENANT GOVERNOR] or the election supervisor shall forward to the
29 voter an acknowledgment in the form of a registration card, and his name

1 shall immediately be placed on the master register located in the office
2 of the director [LIEUTENANT GOVERNOR] and on the district register
3 located in the office of the election supervisor. If the registration
4 is denied, the voter shall immediately be informed in writing by certi-
5 fied or registered letter that registration was denied and the reason
6 for denial.

7 (c) The names of persons submitting completed registration forms
8 [ALL APPLICATIONS FOR REGISTRATION] by mail which are [SHALL BE] post-
9 marked at least 30 days before the next [ENSUING PRIMARY OR GENERAL]
10 election shall be placed on the official registration list for that
11 election. The name of a person submitting a completed registration
12 form by mail [AN APPLICATION TO REGISTER] which was not postmarked
13 before the 30-day requirement shall not be placed on the official regis-
14 tration list for the next election but shall be placed on the master
15 register after that election [CONSIDERED TO BE INVALID, BUT SHALL BE
16 CONSIDERED BY THE LIEUTENANT GOVERNOR AS AN APPLICATION BY THE VOTER TO
17 BE REGISTERED TO VOTE IN THE NEXT SUBSEQUENT PRIMARY OR GENERAL ELECTION
18 AND TO REMAIN ON THE MASTER REGISTER THEREAFTER].

19 (d) Qualified voters may register in person before a registration
20 official at any time throughout the year, except that no person regis-
21 tering [REGISTRATION MAY BE MADE] within 30 days preceding an election
22 may vote at that election. Upon receipt and approval of the registra-
23 tion forms the director [LIEUTENANT GOVERNOR] or the election supervisor
24 shall forward to the voter an acknowledgment in the form of a registra-
25 tion card and his name shall immediately be placed on the master regis-
26 ter located in the office of the director [LIEUTENANT GOVERNOR] and on
27 the district register located in the office of the election supervisor.
28 Names of persons registering at least 30 days before an election shall
29 be placed on the official registration list for that election.

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(e) (repealed)

(f) Incomplete or inaccurate registration forms may not be accepted and shall be re-executed. The date of registration shall be the date of re-execution before a registration official or the postmark date if the application for registration is by mail.

* Sec. 10. AS 15.07.081 is amended to read:

Sec. 15.07.081. REGISTRATION OFFICIALS. The director [LIEUTENANT GOVERNOR] shall appoint one or more registration officials to serve in each precinct polling place in all [MUNICIPAL, PRIMARY, AND GENERAL] elections during the hours the polling places are open. [REGISTRATION OFFICIALS SERVE WITHOUT COMPENSATION.] An election clerk or election judge, appointed under AS 15.10, may also serve as a registration official. If more than one registration official is appointed to serve in a polling place, each [THE MAJOR] political party [PARTIES] shall be represented.

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

(a) A voter whose name is changed by marriage or court order may vote under the previous name, but if the voter desires to use the new name, he or she shall notify the director [LIEUTENANT GOVERNOR] not later than 30 days preceding an election so that the registration may be amended to reflect the change.

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

(c) The director [LIEUTENANT GOVERNOR] shall transfer the registration of a voter from one precinct to another within an election district when requested by the voter. The request shall be made 30 or more days before the election day. The director [LIEUTENANT GOVERNOR] shall transfer the registration of a voter from one election district to another when requested by the voter. The voter must reside in his new election district for at least 30 days in order to vote.

1 * Sec. 13. AS 15.07.100 is amended to read:

2 Sec. 15.07.100. REGISTRATION OFFICIALS. (a) The director [LIEU-
3 TENANT GOVERNOR] shall appoint one or more registration officials in
4 each precinct. When more than one registration official is appointed to
5 serve in a precinct, each [MAJOR] political party shall be represented.
6 However, any precinct containing more than 250 voters must have at least
7 two registration officials, one from each [MAJOR] political party.
8 The registration official shall be a qualified state voter and shall
9 take an oath to honestly, faithfully and promptly perform the duties of
10 his office.

11 (b) Training for registration officials shall be provided by the
12 director. On the completion of training, the director may require
13 that officials demonstrate their competence by a test or other method.

14 (c) A registration official serves at the pleasure of the director.
15 Each registration official shall be periodically evaluated by the direc-
16 tor based on the completeness of the registration forms, timely filing of
17 registration forms, and the voter registration activity attributed to the
18 registration official.

19 (d) A registration official shall transmit completed voter regis-
20 tration forms to the election supervisor within five days following com-
21 pletion by the voter.

22 * Sec. 14. AS 15.07.110 is repealed and re-enacted to read:

23 Sec. 15.07.110. PAYMENT FOR REGISTRATION. The director shall pay
24 each registration official serving between elections a sum set by regu-
25 lation adopted by the director which may not exceed \$1 for each regis-
26 tration or change of registration personally made by the registration
27 official. The director may not pay a registration official for voter
28 registration forms postmarked later than five days following completion
29 by the voter.

1 * Sec. 15. AS 15.07.120 is amended to read:

2 Sec. 15.07.120. CUSTODY OF REGISTERS. A master register shall at
3 all times remain in the custody of the director [LIEUTENANT GOVERNOR].
4 The area election supervisor shall likewise maintain a register of all
5 voters within the precincts of the area election district he supervises.

6 * Sec. 16. AS 15.07 is amended by adding a new section to read:

7 Sec. 15.07.125. OFFICIAL REGISTRATION LIST. The director shall
8 prepare an official registration list for each election consisting of
9 all names appearing on the master register 30 days before the election.
10 A list of persons eligible to vote in each precinct at that election
11 shall be prepared from the official registration list.

12 * Sec. 17. AS 15.07.130(b) is amended to read:

13 (b) When a registered voter has not re-registered or has not
14 indicated in writing a desire to remain registered as provided in this
15 subsection within the preceding two years or has not voted in [EITHER] a
16 local, regional school board, primary, special or general election at
17 least once in two [FOUR] consecutive calendar years, the voter shall be
18 advised by mail sent to his last known address that his registration
19 will be cancelled unless he indicates within 90 days on forms furnished
20 by the director [LIEUTENANT GOVERNOR] his desire to remain registered.

21 * Sec. 18. AS 15.07.130(c) is amended to read:

22 (c) The director [LIEUTENANT GOVERNOR] shall obtain from the
23 office of vital statistics a certified list of [DEATH CERTIFICATES AND
24 PRESUMPTIVE DEATH CERTIFICATES FOR] all residents over 18 years of age
25 who have died or who have been presumptively declared dead. The
26 director [LIEUTENANT GOVERNOR] shall cancel the registration of all
27 deceased voters.

28 * Sec. 19. AS 15.07.130 is amended by adding new subsections to read:

29 (d) The director shall make reasonable efforts to obtain the names

1 of persons convicted of a felony involving moral turpitude. The direc-
2 tor shall also make reasonable efforts to obtain the names of persons
3 unconditionally discharged from custody. The director shall suspend the
4 registration of a person convicted of a felony involving moral turpitude
5 until the person is unconditionally discharged from custody.

6 (e) Within 60 days after each election held in a municipality, the
7 municipal clerk shall certify and send to the director the official
8 registration list containing the names, residence addresses, and voter
9 numbers of all persons voting in each precinct in that election. The
10 names of the persons who voted in the municipal election shall be
11 indicated on the official registration list sent to the director by the
12 municipal clerk.

13 * Sec. 20. AS 15.07.140 is amended to read:

14 Sec. 15.07.140. GENERAL ADMINISTRATIVE SUPERVISION BY DIRECTOR
15 [LIEUTENANT GOVERNOR]. The director [LIEUTENANT GOVERNOR] shall provide
16 general administrative supervision over the registration and re-
17 registration of voters [AND MAY ISSUE REGULATIONS UNDER THE ADMINISTRA-
18 TIVE PROCEDURE ACT (AS 44.62) NECESSARY TO PROTECT THE INTEREST OF THE
19 VOTER AND ASSURE ADMINISTRATIVE EFFICIENCY; HOWEVER, THE LIEUTENANT
20 GOVERNOR MAY NOT ISSUE OR PROMULGATE ADMINISTRATIVE REGULATIONS WHICH
21 ARE INCONSISTENT WITH THE PROVISIONS OF THIS CHAPTER]. The director
22 [LIEUTENANT GOVERNOR] shall, no later than 40 days before any [PRIMARY
23 OR GENERAL] election, arrange to have the list of registered voters of
24 the precinct publicly displayed [IN THE PRECINCT]. The director [LIEU-
25 TENANT GOVERNOR] shall instruct registration officials to post the list
26 of registered voters in a number of locations calculated to obtain
27 maximum recognition. Upon request by the mayor or [CITY] manager of a
28 municipality [OR A BOROUGH CHAIRMAN] the director [LIEUTENANT GOVERNOR]
29 shall furnish registration information for all precincts all or part of

1 which are within the boundaries of the local government unit.

2 * Sec. 21. AS 15.07.200 is amended to read:

3 Sec. 15.07.200. REGISTRATION SUPERVISION. The registration pro-
4 gram is under the supervision of the director [LIEUTENANT GOVERNOR] in
5 accordance with AS 15.10.110.

6 * Sec. 22. AS 15.10.020 is amended to read:

7 Sec. 15.10.020. PRECINCT BOUNDARIES AND POLLING PLACES MODIFIED BY
8 DIRECTOR [LIEUTENANT GOVERNOR]. The director [LIEUTENANT GOVERNOR]
9 shall have the exclusive power to modify the boundary of a precinct and
10 to establish or abolish a precinct and polling place in the state by
11 regulations [RULES] adopted under the Administrative Procedure Act
12 (AS 44.62).

13 * Sec. 23. AS 15.10.030 is amended to read:

14 Sec. 15.10.030. UNIFORM PRECINCT BOUNDARIES REQUIRED FOR STATE AND
15 LOCAL ELECTIONS. The precinct boundaries established by the director
16 [LIEUTENANT GOVERNOR] shall be the boundaries for both state and local
17 elections. The director [LIEUTENANT GOVERNOR] by regulation pursuant to
18 the provisions of the Administrative Procedure Act (AS 44.62) may autho-
19 rize the combining, consolidation, or altering of precinct boundaries
20 for local elections.

21 * Sec. 24. AS 15.10.050 is amended to read:

22 Sec. 15.10.050. GENERAL DUTY AND STANDARD FOR PRECINCT BOUNDARY
23 MODIFICATION. The director [LIEUTENANT GOVERNOR] shall modify the
24 boundary of a precinct, and shall establish or abolish a precinct if the
25 action serves the convenience of the voters and assures the efficient
26 administration of election laws.

27 * Sec. 25. AS 15.10.080 is amended to read:

28 Sec. 15.10.080. DATES FOR DESIGNATING PRECINCT BOUNDARY. The
29 director [LIEUTENANT GOVERNOR] shall designate boundaries of an election

1 precinct which has been established or modified, not later than 40 days
2 before an election.

3 * Sec. 26. AS 15.10.090 is amended to read:

4 Sec. 15.10.090. NOTICE OF PRECINCT BOUNDARY DESIGNATION AND MODI-
5 FICATION. The director [LIEUTENANT GOVERNOR] shall give full public
6 notice when precinct boundaries are designated and when the boundaries
7 of a precinct are modified or when a precinct is established or abol-
8 ished. Public notice shall include, but is not limited to, the publica-
9 tion on three different days in a daily newspaper of general circula-
10 tion, if such a newspaper is published in the election district where
11 the precinct is located, [AND] by posting written notice in three con-
12 spicuous places in the designated precinct, and by notification to appro-
13 priate municipal clerks.

14 * Sec. 27. AS 15.10.100 is amended to read:

15 Sec. 15.10.100. JUDICIAL REVIEW OF PRECINCT BOUNDARY. Any person
16 aggrieved by a determination of precinct boundaries by the director
17 [LIEUTENANT GOVERNOR] may bring a civil action to have the determination
18 reviewed in the superior court. If the action receives final determina-
19 tion within 40 [15] days before the election, the director [LIEUTENANT
20 GOVERNOR] shall not make the required modification in precinct boundaries
21 until immediately after the election.

22 * Sec. 28. AS 15.10.105(a) is amended to read:

23 Sec. 15.10.105. ADMINISTRATION [APPOINTMENT OF DIRECTOR] OF ELEC-
24 TIONS. (a) The lieutenant governor shall control and supervise the
25 division of elections. The lieutenant governor shall appoint a director
26 of elections. The director shall [TO] act for him in the supervision of
27 central and regional election offices, the employment and training of
28 election personnel, and the administration of all state elections as
29 well as those municipal elections which the state is required to con-

1 duct. The director serves at the pleasure of the lieutenant governor
2 [OF ELECTIONS SHALL ALSO ASSIST THE LIEUTENANT GOVERNOR IN THE ADMINIS-
3 TRATION OF THE VOTER REGISTRATION PROGRAM AND THE MODIFICATION OF PRE-
4 CINCT BOUNDARIES].

5 * Sec. 29. AS 15.10.107 is amended to read:

6 Sec. 15.10.107. STAFF TRAINING. The director [LIEUTENANT GOVER-
7 NOR] shall, [AT LEAST ANNUALLY, AND IN ANY EVENT NOT LATER THAN 30 DAYS]
8 before each primary [AND GENERAL] election in even-numbered years,
9 provide for a comprehensive training program for election officials,
10 both the full-time members of the staff of the division of elections and
11 those who are appointed as election board judges, clerks and counters
12 under AS 15.10.120 - 15.10.150 and other temporary election employees.

13 * Sec. 30. AS 15.10.110 is amended to read:

14 Sec. 15.10.110. APPOINTMENT OF ELECTION SUPERVISORS. The director
15 [LIEUTENANT GOVERNOR] shall appoint election supervisors, including one
16 in each of the municipalities of Juneau, Anchorage, Fairbanks and Nome,
17 to assist in the administration of elections in the election districts
18 designated by the director [LIEUTENANT GOVERNOR]. The director [LIEU-
19 TENANT GOVERNOR] may appoint as an election supervisor a person who is a
20 qualified voter in the area over which he has jurisdiction and who does
21 not hold an office in a political party. An election supervisor is
22 entitled to receive compensation in an amount that is comparable to that
23 received for similar state employment as determined by the director
24 [LIEUTENANT GOVERNOR].

25 * Sec. 31. AS 15.10.120 is amended to read:

26 Sec. 15.10.120. APPOINTMENT OF ELECTION BOARD. The election
27 supervisors shall appoint within their district an election board,
28 composed of three judges, for each precinct. The judges shall, to the
29 extent possible, be appointed from among the qualified voters of each of

1 the precincts for which they are appointed. One judge shall be desig-
2 nated chairman and be primarily responsible for the administration of
3 the election in the precinct. If no clerks are appointed for the pre-
4 cinct, the other two judges shall perform the duties of clerks of the
5 election. No more than two judges may be of the same political party.
6 When appointments to the election board have been accepted, the election
7 supervisor shall notify the director [LIEUTENANT GOVERNOR] of the name
8 and full local mailing address of the designated chairman and other
9 judges of the election board in each precinct. Election boards in local
10 government unit elections shall be appointed by the appropriate local
11 government unit for all local elections.

12 * Sec. 32. AS 15.10.140 is amended to read:

13 Sec. 15.10.140. APPOINTMENT OF COUNTERS. The chairman of the
14 election board may appoint a team of counters to assist with the count-
15 ing of the ballots in each precinct where the election supervisor con-
16 siders it necessary. The appointments may be made from among the quali-
17 fied voters in the precincts in which they reside, and may be made at
18 any time before the completion of the precinct count [CLOSE OF THE
19 PRECINCT CANVASS]. There shall be four counters on each counting team,
20 no more than two of whom may be of the same political party.

21 * Sec. 33. AS 15.10.150 is amended to read:

22 Sec. 15.10.150. APPOINTMENT OF NOMINEES FOR JUDGES AND CLERKS.
23 Whenever the appointment of election judges or clerks is required, the
24 party district committee of the political party of which the governor is
25 a member may present in writing to the election supervisor on or before
26 April 15 in each regular election year, or at least 60 days before a
27 special election, the names of two party nominees for judges, and one
28 for clerk, in any or all election precincts, and the election supervisor
29 shall appoint two of the party nominees to the respective precinct

1 election boards. The party district committee of the political party
2 which received the second largest number of statewide votes in the
3 preceding gubernatorial election may present in writing to the election
4 supervisor on or before April 15 in each regular election year, or at
5 least 60 days before a special election the name of one party nominee
6 for judge and one for clerk for any or all election precincts and the
7 election supervisor shall appoint one of the party nominees to the
8 respective precinct election boards. The election supervisor may appoint
9 additional nominees if he determines that additional judges or clerks are
10 needed. If any party district committee fails to present the names
11 prescribed by this section by April 15 of a regular election year or
12 before the 60th day preceding a special election, the election supervisor
13 may appoint any qualified person not otherwise disqualified under AS 15.-
14 10.120.

15 * Sec. 34. AS 15.10.170 is amended to read:

16 Sec. 15.10.170. APPOINTMENT AND PRIVILEGES OF WATCHERS. The
17 precinct party committee, where an organized precinct committee exists,
18 or the district party committee where no organized precinct committee
19 exists, or the state party chairman where neither precinct nor district
20 committee exists, may appoint one or more persons as watchers in each
21 precinct and counting center for any election. Each candidate not
22 representing a political party may appoint one or more watchers for each
23 precinct or counting center in his respective district or the state for
24 any election. Any organization or organized group that sponsors or
25 opposes an initiative, referendum or recall may have one or more persons
26 as watchers at the polls and counting centers after first obtaining
27 authorization from the director [LIEUTENANT GOVERNOR]. No state party
28 chairman, no precinct party committee, no district committee or candi-
29 date not representing a political party or organization or organized

1 group may have more than one watcher on duty at a time in any precinct
2 or counting center. The watcher may be present at a position inside the
3 place of voting or counting which affords a full view of all action of
4 the election board and other counters taken from the time the polls are
5 opened until the ballots are finally counted and the results certified
6 by the election board or the Data Processing Review Board. The election
7 board or the Data Processing Review Board may require each watcher to
8 present written proof showing that he is the watcher appointed by the
9 precinct party committee, the district party committee, the organization
10 or organized group or the candidate he represents which is signed by the
11 chairman of the precinct party committee, the district party committee,
12 the state party chairman, the organization or organized group or the
13 candidate representing no party. [THE LIEUTENANT GOVERNOR MAY PRESCRIBE
14 REGULATIONS GOVERNING THE CONDUCT OF WATCHERS TO ASSURE THE PRIVILEGES
15 OF THE WATCHERS AND THE PROPER CONDUCT OF THE ELECTION.]

16 * Sec. 35. AS 15.10.180 is amended to read:

17 Sec. 15.10.180. APPOINTMENT OF PARTY REPRESENTATIVES FOR STATE
18 CANVASS. The director [LIEUTENANT GOVERNOR] shall appoint two persons
19 from each political party to participate in the canvassing of the vote.
20 Each person who is appointed and serves is entitled to [THE SAME RATE
21 OF] compensation as provided in AS 15.15.380 [PAID ELECTION JUDGES].
22 Each political party may present to the director [LIEUTENANT GOVERNOR] a
23 list of three or more names from which he shall select the persons to
24 represent the party. The list of names may be submitted in writing at
25 least 30 days before the date of the election. The persons to represent
26 the party on the canvassing board may be selected by the state party
27 central committee or in any other manner prescribed by the bylaws of the
28 party. The list of names shall be certified by the chairman of the
29 state central committee of the party or by the person authorized by the

1 party bylaws to act in the absence of the chairman.

2 * Sec. 36. AS 15.13.090 is amended to read:

3 Sec. 15.13.090. IDENTIFICATION OF COMMUNICATION. All advertise-
4 ments, billboards, handbills, paid-for television and radio announcements
5 and other communications intended to influence the election of a candi-
6 date or outcome of a ballot proposition or question shall be clearly
7 identified by the words "paid for by" followed by the name and address
8 of the candidate, group or individual paying for the advertising. In
9 addition, candidates and groups must identify the name of their campaign
10 chairman [TREASURER].

11 * Sec. 37. AS 15.15.010 is amended to read:

12 Sec. 15.15.010. GENERAL ADMINISTRATIVE SUPERVISION BY DIRECTOR
13 [LIEUTENANT GOVERNOR]. The director [LIEUTENANT GOVERNOR] shall provide
14 general administrative supervision over the conduct of state elections,
15 and may issue [ANY] regulations under the Administrative Procedure Act
16 (AS 44.62) necessary for the administration of state elections [TO
17 PROTECT THE INTEREST OF THE VOTER AND ASSURE ADMINISTRATIVE EFFICIENCY.
18 WHEN THE LIEUTENANT GOVERNOR IS ADMINISTERING A BOROUGH OR SPECIAL
19 ELECTION, HE MAY ISSUE REGULATIONS UNDER AS 44.62 CHANGING THE TIME
20 REQUIRED FOR NOTICES OF ELECTION, APPOINTMENT OF ELECTION OFFICIALS,
21 ABSENTEE VOTING, CANVASS OF THE VOTE, AND ELECTION RECOUNTS].

22 * Sec. 38. AS 15.15.030 is amended to read:

23 Sec. 15.15.030. PREPARATION OF OFFICIAL BALLOT. The director
24 [LIEUTENANT GOVERNOR] shall prepare all official ballots to facilitate
25 fairness, simplicity, and clarity in the voting procedure, to reflect
26 most accurately the intent of the voter, and to expedite the administra-
27 tion of elections. The following directives shall be followed when
28 applicable.

29 (1) The director [LIEUTENANT GOVERNOR] shall determine the

1 size of the ballot, the type of print, necessary additional instruction
2 notes to voters, and other similar matters of form not provided by law.

3 (2) The director [LIEUTENANT GOVERNOR] shall number ballots
4 in series to assure simplicity and secrecy and to prevent fraud.

5 (3) The director [LIEUTENANT GOVERNOR] may contract for the
6 preparation of the ballots on a regional basis if necessary and may
7 contract for the preparation of ballots without obtaining competitive
8 bids.

9 (4) The director [LIEUTENANT GOVERNOR] may not include on the
10 ballot as a part of a candidate's name, any honorary or assumed title or
11 prefix but may include in the candidate's name any nickname or familiar
12 form of a proper name of the candidate.

13 (5) The state general election ballot shall be printed on
14 white paper with the names of the candidates and their party designa-
15 tions placed in separate sections under the office designation to which
16 they were nominated. The party affiliation, if any, shall be designated
17 after the name of the candidate. The lieutenant governor and the gover-
18 nor shall be included under the same section. Provision shall be made
19 for voting for write-in and no-party candidates within each section.
20 The squares appearing on the ballots shall measure 1/4 inch on each
21 side.

22 (6) The general election ballot shall be designed with the
23 position of names of the candidates changed in each section as many
24 times as there are candidates in the section in which there are the most
25 names. As nearly as possible, an equal number of ballots shall be
26 printed after each change. In making the changes of position, the name
27 of the candidate at the head of each section shall be taken and placed
28 at the bottom of the section and the column moved up so that the name
29 that before was second is first after the change. After the ballots are

1 printed, they shall be placed in separate stacks, one stack for each
2 change of position. The ballots shall then be gathered by taking one
3 from each stack, the intention being that every other ballot in the
4 accumulated stack of ballots shall have the names of the candidates in a
5 different position.

6 (7) The general election ballot shall be designed with the
7 names of candidates of each political party for the office of President
8 and Vice-President of the United States placed in the same section on
9 the ballot rather than the names of electors of President and Vice-
10 President.

11 (8) The general or special election ballot shall be designed
12 with the title and proposition for any initiative, referendum, or con-
13 stitutional amendment formulated as prescribed by law and placed on the
14 ballot in the manner prescribed by the director [LIEUTENANT GOVERNOR].
15 When placed on the ballot, a state ballot proposition or ballot question
16 shall carry the number which was assigned to the petition for the propo-
17 sition or question. Provision shall be made for marking the proposition
18 "For" or "Against."

19 (9) The general or special election ballot shall be designed
20 with the question of whether a constitutional convention shall be called
21 placed on the ballot in the following manner. "Shall there be a consti-
22 tutional convention?" Provision shall be made for marking the question
23 "Yes" or "No."

24 (10) A separate nonpartisan judicial ballot shall be designed
25 for each judicial district in which a justice or judge is seeking to
26 succeed himself. The ballot shall be divided into four parts and each
27 part shall bear a heading indicating the court to which the candidate is
28 seeking approval. Within each part the question of whether the justice
29 or judge shall be approved or rejected shall be set out in substantially

1 the following manner: (A) "Shall be retained as justice of the
2 supreme court for 10 years?"; (B) "Shall be retained as judge
3 of the court of appeals for eight years?"; (C) "Shall be re-
4 tained as judge of the superior court for six years?"; or (D) "Shall
5 be retained as judge of the district court for four years?"
6 Provision shall be made for marking each question "Yes" or "No".

7 (11) When the legislature by law authorizes a state debt for
8 capital improvements, the director [LIEUTENANT GOVERNOR] shall place the
9 question of whether the specific authorization shall be ratified by
10 placing the ballot title and question on the next general election
11 ballot, or on the special election ballot if a special election is held
12 for the purpose of ratifying the state debt for capital improvements
13 before the time of the next general election. Unless specifically
14 provided otherwise in the Act authorizing the debt, the ballot title
15 shall, by the use of a few words in a succinct manner, indicate the
16 general subject of the act. The question shall, by the use of a few
17 sentences in a succinct manner, give a true and impartial summary of the
18 Act authorizing the state debt. The question of whether state debt
19 shall be contracted shall be assigned a letter of the alphabet on the
20 ballot. Provision shall be made for marking the question substantially
21 as follows: "Bonds Yes" or "Bonds No," followed by an
22 appropriate square.

23 (12) (repealed)

24 (13) The director [LIEUTENANT GOVERNOR] may provide for the
25 use of punch-card voting in state elections in any area where data
26 processing equipment is available.

27 * Sec. 39. AS 15.15.035 is amended to read:

28 Sec. 15.15.035. PRINTING OF BALLOTS AND OTHER MATERIAL. The
29 director [LIEUTENANT GOVERNOR] may not be required to do business with a

1 printing company while the company is involved in a labor dispute.

2 * Sec. 40. AS 15.15.040 is amended to read:

3 Sec. 15.15.040. PREPARATION OF OTHER ELECTION MATERIALS. (a) The
4 director [LIEUTENANT GOVERNOR] shall prescribe the form of and prepare
5 tinted sample ballots [, THE ORIGINAL AND DUPLICATE REGISTERS, OATHS OF
6 OFFICE OF JUDGES, CHALLENGE OATHS, TALLY SHEETS, INSTRUCTIONS TO VOTERS,
7 WARNING NOTICES] and all other materials, forms and supplies required
8 for the election.

9 (b) The director [LIEUTENANT GOVERNOR] shall prepare and issue or
10 make available with each sample ballot for a special election the state-
11 ment provided for in AS 24.30.037 of the scope of each project included
12 in a proposed general obligation bond issue creating a state debt for
13 capital improvements that is submitted to the electorate for ratifica-
14 tion under AS 15.15.030(11). The statement of scope for each project
15 shall be the same statement included in the authorization bill. When a
16 ballot proposition is submitted to the voters at a primary or a special
17 election, a statement the same as that provided for in the election
18 pamphlet under AS 15.58.020(6) [AS 15.57.010(2)] shall be made available
19 with each sample ballot.

20 * Sec. 41. AS 15.15.050 is amended to read:

21 Sec. 15.15.050. DISTRIBUTION OF ELECTION MATERIALS. The director
22 [LIEUTENANT GOVERNOR] shall distribute an adequate supply of sample and
23 official ballots [, ORIGINAL REGISTERS, DUPLICATE REGISTERS, OATHS,] and
24 all other materials, forms and supplies required for the election to the
25 election supervisors for distribution to chairmen of election boards in
26 precincts not less than 25 days before the date for the election.

27 * Sec. 42. AS 15.15.060 is amended to read:

28 Sec. 15.15.060. PROCUREMENT OF POLLING PLACES AND OTHER SUPPLIES.

29 (a) Immediately following the appointment of the election board, the

1 election supervisor in conjunction with the election board chairman
2 shall secure polling places for holding the election, [INCLUDING AL-
3 TERNATE EMERGENCY LOCATIONS,] suitable ballot boxes which will assure
4 security and an adequate number of voting booths or screens, national
5 flags, pens, and pencils. Not less than one voting booth or screen
6 shall be furnished for each 100 votes or fractional part of 100 votes
7 cast in the previous election. The election supervisor and the election
8 board chairman may, in an emergency, secure an alternate location for
9 a polling place.

10 (b) The director [LIEUTENANT GOVERNOR] may issue rules prescribing
11 the type of polling place for holding the election and the requirements
12 regarding ballot boxes, voting booths, screens, national flags, and
13 other supplies to assure administrative economy and to protect the
14 secrecy of the ballot.

15 (c) The director [STATE, THROUGH THE OFFICE OF LIEUTENANT GOVER-
16 NOR,] shall pay the cost of necessary election expenses incurred in
17 securing a place for holding the election, a suitable ballot box, and an
18 adequate number of voting booths, screens, national flags, and other
19 supplies. The national flag shall be displayed over or near the en-
20 trance of each polling place.

21 (d) When the director determines that there is an area in the
22 state where a voter may be confused as to his correct precinct polling
23 place, the director shall provide each polling place in that area with
24 maps and materials which indicate election district boundaries, precinct
25 boundaries, and polling places.

26 * Sec. 43. AS 15.15.070(a) is amended to read:

27 (a) The director [LIEUTENANT GOVERNOR] shall give and is autho-
28 rized to contract to give full public notice of the election. He may
29 select a manner reasonably calculated to give actual knowledge of the

1 election to the voters.

2 * Sec. 44. AS 15.15.070(e) is amended to read:

3 (e) The director [LIEUTENANT GOVERNOR] may have a precinct map of
4 a densely populated precinct published in a newspaper of general circu-
5 lation if need for the map is established.

6 * Sec. 45. AS 15.15.070(f) is amended to read:

7 (f) Additional notice shall be given of all bond issues, initia-
8 tives, referendums and propositions by use of newspapers, television,
9 radio, printed posters, maps, and similar means of communication con-
10 sidered necessary. The director [LIEUTENANT GOVERNOR] may not be re-
11 quired to post or publish notices except those provided for in this
12 section.

13 * Sec. 46. AS 15.15.070(g) is amended to read:

14 (g) The director [STATE, THROUGH THE OFFICE OF THE LIEUTENANT
15 GOVERNOR,] shall pay the cost of election expenses incurred in giving
16 notice of an election.

17 * Sec. 47. AS 15.15.090 is amended to read:

18 Sec. 15.15.090. DESIGNATION OF PRECINCT POLLING PLACE. The polling
19 place shall be located within the precinct unless the election super-
20 visor and the election board chairman determine that a building located
21 in an adjoining precinct is more suitable or convenient to the voters.

22 * Sec. 48. AS 15.15.120 is amended to read:

23 Sec. 15.15.120. FILLING VACANCIES IN ELECTION BOARD. If an ap-
24 pointed judge or clerk fails to appear and subscribe to the oath on
25 election day or becomes incapacitated during the time of the election or
26 the counting of the ballots [CANVASS], the election board members present
27 shall elect, by a majority voice vote, a qualified voter to fill the
28 vacancy. The qualified voter elected to fill the vacancy shall be of
29 the same political party as the person for whom the substitution is made

1 unless, after reasonable effort, the election board members determine
2 that a qualified voter of the same political party is not available.

3 * Sec. 49. AS 15.15.140 is repealed and re-enacted to read:

4 Sec. 15.15.140. PERMITTED USE OF UNOFFICIAL BALLOTS. (a) If the
5 election board receives an insufficient number of official paper ballots,
6 official punch card ballots, or official election materials it shall
7 provide and the voters may use unmarked substitute ballots or other
8 election materials to indicate the intent of the voter.

9 (b) The election board shall certify the facts which prevented the
10 use of the official ballots and materials and shall include the certifi-
11 cate in the election returns to the director. The initial failure to
12 certify to the facts or include the certificate required, does not
13 invalidate any ballots.

14 (c) On disclosure that unofficial ballots have been used without
15 the certification required under (b) of this section, the director shall
16 notify the chairman of the election board by telephone or telegram of
17 his failure to certify the ballots properly.

18 (d) The director may accept a certificate made by telegram and
19 count the ballots if the certificate is proper and actually received by
20 the director within 10 days of the date that the chairman of the election
21 board was notified under (c) of this section.

22 * Sec. 50. AS 15.15.170 is amended to read:

23 Sec. 15.15.170. PROHIBITION OF POLITICAL PERSUASION NEAR ELECTION
24 POLLS. During the hours the polls are open, no person who is in the
25 polling place or within 200 [100] feet of any entrance to the polling
26 place, may attempt to persuade a person to vote for or against a candi-
27 date, proposition or question. The election judges shall post warning
28 notices at the required distance in the form and manner prescribed by
29 the director [LIEUTENANT GOVERNOR].

1 * Sec. 51. AS 15.15.180 is amended to read:

2 Sec. 15.15.180. KEEPING OF [ORIGINAL] REGISTER. The judges shall
3 keep a [AN ORIGINAL] register or registers in which each voter before
4 receiving his ballot shall sign his name and give both his resident and
5 mailing address. A record shall be kept in the registration book in
6 space provided of the name of persons who offer to vote but who actually
7 do not vote, and a brief statement of explanation. The signing of the
8 register constitutes a declaration by the voter that he is qualified to
9 vote.

10 * Sec. 52. AS 15.15 is amended by adding new sections to read:

11 Sec. 15.15.195. VOTERS ON OFFICIAL REGISTRATION LIST. An election
12 judge in a precinct shall allow a voter on the official registration
13 list to vote in the precinct unless the voter is questioned in accord-
14 ance with AS 15.15.213.

15 Sec. 15.15.198. VOTERS NOT ON OFFICIAL REGISTRATION LIST. (a) If
16 a voter's name does not appear on the official registration list in the
17 precinct in which he seeks to vote, he shall be allowed to vote a ques-
18 tioned ballot.

19 (b) A person whose registration has been cancelled under AS 15.-
20 07.130(b) and who votes a questioned ballot shall have the ballot
21 counted if

22 (1) he was registered to vote for either of the two most
23 recent general elections;

24 (2) he signs under oath a statement to that effect; and

25 (3) the earlier registration is verified by the director.

26 * Sec. 53. AS 15.15.210 is amended to read:

27 Sec. 15.15.210. QUESTIONING [CHALLENGING] OF VOTERS OF SUSPECT
28 QUALIFICATION. Every election judge and election clerk shall question
29 [CHALLENGE], and every watcher and other person qualified to vote in the

1 precinct may question [CHALLENGE] a person attempting to vote if the
2 questioner [CHALLENGER] has good reason to suspect that the questioned
3 [CHALLENGED] person is not qualified to vote. All questions regarding
4 a person's qualifications to vote [CHALLENGES] shall be made in writing
5 setting out the reason the person has been questioned [FOR THE CHAL-
6 LENCE]. A questioned [CHALLENGED] person before voting shall subscribe
7 to an oath and affidavit provided by the director [LIEUTENANT GOVERNOR]
8 attesting to the fact that in each particular the person meets all the
9 qualifications of a voter, that he is not disqualified, and that he has
10 not voted at the same election. He shall also state the place from
11 which he came immediately before living in the precinct in which he now
12 offers to vote and the length of time of his residence in the former
13 place. After the questioned [CHALLENGED] person has taken the oath and
14 signed the affidavit, the person may vote. If the questioned [CHAL-
15 LENGED] person refuses to take the oath or sign the affidavit, the
16 person may not vote.

17 * Sec. 54. AS 15.15.213 is repealed and re-enacted to read:

18 Sec. 15.15.213. QUESTIONED BALLOT. If the name of a voter is not
19 on the list of registered voters, a voter shall vote a questioned bal-
20 lot.

21 * Sec. 55. AS 15.15.215 is amended to read:

22 Sec. 15.15.215. DISPOSITION OF [CHALLENGED AND] QUESTIONED VOTES.
23 [(a)] A [CHALLENGED] voter [OR ONE] who casts a questioned ballot shall
24 vote his ballot in the same manner as prescribed for other voters [EX-
25 CEPT THAT HE SHALL USE A PAPER BALLOT]. After the election judge re-
26 moves the numbered stub [IDENTIFICATION NUMBER] from the ballot, the
27 [CHALLENGED] voter shall insert the ballot into a small [BLANK] envelope
28 [, SEAL IT] and put the small envelope into a larger envelope on which
29 the statement [OATH AND AFFIDAVIT] he previously signed is located.

1 [AFTER THE ELECTION JUDGE REMOVES THE IDENTIFICATION NUMBER FROM THE
2 BALLOT, THE VOTER WHO CASTS A QUESTIONED BALLOT SHALL INSERT THE BALLOT
3 INTO A SMALL BLANK ENVELOPE, SEAL IT, AND PUT THE ENVELOPE INTO A LARGER
4 ENVELOPE ON WHICH THE INFORMATION CONCERNING THAT VOTER'S RESIDENCE IS
5 LOCATED.] These larger envelopes shall be sealed and deposited in the
6 ballot box [ALONG WITH THEIR RESPECTIVE ATTACHED STATEMENTS OF ASSERTED
7 INVALIDITY]. [ALL ENVELOPES SHALL BE COUNTED AND COMPARED TO THE VOTING
8 LIST BEFORE LEAVING THE PLACE OF POLLING AND UPON RECEIPT BY THE OFFI-
9 CIAL OR BODY SUPERVISING THE ELECTION.] When the ballot box is opened,
10 these envelopes shall be segregated, counted, compared to the voting
11 list, and delivered to the official or body supervising the election.
12 The merits of the [CHALLENGE OR] question shall be determined by this
13 official or body in accordance with the procedure prescribed for ques-
14 tioned [CHALLENGED ABSENTEE] votes in AS 15.20.207 [AS 15.20.210].

15 [(b) A PERSON WHO FRIVOLOUSLY, MALICIOUSLY OR IN BAD FAITH CHAL-
16 LENGES A VOTER OR QUESTIONS HIS BALLOT IS GUILTY OF A MISDEMEANOR AND
17 UPON CONVICTION SHALL BE IMPRISONED FOR NOT MORE THAN 30 DAYS OR FINED
18 NOT MORE THAN \$100, OR BOTH.]

19 * Sec. 56. AS 15.15.220 is amended to read:

20 Sec. 15.15.220. ADMINISTRATION OF OATHS. Any election judge may
21 administer to a voter any oath that is necessary in the administration
22 of the election.

23 * Sec. 57. AS 15.15 is amended by adding a new section to read:

24 Sec. 15.15.225. VOTER IDENTIFICATION AT POLLS. (a) Before being
25 allowed to vote, each voter shall exhibit to an election judge one form
26 of identification, including but not limited to an official voter regis-
27 tration card, driver's license, birth certificate, passport, or hunting
28 or fishing license.

29 (b) An election judge may waive the identification requirement if

1 he knows the identity of the voter.

2 (c) A voter who cannot exhibit a required form of identification
3 shall be allowed to vote a questioned ballot.

4 * Sec. 58. AS 15.15.230 is amended to read:

5 Sec. 15.15.230. PROVIDING BALLOT TO VOTER. When the voter has
6 qualified to vote, the election judge shall give him an official ballot.
7 The voter shall retire to a booth or private place [SCREEN] to mark the
8 ballot [FOR THE CANDIDATES OF HIS CHOICE].

9 * Sec. 59. AS 15.15.240 is amended to read:

10 Sec. 15.15.240. ASSISTING VOTER BY JUDGE. A qualified voter who
11 cannot read, mark the ballot, or sign his name may request an election
12 [A] judge, a person, or not more than two persons of his choice to
13 assist him. If the election judge is requested, he shall assist the
14 voter. If any other person is requested, the person shall state upon
15 oath before the election judge that he will not divulge the vote cast by
16 the person whom he assists.

17 * Sec. 60. AS 15.15.260 is amended to read:

18 Sec. 15.15.260. PLACING BALLOT IN BALLOT BOX BY VOTER. When the
19 voter has marked his ballot, he shall inform the election judge. The
20 director [LIEUTENANT GOVERNOR] may require that the voter return the
21 ballot to the election judge temporarily so that any stub which may be
22 part of the ballot may be removed by the election judge. Any such
23 requirement shall protect the secrecy of the ballot. In all cases the
24 ballot shall be deposited in the ballot box by the voter himself in the
25 presence of the election judge unless the voter requests the election
26 judge to deposit the ballot on his behalf. Separate ballot boxes may be
27 used for separate ballots.

28 * Sec. 61. AS 15.15.300 is amended to read:

29 Sec. 15.15.300. PROHIBITING THE COUNT OF EXHIBITED BALLOTS. No

1 election official may allow a ballot to be placed [PLACE] in the ballot
2 box which he knows [A BALLOT KNOWN] to have been unlawfully exhibited by
3 the voter. A ballot unlawfully exhibited shall be recorded as a spoiled
4 ballot and destroyed [RETAINED AND PLACED WITH THE IMPROPERLY MARKED OR
5 DAMAGED BALLOTS].

6 * Sec. 62. AS 15.15.330 is amended to read:

7 Sec. 15.15.330. COMMENCEMENT OF BALLOT COUNT [CANVASS]. [COUNTING
8 OF PAPER BALLOTS MAY BEGIN BEFORE THE POLLS ARE CLOSED IN PRECINCTS
9 HAVING 300 OR MORE VOTERS AND DESIGNATED BY THE LIEUTENANT GOVERNOR;
10 HOWEVER, COUNTING SHALL NOT IN ANY EVENT BEGIN BEFORE 2:00 P.M. PREVAIL-
11 ING TIME AND UNLESS AT LEAST 100 VOTES HAVE BEEN CAST.] When [IN ALL
12 OTHER PRECINCTS, WHEN] the polls are closed and the last vote has been
13 cast, the election board and clerks or counters shall immediately pro-
14 ceed to open the ballot box and to count [AND CANVASS] the votes cast.
15 In all cases the election board shall cause the count [CANVASS] to be
16 continued without adjournment until the count [CANVASS] is complete.

17 * Sec. 63. AS 15.15.340 is amended to read:

18 Sec. 15.15.340. REPORT, OATH AND VACANCIES OF COUNTERS. Counters
19 shall report to the election board at the polls at the time designated
20 by the election supervisor or the chairman of the election board to
21 assume their duties to assist the election board in counting [AND CAN-
22 VASSING] the vote. Before undertaking the duties of office, each
23 counter shall subscribe to an oath to honestly, faithfully, impartially,
24 and promptly carry out the duties of his position. An election judge
25 may administer the oath. If an appointed counter fails to appear and
26 subscribe to the oath at the time designated by the election supervisor,
27 the election board shall appoint any qualified voter to fill the va-
28 cancy.

29 * Sec. 64. AS 15.15.350 is amended to read:

1 Sec. 15.15.350. GENERAL PROCEDURE FOR BALLOT COUNT [CANVASS]. (a)
2 The director may [LIEUTENANT GOVERNOR SHALL] issue rules prescribing the
3 manner in which the precinct ballot count [CANVASS] is accomplished so
4 as to assure accuracy in the count and to expedite the process. The
5 election board shall account for all ballots by completing a ballot
6 statement containing (1) the number of official ballots received; (2)
7 the number of official ballots voted; (3) the number of official ballots
8 spoiled; (4) the number of official ballots unused and destroyed. The
9 board shall count the number of questioned ballots and shall compare that
10 number to the number of questioned voters in the register. Discrepancies
11 shall be noted and the numbers included in the certificate prescribed by
12 AS 15.15.370. The election board [OR COUNTING BOARD] shall count [CAN-
13 VASS] the ballots in a manner that allows watchers to see the ballots
14 when opened and read. No person handling the ballot after it has been
15 taken from the ballot box and before it is placed in the envelope for
16 mailing may have a marking device in hand or remove a ballot from the
17 immediate vicinity of the polls [EXCEPT AS PROVIDED BY AS 15.15.330 FOR
18 THE EARLY COUNTING OF BALLOTS, AND BY AS 15.20.680 FOR THE COUNTING OF
19 PUNCH-CARD BALLOTS].

20 (b) Ballots may not be counted before 8:00 p.m., local time, on
21 the day of the election.

22 * Sec. 65. AS 15.15.360 is amended to read:

23 Sec. 15.15.360. RULES FOR COUNTING HAND-MARKED [DETERMINING MARK
24 ON] BALLOTS. (a) The election board shall [CANVASS AND] count hand-
25 marked ballots [THE VOTES] according to the following rules.

26 (1) A voter may mark his ballot only by the use of cross-
27 marks, "X" marks, diagonal, horizontal or vertical marks, solid marks,
28 stars, circles, asterisks, checks, or plus signs that are clearly spaced
29 in the square opposite the name of the candidate the voter desires to

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designate.

(2) A failure to properly mark a ballot as to one or more candidates does not itself invalidate the entire ballot.

(3) If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.

(4) If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.

(5) The mark specified in (1) of this subsection shall be counted only if it is substantially inside the square provided, or touching the square so as to indicate clearly that the voter intended the particular square to be designated.

(6) Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates properly made.

(7) An erasure or correction invalidates only that section of the ballot in which it appears.

(8) A vote marked for the candidate for President or Vice President of the United States is considered and counted as a vote for the election of the presidential electors.

(9) Write-in votes are not invalidated by writing in the name of a candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence that the ballot was so marked for the purpose of identifying the ballot.

(10) Stickers bearing a candidate's name may be affixed to the ballot in place of writing in a candidate's name if write-in votes [OR BALLOTS] are otherwise permitted. Stickers shall not be issued by members of the election board while serving at the polls. Stickers shall not be offered to voters within 200 [100] feet of the polling place.

1 (1) In order to vote for a write-in candidate, the voter must
2 write in the candidate's name in the space provided or place a sticker in
3 the space and, in addition, mark the square opposite the candidate's name
4 in accordance with (1) of this subsection.

5 (b) The rules set out in this section are mandatory and there shall
6 be no exceptions to them. A ballot may not be counted unless marked in
7 compliance with these rules.

8 (c) The rules set out in this section apply to hand-marked punch
9 card ballots if punch card machines are not available in a precinct.

10 * Sec. 66. AS 15.15 is amended by adding a new section to read:

11 Sec. 15.15.361. STICKERS. The director may adopt regulations
12 under the Administrative Procedure Act (AS 44.62), governing the size,
13 thickness, color and other characteristics of stickers and their use in
14 elections.

15 * Sec. 67. AS 15.15.370 is amended to read:

16 Sec. 15.15.370. COMPLETION OF BALLOT COUNT [CANVASS]. When the
17 count of ballots [CANVASS] is completed, and in no event later than the
18 day after the election, the election board [OR COUNTERS] shall make a
19 certificate in duplicate of the results. The certificate includes the
20 number of votes cast for each candidate, for and against each proposi-
21 tion, yes or no on each question, and any additional information pre-
22 scribed by the director [LIEUTENANT GOVERNOR]. The election board shall,
23 immediately upon completion of the certificate or as soon thereafter as
24 the local mail service permits, send in one sealed package to the direc-
25 tor [LIEUTENANT GOVERNOR] one copy of the certificate and [,] the [ORIGI-
26 NAL] register [, ALL BALLOTS UNLAWFULLY EXHIBITED, PROPERLY IDENTIFIED,
27 THE RECORD OF BALLOTS DESTROYED UNDER AS 15.15.250, AND ALL OATHS AND
28 AFFIDAVITS]. In addition, all ballots properly cast shall be mailed to
29 the director [LIEUTENANT GOVERNOR] in a separate, sealed package. Both

1 packages, in addition to an address on the outside, shall clearly indi-
2 cate the precinct from which they come. Each board shall, immediately
3 upon completion of the certification and as soon thereafter as the local
4 mail service permits, send the duplicate certificate [AND THE DUPLICATE
5 REGISTER] to the [ITS] respective election supervisor. The director
6 [LIEUTENANT GOVERNOR] may authorize election boards in precincts in those
7 areas of the state where distance and weather make mail communication
8 unreliable to forward their election results [CERTIFICATES] by telephone,
9 telegram or radio. The director [LIEUTENANT GOVERNOR] may authorize the
10 unofficial totaling [CANVASS] of votes on a regional basis by election
11 supervisors, tallying the votes as indicated on duplicate certificates.
12 To assure adequate protection the director [LIEUTENANT GOVERNOR] shall
13 prescribe the manner in which the ballots, registers, and all other
14 election records and materials are thereafter preserved, transferred,
15 and destroyed.

16 * Sec. 68. AS 15.15.380 is amended to read:

17 Sec. 15.15.380. PAYMENT OF ELECTION BOARD MEMBERS. The director
18 [STATE, THROUGH THE OFFICE OF LIEUTENANT GOVERNOR,] shall pay each
19 election board member [\$5 PER HOUR] for time spent at his election
20 duties, including the receiving of instructions. Election board chair-
21 men and the chairman and members of the absentee ballot, questioned
22 ballot and state ballot counting review boards [CANVASS BOARD] shall be
23 paid [\$5.50 AN HOUR] for time spent at their election duties. The
24 director shall set the compensation to be paid under this section by
25 regulation.

26 * Sec. 69. AS 15.15.390 is amended to read:

27 Sec. 15.15.390. CERTIFYING ELECTION EXPENSES. The director [LIEU-
28 TENANT GOVERNOR] shall prescribe the manner of certifying, auditing, and
29 paying election expenses, including the cost of giving notice, renting

1 polling places, paying election judges, clerks, and counters, securing a
2 ballot box, postage, and stationery, and obtaining similar election
3 necessities.

4 * Sec. 70. AS 15.15.400 is amended to read:

5 Sec. 15.15.400. PREPARATION OF VOTER LIST. The director [LIEU-
6 TENANT GOVERNOR] shall prepare both a statewide list and a list by
7 precinct of the names and addresses of all persons who voted in the
8 election and their political party affiliation [IF THE PARTY AFFILIATION
9 WAS SPECIFICALLY DECLARED BY THE VOTER]. Any person may obtain a copy
10 of the list, or a part of the list, or a computer tape containing both
11 residence and mailing addresses of voters, by applying to the director
12 [LIEUTENANT GOVERNOR] and paying to the state treasury a fee as deter-
13 mined by the director [LIEUTENANT GOVERNOR].

14 * Sec. 71. AS 15.15.410 is amended to read:

15 Sec. 15.15.410. PLURAL VOTING. Upon a determination that a person
16 has voted [CAST] more than once in the same election [ONE GENERAL BAL-
17 LOT], the director [LIEUTENANT GOVERNOR] shall notify the attorney
18 general [TO PROCEED TO PROSECUTE].

19 * Sec. 72. AS 15.15.420 is amended to read:

20 Sec. 15.15.420. DUTY TO REVIEW THE BALLOT COUNTING [CANVASS VOTE].
21 The director [LIEUTENANT GOVERNOR] shall review the counting of the
22 ballots [CANVASS THE VOTE] with the assistance of and in the presence of
23 the appointed representatives from the political parties.

24 * Sec. 73. AS 15.15.430 is amended to read:

25 Sec. 15.15.430. SCOPE OF THE REVIEW OF BALLOT COUNTING [CANVASS].
26 (a) The review of ballot counting [CANVASS] by the director [LIEUTENANT
27 GOVERNOR] shall include only
28 (1) a review and comparison of the tallies of hand-marked
29 [PAPER] ballots in the election poll books with the precinct election

1 certificates to correct any mathematical error in the count of hand-
2 marked [PAPER] ballots,

3 (2) a review of the tallies of write-in votes [BALLOTS] and a
4 review [COMPARISON] of election certificates as provided by law from
5 precincts using punch-card ballots [VOTING MACHINES],

6 (3) a review [THE CANVASS] of absentee and questioned ballots
7 as prescribed by law.

8 (b) If the director [LIEUTENANT GOVERNOR] finds an unexplained
9 error in the tally of hand-marked [PAPER] ballots in any precinct [ELEC-
10 TION POLL BOOK], he may count the ballots from the precinct according to
11 the rules set out in AS 15.15.360. If the director [LIEUTENANT GOVERNOR]
12 finds the precinct counters have not entered tallies in the precinct
13 tally books but have certified a candidate as having received a fixed
14 number of votes, the director [LIEUTENANT GOVERNOR] may recount the
15 ballots from that precinct according to the rules set out in AS 15.15.-
16 360. The director [LIEUTENANT GOVERNOR] shall certify in writing to the
17 state ballot counting review [CANVASS] board any changes resulting from
18 the count.

19 * Sec. 74. AS 15.15.440 is amended to read:

20 Sec. 15.15.440. DATES FOR OPENING AND CLOSING STATE BALLOT COUNT-
21 ING REVIEW [CANVASS]. The state ballot counting review [CANVASS] shall
22 begin eight days after the election and be continued daily until com-
23 pleted. The director [LIEUTENANT GOVERNOR] may designate the hours each
24 [A] day during which the state ballot counting review [CANVASS] board is
25 to conduct its ballot counting review [CANVASS]. The director [LIEU-
26 TENANT GOVERNOR] shall close the review [CANVASS] when he is satisfied
27 that no missing precinct certificate of election would, if received,
28 change the result of the election. If no election certificate has been
29 received from a precinct, the director [LIEUTENANT GOVERNOR] may secure

1 from the election supervisors and may count a certified copy of the
2 duplicate election certificate of the precinct. If no election materials
3 [POLL BOOKS] have been received, but [AN AUTHORIZED] election results
4 have [CERTIFICATE HAS] been received by telephone, telegram or radio,
5 the director [LIEUTENANT GOVERNOR] shall count the election results
6 [CERTIFICATE] so received. If the director [LIEUTENANT GOVERNOR] has
7 reason to believe that a missing precinct certificate, if received,
8 would affect the result of the election, the director [LIEUTENANT GOVER-
9 NOR] shall await the receipt of the certificate until four o'clock in
10 the afternoon of the 15th day after the date of election. A certificate
11 not actually delivered to the director [LIEUTENANT GOVERNOR] by four
12 o'clock on the 15th day after the election shall not be counted at the
13 state ballot counting review [CANVASS].

14 * Sec. 75. AS 15.15.450 is amended to read:

15 Sec. 15.15.450. CERTIFICATION OF STATE BALLOT COUNTING REVIEW
16 [CANVASS]. Upon completion of the state ballot counting review [CANVASS]
17 the director [LIEUTENANT GOVERNOR] shall certify the person receiving
18 the largest number of votes for the office for which he was a candidate
19 as elected to that office and shall certify the approval of a justice or
20 judge not rejected by a majority of the voters voting on the question.
21 The director [LIEUTENANT GOVERNOR] shall issue to the elected candidates
22 and approved justices and judges, a certificate of their election or
23 approval. The director [LIEUTENANT GOVERNOR] shall also certify the
24 results of a proposition and other question except that the lieutenant
25 governor shall certify the results of an initiative, referendum or con-
26 stitutional amendment.

27 * Sec. 76. AS 15.15.460 is amended to read:

28 Sec. 15.15.460. TIE VOTES. If two or more candidates tie in
29 having the highest number of votes for the same office for which there

1 is to be elected only one candidate, the director [LIEUTENANT GOVERNOR]
2 shall so notify the candidates who are tied. The director [LIEUTENANT
3 GOVERNOR] shall immediately proceed with the recount of votes in the
4 manner provided by AS 15.20.430 - 15.20.530.

5 * Sec. 77. AS 15.15.470 is amended to read:

6 Sec. 15.15.470. PRESERVATION OF ELECTION BALLOTS, PAPERS, AND
7 MATERIALS. The director [LIEUTENANT GOVERNOR] shall preserve all pre-
8 cinct election certificates, tallies, and registers for four years after
9 the election. All ballots and stubs may be destroyed 30 days after the
10 certification of the state ballot counting review [CANVASS] unless an
11 application for recount has been filed and not completed, or unless
12 their destruction is stayed by an order of the court. The director
13 [LIEUTENANT GOVERNOR] may permit the inspection of election materials
14 upon call by Congress, the state legislature, or a court of competent
15 jurisdiction.

16 * Sec. 78. AS 15.15 is amended by adding a new section to read:

17 Sec. 15.15.480. SECURITY OF BALLOTS. All official ballots in the
18 possession of election officials, whether voted or not voted [MARKED OR
19 UNMARKED], shall be kept in a secure manner until destroyed in accord-
20 ance with law. The director shall provide for the security of ballots
21 during transportation and storage under regulations adopted under the
22 Administrative Procedure Act (AS 44.62).

23 * Sec. 79. AS 15.20.010 is amended to read:

24 Sec. 15.20.010. PERSONS WHO MAY VOTE ABSENTEE. At any election a
25 [A] qualified voter may vote an absentee ballot [AT ANY ELECTION] for
26 the district in which he resides and is registered,

27 (1) if he believes that he will be unavoidably absent from
28 his voting precinct on election day, whether inside the state or not,
29 or

1 (2) if he will be unable to be present at the polls because
2 of physical disability. [, OR]

3 (3) [IF HE BELIEVES HE WILL BE UNABLE TO BE PRESENT AT THE
4 POLLS BECAUSE OF THE PHYSICAL INACCESSIBILITY OF THE POLLING PLACE
5 CAUSING UNDUE TRAVEL EXPENSE, HARDSHIP, OR HAZARD TO THE VOTER.]

6 * Sec. 80. AS 15.20.020 is amended to read:

7 Sec. 15.20.020. PROVISION FOR GENERAL ADMINISTRATIVE SUPERVISION.
8 The director [LIEUTENANT GOVERNOR] shall provide general administrative
9 supervision over the conduct of absentee voting [AND MAY ISSUE RULES
10 NECESSARY TO THE ADMINISTRATION OF ABSENTEE VOTING TO ASSURE EFFICIENCY
11 AND ENCOURAGE VOTER PARTICIPATION]. The director [LIEUTENANT GOVERNOR]
12 shall make available [ISSUE] instructions to absentee voters regarding
13 the procedure for absentee voting. One set of instructions shall accom-
14 pany each absentee ballot.

15 * Sec. 81. AS 15.20.030 is amended to read:

16 Sec. 15.20.030. PREPARATION OF BALLOTS, ENVELOPES, AND OTHER
17 MATERIAL. The director [LIEUTENANT GOVERNOR] shall provide [THE PAPER]
18 ballots [PREPARED] for use [AT THE POLLS] as [THE] absentee ballots
19 in all districts. The director [LIEUTENANT GOVERNOR] shall provide a
20 small [BLANK] envelope in which the voter shall initially place the
21 marked ballot, and shall provide a larger envelope, with the prescribed
22 voter's certificate on the back, in which the small envelope with ballot
23 enclosed shall be placed. The director [LIEUTENANT GOVERNOR] shall
24 prescribe the form of and prepare the voter's certificate, envelopes,
25 and other material used in absentee voting. The voter's certificate
26 shall include an oath, for use when required, that the voter is a quali-
27 fied voter in all respects, a blank for the voter's signature, a certifi-
28 cation that the affiant properly executed the marking of the ballot and
29 identified himself, blanks for the attesting official or witnesses, and

1 a place for recording the date [AND TIME] the envelope was sealed and
2 witnessed [DELIVERED].

3 * Sec. 82. AS 15.20.040 is amended to read:

4 Sec. 15.20.040. DISTRIBUTION OF BALLOTS, ENVELOPES, AND OTHER
5 MATERIAL. The director [LIEUTENANT GOVERNOR] shall distribute the
6 absentee ballots, envelopes, and other absentee voting material to the
7 election supervisors for redistribution to absentee voting [THE PROPER
8 ELECTION] officials and absentee ballot stations established under
9 AS 15.20.045(b) before the date upon which a person may first apply for
10 an absentee ballot in person.

11 * Sec. 83. AS 15.20.045 is amended to read:

12 Sec. 15.20.045. DESIGNATION OF ABSENTEE VOTING [MAGISTRATES AND
13 OTHERS AS ELECTION] OFFICIALS. (a) The director [LIEUTENANT GOVERNOR]
14 or election supervisor may designate persons to act as absentee voting
15 [ELECTION] officials under AS 15.20.010 - 15.20.220 in areas where
16 election supervisors do not have offices. Magistrates may, with the
17 approval of the administrative director of the Alaska Court System, be
18 designated under this section. At least 15 days before the election the
19 director shall supply each absentee voting official with appropriate
20 ballots.

21 (b) The director may designate by regulation adopted under the
22 Administrative Procedure Act (AS 44.62) locations at which absentee
23 voting stations will be operated on election day and on other dates and
24 at times to be designated by the director. The director shall supply
25 absentee voting stations with ballots for all election districts in the
26 state and shall designate absentee voting officials to serve at absentee
27 voting stations.

28 * Sec. 84. AS 15.20 is amended by adding a new section to read:

29 Sec. 15.20.048. ABSENTEE VOTING IN OFFICES OF ELECTION SUPERVISORS.

1 (a) The director shall supply each election supervisor with ballots for
2 all districts in the state to be used for absentee voting in that elec-
3 tion. Ballots for absentee voting in person shall be available in the
4 offices of the election supervisors 15 days before the election through
5 the day of the election.

6 (b) The director shall announce publicly that voting may begin in
7 the offices of the election supervisors at a time earlier than the time
8 allowed under (a) of this section if all election supervisors are sup-
9 plied with ballots under (a) of this section before the 15th day before
10 the election.

11 * Sec. 85. AS 15.20.050 is amended to read:

12 Sec. 15.20.050. REQUIREMENT OF FULL PUBLIC NOTICE. The director
13 [LIEUTENANT GOVERNOR] shall give full public notice of the dates and
14 manner of voting absentee and may select any means of communication
15 permitted to be used in giving notice of the date and time of the general
16 election.

17 * Sec. 86. AS 15.20 is amended by adding a new section to read:

18 Sec. 15.20.061. ABSENTEE VOTING IN PERSON. (a) A qualified voter
19 may apply in person for an absentee ballot to the following election
20 officials at the times specified:

21 (1) to an absentee voting official in the election district
22 in which the voter resides on or after the 15th day before an election
23 up to and including the day before the date of the election;

24 (2) to an election supervisor

25 (A) after a date announced by the director under AS 15.-
26 20.048(b); and

27 (B) on or after the 15th day before an election up to
28 and including the date of the election;

29 (3) to an absentee voting official at an absentee voting

1 station designated under AS 15.20.045(b) at any time when the absentee
2 voting station is operating;

3 (4) to an absentee voting official in the precinct in which
4 the voter resides when distances preclude easy access to the polling
5 place on or after the 15th day before an election up to and including
6 election day;

7 (5) to an absentee voting official in the precinct in which
8 no volunteers can be located to serve on the election board on or after
9 the 15th day before an election up to and including election day.

10 (b) On receipt of an application in person for an absentee ballot
11 and exhibition of proof of identification as required in AS 15.15.225,
12 the absentee voting official or election supervisor shall issue the
13 ballot to the applicant.

14 (c) On receipt of an absentee ballot in person, the voter shall
15 proceed to mark the ballot in secret, to place the ballot in the small
16 envelope, to place the small envelope in the larger envelope, and to
17 sign the voter's certificate on the back of the larger envelope in the
18 presence of the election official who shall sign as attesting official
19 and date his signature. The election official shall then accept the
20 ballot.

21 (d) The election official may not accept a marked ballot that has
22 been exhibited by an absentee voter with intent to influence other
23 voters. If the absentee voter improperly marks or otherwise damages a
24 ballot, the voter may request and the election official shall provide
25 him with another ballot up to a maximum of three. Exhibited, improperly
26 marked, or damaged ballots shall be destroyed. The numbers of all
27 ballots destroyed shall be noted on the ballot statement.

28 (e) Each election official shall keep a record of the names and
29 signatures of voters who cast absentee ballots before him and the dates

1 on which the ballots were cast.

2 * Sec. 87. AS 15.20 is amended by adding new sections to read:

3 Sec. 15.20.071. ABSENTEE VOTING BY PERSONAL REPRESENTATIVE. (a) A
4 qualified voter who is physically disabled may apply for an absentee
5 ballot through a personal representative to the following election offi-
6 cials at the times specified:

7 (1) to an absentee voting official in the election district
8 in which the voter resides on or after the 15th day before an election
9 up to and including the day of the election;

10 (2) to an election supervisor

11 (A) after a date announced by the director under AS 15.-
12 20.048(b); and

13 (B) on or after the 15th day before an election up to
14 and including the date of the election;

15 (3) to an absentee voting official at an absentee voting sta-
16 tion designated under AS 15.20.045(b) at a time when the absentee voting
17 station is operating;

18 (4) to the election board chairman or his designee on election
19 day in the precinct in which the voter is entitled to vote except that
20 the voter may not apply to the election board chairman in an area in
21 which absentee voting officials have been designated.

22 (b) Upon receipt of a written application by personal representa-
23 tive, the election official authorized to issue the absentee ballot
24 shall provide the ballot and other absentee voting material to the
25 personal representative if the written application is signed by the
26 applicant and is accompanied by a letter from a licensed physician or a
27 statement signed by two qualified voters stating that the applicant will
28 be unable to go to the polling place because of physical disability.

29 (c) The personal representative shall deliver the absentee ballot

1 to the voter as soon as practicable. Upon receipt of an absentee ballot
2 through a personal representative, the voter shall proceed to mark the
3 ballot in secret, to place the ballot in the small envelope, to place
4 the small envelope in the larger envelope, and to sign the voter's
5 certificate on the back of the envelope in the presence of the personal
6 representative who shall sign as attesting witness and date his signa-
7 ture. The voter shall then return the absentee ballot to his personal
8 representative who shall deliver the ballot to the election official who
9 provided the ballot. The absentee ballot must be returned to the elec-
10 tion official within three days from the date it is obtained but not
11 later than 8:00 p.m. on election day. An absentee ballot that is not
12 returned to the election official by the close of business on the third
13 day from the day it is obtained may not be counted but the voter may
14 vote in the election.

15 (d) Each election official shall keep a record of the name and
16 signature of each personal representative requesting an absentee ballot
17 and the name of the person on whose behalf the ballot is requested. The
18 election official shall record the date and time the absentee ballot is
19 provided and the time the ballot is returned to the election official.

20 (e) A candidate for office at that election may not act as a
21 personal representative.

22 Sec. 15.20.081. ABSENTEE VOTING BY MAIL. (a) A qualified voter
23 may apply by mail to the director for an absentee ballot. The applica-
24 tion shall include the address to which the absentee ballot is to be
25 returned, the applicant's full Alaska residence address, and the appli-
26 cant's signature. Persons residing outside the United States and ap-
27 plying to vote absentee in federal elections in accordance with AS 15.-
28 05.011 need not include an Alaska residence address in the applica-
29 tion.

1 (b) An application for an absentee ballot by mail must be post-
2 marked not more than six months nor less than seven days before the
3 election for which the absentee ballot is sought.

4 (c) After receipt of an application by mail, the director shall
5 send the absentee ballot and other absentee voting material to the
6 applicant by the most expeditious mail service. The materials shall be
7 sent as soon as they are ready for distribution. The return envelope
8 sent with the materials shall be addressed to the election supervisor in
9 the district in which the voter is a resident.

10 (d) Upon receipt of an absentee ballot by mail, the voter, in the
11 presence of a notary public, commissioned officer of the armed forces
12 including the National Guard, district judge or magistrate, United
13 States postal official, or other person qualified to administer oaths,
14 may proceed to mark the ballot in secret, to place the ballot in the
15 small envelope, to place the small envelope in the larger envelope, and
16 to sign the voter's certificate on the back of the larger envelope in
17 the presence of an official listed in this subsection who shall sign as
18 attesting official and shall date his signature. If none of the offi-
19 cials listed in this subsection are reasonably accessible, an absentee
20 voter shall have the ballot witnessed by two persons over the age of 18
21 years and, in addition, shall provide the certification prescribed in
22 AS 09.65.012.

23 (e) An absentee ballot must be marked and attested on or before
24 the date of the election. If the voter returns the ballot by mail, he
25 shall use the most expeditious mail service and mail the ballot not
26 later than the day of the election to the election supervisor in his
27 election district. If the ballot is postmarked, it must be postmarked
28 on or before election day.

29 (f) The director may require a voter casting an absentee ballot by

1 mail to provide proof of identification or other information to aid in
2 the establishment of his identity as prescribed by regulations adopted
3 under the Administrative Procedure Act (AS 44.62).

4 (g) The director shall maintain a record of the name of each voter
5 to whom an absentee ballot is sent by mail. The record must list the
6 date on which the ballot is mailed and the date on which the ballot is
7 received by the election supervisor and the dates on which the ballot
8 was executed and postmarked.

9 * Sec. 88. AS 15.20.170 is amended to read:

10 Sec. 15.20.170. DISPOSITION OF BALLOTS. Each absentee voting
11 [ELECTION] official [WHO HAS BEEN DESIGNATED BY AN ELECTION SUPERVISOR
12 OR THE LIEUTENANT GOVERNOR TO ISSUE ABSENTEE BALLOTS] shall transmit
13 the dated envelopes containing the marked ballots [STAMP ON THE ENVELOPE
14 CONTAINING THE OATH THE DATE ON WHICH THE BALLOT IS RECEIVED IN HIS
15 OFFICE. ALL BALLOTS RECEIVED SHALL BE IMMEDIATELY TRANSMITTED] by the
16 most expeditious mail service to the election supervisor for his dis-
17 trict. Upon receipt of the absentee ballots the election supervisor
18 shall stamp on the envelope the date on which the ballot is received.

19 * Sec. 89. AS 15.20.190 is amended to read:

20 Sec. 15.20.190. APPOINTMENT, DUTIES, AND COMPENSATION OF DISTRICT
21 COUNTING BOARDS [CANVASSING BOARD]. (a) Thirty days prior to the date
22 of an election, the election supervisors shall appoint, in the same
23 manner provided for the appointment of election judges prescribed in
24 AS 15.10.150, district absentee ballot counting [CANVASSING] boards
25 and district questioned ballot counting boards, each composed of four
26 members, two from each [MAJOR] political party. The district boards
27 [BOARD] shall assist the election supervisors in counting [AND CANVASS-
28 ING] the absentee and questioned ballots and shall receive the same
29 compensation paid election judges under AS 15.15.380.

1 (b) The election supervisor shall appoint a counting team or teams
2 to aid the district absentee ballot counting board in counting absentee
3 ballots and the district questioned ballot counting board in counting
4 questioned ballots. There shall be four counters on each counting team,
5 no more than two of whom may be members of the same political party.

6 * Sec. 90. AS 15.20 is amended by adding new sections to read:

7 Sec. 15.20.201. TIME OF DISTRICT ABSENTEE BALLOT COUNTING REVIEW.

8 (a) On the seventh day preceding the day of election, the election
9 supervisor or his designee, in the presence and with the assistance of
10 the district absentee ballot counting board, shall review all voter
11 certificates of absentee ballots received by that date. The review of
12 absentee ballots shall continue at times designated by the election
13 supervisor until completed and shall include all absentee ballots re-
14 ceived in the office of the election supervisor by 4:00 p.m. on the
15 seventh day following the day of the election.

16 (b) Counting of absentee ballots which have been reviewed shall
17 begin at 8:00 p.m., local time, on the day of the election at places
18 designated by each election supervisor and shall continue until all
19 ballots reviewed and eligible for counting have been counted. The
20 counting teams shall report the count of absentee ballots to the dis-
21 trict absentee ballot counting board. An election supervisor or an
22 election official may not remove ballots from the small, inner envelope
23 before 8:00 p.m., local time, on the day of the election. Counting of
24 the ballots shall continue at times designated by the election supervisor
25 until all ballots are counted.

26 (c) On the eighth day following the day of the election, the
27 district absentee ballot counting board shall certify the absentee
28 ballot review.

29 (d) Absentee ballots received in the office of an election super-

1 visor after the seventh day following the day of the election shall be
2 forwarded immediately to the director by the most expeditious service.

3 Sec. 15.20.203. PROCEDURE FOR DISTRICT ABSENTEE BALLOT COUNTING
4 REVIEW. (a) The district absentee ballot counting board shall examine
5 each absentee ballot envelope and shall determine whether the absentee
6 voter is qualified to vote at the election and whether the ballot has
7 been properly cast.

8 (b) An absentee ballot may not be counted if

9 (1) the voter has failed to properly execute the certificate;

10 (2) an official or the witnesses authorized by law to attest
11 the voter's certificate fail to execute the certificate;

12 (3) the voter fails to enclose the marked ballot inside the
13 small envelope;

14 (4) the ballot is not attested on or before the date of the
15 election; or

16 (5) the ballot, if postmarked, is not postmarked on or before
17 the date of the election.

18 (c) Any person present at the district absentee ballot counting
19 review may challenge the name of an absentee voter when read from the
20 voter's certificate on the back of the large envelope if he has good
21 reason to suspect that the challenged voter is not qualified to vote, is
22 disqualified, or has voted at the same election. The person making the
23 challenge shall specify the basis of the challenge in writing. The
24 district absentee ballot counting board by majority vote may refuse to
25 accept and count the absentee ballot of a person properly challenged on
26 grounds listed in (b) of this section.

27 (d) If an absentee ballot is rejected, the election supervisor
28 shall send a copy of the statement of the challenge to the absentee
29 voter. The election supervisor shall place all rejected absentee ballots

1 in a separate envelope with the statements of challenge. The envelope
2 shall be labeled "rejected absentee ballots" and shall be forwarded to
3 the director with the election certificates and other returns.

4 (e) If an absentee ballot is not rejected, the large envelope
5 shall be opened and the small envelope containing the ballot shall be
6 placed in a container and mixed with other small envelopes.

7 (f) The small envelopes shall be drawn from the container, opened,
8 and the ballots counted at the times specified in AS 15.20.201 and accord-
9 ing to the rules for determining properly marked ballots in AS 15.15.360.

10 (g) Upon completion of the absentee ballot review, the election
11 supervisor shall prepare an election certificate for execution by the
12 district absentee ballot counting board and shall forward the original
13 certificate and other returns to the director no later than the ninth
14 day following the election.

15 Sec. 15.20.205. TIME OF DISTRICT QUESTIONED BALLOT COUNTING REVIEW.

16 (a) On the second day following the day of the election, the election
17 supervisor or his designee, in the presence and with the assistance of
18 the district questioned ballot counting board, shall review all voter
19 certificates of questioned ballots received by that date. The review of
20 questioned ballots shall continue at times designated by the election
21 supervisor until completed.

22 (b) Counting of questioned ballots which have been reviewed shall
23 begin on the third day following the day of the election and shall
24 continue at times designated by the election supervisor until all bal-
25 lots reviewed and eligible for counting have been counted. The counting
26 teams shall report the count to the district questioned ballot counting
27 board.

28 (c) The district questioned ballot counting board shall certify
29 the questioned ballot totals as soon as the count is completed but no

1 later than the eighth day following the election.

2 (d) Questioned ballots received after certification of the count
3 shall be forwarded immediately to the director by the most expeditious
4 service.

5 Sec. 15.20.207. PROCEDURE FOR DISTRICT QUESTIONED BALLOT REVIEW.

6 (a) The district questioned ballot counting board shall examine each
7 questioned ballot envelope and shall determine whether the questioned
8 voter is qualified to vote at the election and whether the ballot has
9 been properly cast.

10 (b) A questioned ballot may not be counted if

- 11 (1) the voter has failed to properly execute the certificate;
12 (2) an official or the witnesses authorized by law to attest
13 the voter's certificate fail to execute the certificate; or
14 (3) the voter did not enclose the marked ballot inside the
15 small envelope.

16 (c) Any person present at the district questioned ballot review
17 may challenge the name of a questioned voter when read from the voter's
18 certificate on the back of the large envelope if he has good reason to
19 suspect that the questioned voter is not qualified to vote, is dis-
20 qualified, or has voted at the same election. The person making the
21 challenge shall specify the basis of the challenge in writing. The
22 district questioned ballot counting board by majority vote may refuse to
23 accept and count the questioned ballot of a person properly challenged
24 under grounds listed in (b) of this section.

25 (d) If a questioned ballot is rejected, the election supervisor
26 shall send a copy of the statement of the challenge to the questioned
27 voter. The election supervisor shall place all rejected questioned
28 ballots in a separate envelope with statements of challenge. The enve-
29 lope shall be labeled "rejected questioned ballots" and shall be for-

1 warded to the director with the election certificates and other returns.

2 (e) If a questioned ballot is not rejected, the large envelope
3 shall be opened and the small envelope containing the ballot shall be
4 placed in a container and mixed with other small envelopes containing
5 questioned ballots.

6 (f) The small envelopes shall be drawn from the container, opened,
7 and the ballots counted at the times specified in AS 15.20.205 and
8 according to the rules for determining properly marked ballots in AS 15.-
9 15.360.

10 (g) Upon completion of the questioned ballot review, the election
11 supervisor shall prepare an election certificate for execution by the
12 district questioned ballot counting board, and shall forward the ori-
13 ginal certificate and returns to the director as soon as the count is
14 completed but no later than the ninth day following the election.

15 * Sec. 91. AS 15.20 is amended by adding a new section to read:

16 Sec. 15.20.211. CROSS-DISTRICT VOTING. (a) If a qualified voter
17 of the state votes a ballot for an election district other than the
18 election district in which he is registered, the votes he casts for
19 statewide candidates and for statewide ballot propositions and statewide
20 questions shall be counted. If the qualified voter voted for a candidate
21 for the state senate from the senate district in which he is a resident,
22 the vote shall be counted. The votes cast for candidates or ballot
23 propositions or questions not appearing on the ballot of the district in
24 which he is a resident may not be counted.

25 (b) If a voter requested an absentee ballot by mail and the proper
26 ballot was not sent to the voter, the votes cast by the voter on the
27 ballot he received which are for write-in candidates he could have voted
28 for if he had received and voted the proper ballot shall be counted.

29 * Sec. 92. AS 15.20.220 is amended to read:

1 Sec. 15.20.220. PROCEDURE FOR STATE REVIEW [CANVASS]. (a) When
2 the director [LIEUTENANT GOVERNOR] and appointed party representatives
3 have completed the review [CANVASS] of [PAPER] ballots cast at the
4 voting precincts [AND THE CANVASS OF VOTING MACHINE BALLOTS], they shall
5 proceed to review [CANVASS] the absentee and questioned ballot votes
6 certified [COUNTED] by the district counting boards [CANVASSING BOARD].
7 The review [CANVASS] of the absentee and questioned ballot vote certi-
8 fied [COUNTED] by the district counting boards [CANVASSING BOARD] shall
9 be accomplished by reviewing the tallies of the recorded vote to check
10 for mathematical error and by comparing the totals with the election
11 certificate of results.

12 (b) The state review board shall review and count absentee and
13 questioned ballots not reviewed or counted by the district counting
14 boards and which have been forwarded to the director. Absentee and
15 questioned ballots not received in the office of the director by
16 4:00 p.m. on the 15th day following the election may not be counted in
17 the review.

18 * Sec. 93. AS 15.20.430 is amended to read:

19 Sec. 15.20.430. AUTHORIZATION OF RECOUNT APPLICATION. (a) A
20 defeated candidate or 10 qualified voters who believe there has been a
21 mistake made by an election official or by the counting [CANVASSING]
22 board in counting the votes in an election, may file an application
23 within five days after the completion of the state review [CANVASS] to
24 the director [LIEUTENANT GOVERNOR] for a recount of the votes from any
25 particular precinct or any election district and for any particular
26 office, proposition, or question. However, the application may be filed
27 only within three days after the completion of the state review [CAN-
28 VASS] after the general election for a recount of votes cast for the
29 office of governor and lieutenant governor. If there is a tie vote as

1 provided in AS 15.15.460, the director [LIEUTENANT GOVERNOR] shall
2 initiate the recount and give notice to the interested parties as pro-
3 vided in AS 15.20.470.

4 (b) The date on which the director [LIEUTENANT GOVERNOR] receives
5 an application rather than the date of mailing or transmission deter-
6 mines whether the application is filed within the time allowed under (a)
7 of this section. If the actual physical delivery by telegram of a copy
8 in substance of the statements made in the application for recount is
9 received in the office of the director [LIEUTENANT GOVERNOR] at or
10 before 5:00 p.m. Alaska Standard time, on the due date the application
11 will be accepted; providing the original signed application is post-
12 marked at or before 5:00 p.m. Alaska Standard time of the same day.

13 * Sec. 94. AS 15.20.440(b) is amended to read:

14 (b) Candidates, political parties, or organized groups having a
15 direct interest in a recount and who are seeking to protect their in-
16 terests during a recount may provide, at their own expense, [NOT MORE
17 THAN] two or more observers to witness the recount.

18 * Sec. 95. AS 15.20.450 is amended to read:

19 Sec. 15.20.450. REQUIREMENT OF DEPOSIT. The application shall
20 include a deposit in cash, by certified check, or by bond with a surety
21 approved by the director [LIEUTENANT GOVERNOR]. The amount of the
22 deposit is \$50 for each precinct, \$250 for each election district, and
23 \$2,000 for the entire state. However, if the recount includes an office
24 for which candidates received a tie vote, or the difference between the
25 number of votes cast was 10 or less or was less than .5 percent of the
26 total number of votes cast for the two candidates for the contested
27 office, or a question or proposition for which there was a tie vote on
28 the issue, or the difference between the number of votes cast in favor
29 of or opposed to the issue was 10 or less or was less than .5 percent of

1 the total votes cast in favor of or opposed to the issue, the applica-
2 tion need not include a deposit and the state shall bear the cost of the
3 recount. If, on the recount, a candidate other than the candidate who
4 received the original election certificate is declared elected, or if
5 the vote on recount is determined to be four percent or more in excess
6 of the vote reported by the state review [CANVASS] for the candidate
7 applying for the recount or in favor or opposed to the question or
8 proposition as stated in the application, the entire deposit shall be
9 refunded. If the entire deposit is not refunded, the director [LIEU-
10 TENANT GOVERNOR] shall refund any money remaining after the cost of the
11 recount has been paid from the deposit.

12 * Sec. 96. AS 15.20.460 is amended to read:

13 Sec. 15.20.460. DETERMINATION OF DATE OF RECOUNT. If the director
14 [LIEUTENANT GOVERNOR] determines that the application is substantially
15 in the required form, he shall fix the date of the recount to be held
16 within three days after the receipt of an application requesting a
17 recount of the general election votes cast for the office of governor
18 and lieutenant governor and within five days after the receipt of an
19 application requesting a recount for any other office, question, or
20 proposition.

21 * Sec. 97. AS 15.20.470 is amended to read:

22 Sec. 15.20.470. REQUIREMENT OF NOTICE. The director [LIEUTENANT
23 GOVERNOR] shall give the candidate or designated chairman signing the
24 application, the two or more persons appointed to represent the appli-
25 cant during the recount, and other directly interested parties, notice
26 of the time and place of the recount by certified mail, by telegraph, or
27 by telephone.

28 * Sec. 98. AS 15.20.480 is amended to read:

29 Sec. 15.20.480. PROCEDURE FOR RECOUNT. In conducting the recount,

1 the director [LIEUTENANT GOVERNOR,] or his appointed representative,
2 shall review all [PAPER, ABSENTEE, AND MACHINE] ballots whether [OR NOT]
3 the ballots were counted at the precinct or by computer or by the dis-
4 trict absentee counting board or the questioned ballot counting [CAN-
5 VASSING] board to determine which ballots, or parts of ballots, were
6 properly marked and which ballots are to be counted in the recount, and
7 shall [MAY] check the accuracy of the original count, the precinct
8 certificate and the review [CANVASS]. The director shall check the
9 number of ballots and questioned ballots cast in a precinct against the
10 registers and shall check absentee ballots voted against absentee bal-
11 lots distributed. The director shall count absentee ballots received
12 after 4:00 p.m. on the 15th day following the election and before the
13 completion of the recount. For administrative purposes, the director
14 [LIEUTENANT GOVERNOR] may join and include two or more applications in a
15 single review and count of votes. The rules in AS 15.15.360 [RULE]
16 governing the counting of hand-marked [MARKED] ballots and the rules in
17 AS 15.20.730 governing the counting of punch-card ballots [BY THE ELEC-
18 TION BOARD] shall be followed in the recount. The ballots and other
19 election material shall remain in the custody of the director [LIEU-
20 TENANT GOVERNOR] during the recount and the highest degree of care shall
21 be exercised to protect the ballots against alteration or mutilation.
22 The recount shall be completed within 10 [FIVE] days. The director
23 [LIEUTENANT GOVERNOR] may employ additional personnel necessary to assist
24 in the recount.

25 * Sec. 99. AS 15.20.490 is amended to read:

26 Sec. 15.20.490. CERTIFICATION OF RESULTS. If it is determined by
27 recount that the plurality of votes was cast for a candidate, the direc-
28 tor [LIEUTENANT GOVERNOR] shall issue a certificate of election or nom-
29 ination to the elected or nominated candidate as determined by the re-

1 count. If it is determined by the recount that a proposition or question
2 should be certified as having received the required vote, the director
3 [LIEUTENANT GOVERNOR] shall so certify except that the lieutenant gover-
4 nor shall so certify if the proposition or question involves an initia-
5 tive, referendum or constitutional amendment.

6 * Sec. 100. AS 15.20.510 is amended to read:

7 Sec. 15.20.510. PROVISION FOR APPEAL TO COURTS. A candidate or
8 any person who requested a recount who has reason to believe an error
9 has been made in the recount (1) involving any question or proposition
10 or the validity of any ballot may appeal to the superior court in ac-
11 cordance with applicable court rules governing appeals in civil matters,
12 and (2) involving candidates for the legislature or Congress or the
13 office of governor and lieutenant governor may appeal to the supreme
14 court in accordance with rules as may be promulgated by the court.
15 Appeal shall be filed within five days of the completion of the recount.
16 Upon order of the court, the director [LIEUTENANT GOVERNOR] shall fur-
17 nish the record of the recount taken including all ballots, registers,
18 and other election material and papers pertaining to the election con-
19 test. The appeal shall be heard by the court sitting without a jury.
20 The inquiry in the appeal shall extend to the questions whether or not
21 the director [LIEUTENANT GOVERNOR] has properly determined what ballots,
22 parts of ballots, or marks for candidates on ballots are valid, and to
23 which candidate or division on the question or proposition the vote
24 should be attributed. The court shall enter judgment either setting
25 aside, modifying, or affirming the action of the director [LIEUTENANT
26 GOVERNOR] on recount.

27 * Sec. 101. AS 15.20.520 is amended to read:

28 Sec. 15.20.520. PROVISION FOR APPEAL TO LEGISLATURE OR CONGRESS.
29 A candidate or persons who requested a recount, who have reason to

1 believe an error has been made in the recount involving a candidate for
2 the general election for the state legislature or Congress, may appeal
3 to the chamber in which the candidate seeks membership in accordance
4 with applicable rules of the legislature or Congress. Upon request of
5 the legislature or Congress, the director [LIEUTENANT GOVERNOR] shall
6 furnish the record of the recount taken including all ballots, regis-
7 ters, and other election material and papers pertaining to the election
8 contest.

9 * Sec. 102. AS 15.20.530 is amended to read:

10 Sec. 15.20.530. DETERMINATION OF TIE VOTES. If after a recount
11 and appeal two or more candidates tie in having the highest number of
12 votes for the same office, the director [LIEUTENANT GOVERNOR] shall
13 notify the candidates who are tied. The director [LIEUTENANT GOVERNOR]
14 shall notify the candidates of a reasonably suitable time and place to
15 determine the successful candidate by lot. After the determination has
16 been made by lot, the director [LIEUTENANT GOVERNOR] shall so certify.

17 * Sec. 103. AS 15.20.550 is amended to read:

18 Sec. 15.20.550. JURISDICTION AND TIME FOR CONTEST. The action may
19 be brought in the superior court within 10 days after the completion of
20 the state review [CANVASS].

21 * Sec. 104. AS 15.20.560 is amended to read:

22 Sec. 15.20.560. JUDGMENT OF COURT. The judge shall pronounce judg-
23 ment on which candidate was elected or nominated and whether the ques-
24 tion or proposition was accepted or rejected. The director [LIEUTENANT
25 GOVERNOR] shall issue a new election certificate to correctly reflect the
26 judgment of the court. If the court decides that the election resulted
27 in a tie vote, the director [LIEUTENANT GOVERNOR] shall immediately pro-
28 ceed to determine the election by lot as is provided by law. If the
29 court decides that no candidate was duly elected or nominated, the judg-

1 ment shall be that the contested election be set aside. The provisions
2 of this section and AS 15.20.540 and 15.20.550 are not intended to limit
3 or interfere with the power of the legislature to judge the election and
4 qualifications of its members.

5 * Sec. 105. AS 15.20.590(a) is amended to read:

6 (a) For every area of the state designated by him for punch-card
7 voting, the director [LIEUTENANT GOVERNOR] shall appoint a Data Proces-
8 sing Review Board which is responsible to him for the evaluation of all
9 computer phases of the election. The board shall consist of at least
10 three members. At least one member shall be a member of the political
11 party whose candidate for governor received the largest number of state-
12 wide votes at the preceding general election, one shall be a member of
13 the party whose candidate received the second largest number of votes,
14 and one shall be registered to vote either as an "independent" or "non-
15 partisan" or shall have declined to state his party affiliation when
16 registering to vote. At least one of the members must be familiar with
17 the election process, and at least two must have some expertise in
18 computer programming and processing. The election supervisor shall name
19 one of the members who has sufficient familiarity with computer pro-
20 gramming and operations as presiding officer of the board.

21 * Sec. 106. AS 15.20.600 is amended to read:

22 Sec. 15.20.600. PARTY REPRESENTATION. In AS 15.20.590 - 15.20.730,
23 wherever there is a provision for a person to represent a political
24 party, he shall be chosen by the appointing official subject to the
25 approval of the district committee of that party. If the party district
26 committee fails to respond within 15 days, the appointing official shall
27 seek approval from the state chairman of the party. If the committee
28 or state chairman makes a reasonable objection, another person shall be
29 appointed.

- 1 * Sec. 107. AS 15.20 is amended by adding a new section to read:
2 Sec. 15.20.609. USE OF COMPUTERS. The director shall designate the
3 computers to be used in the counting of ballots. The director may design-
4 nate more than one computer for use in computer counting centers in addi-
5 tion to alternate computers specified under AS 15.20.610.
- 6 * Sec. 108. AS 15.20.610 is amended to read:
7 Sec. 15.20.610. ALTERNATE SITE. For each computer counting cen-
8 ter, the director [LIEUTENANT GOVERNOR] shall designate an alternate
9 site, if available, to be used in the event of equipment failure at the
10 main location. If the computer fails and no alternate site is avail-
11 able, the election supervisor shall designate emergency counting teams
12 to handcount punch-card ballots in the manner prescribed by AS 15.20.730
13 [FOR PAPER BALLOTS].
- 14 * Sec. 109. AS 15.20.620(b)(4) is amended to read:
15 (4) approximately one hour before the processing of the ques-
16 tioned and absentee [AND CHALLENGED] ballots; and
- 17 * Sec. 110. AS 15.20.620(b)(5) is amended to read:
18 (5) immediately after the final vote tabulation of questioned
19 and absentee [AND CHALLENGED] ballots is complete.
- 20 * Sec. 111. AS 15.20.620(c) is amended to read:
21 (c) As a security precaution, after the computer has been tested
22 as prescribed in (b)(2) and (4) of this section,
23 (1) the vote-counting task shall remain isolated from non-
24 related processing tasks;
25 (2) processing not concerned with vote counting shall be
26 limited to tasks which are critical to the computer center and shall be
27 agreed upon in advance by the manager of the computer center and the
28 director;
29 (3) reasonable computer security controls shall be in effect

1 to assure the integrity of the vote-counting process; and
2 (4) access to the computer counting area shall be controlled
3 by the Data Processing Review Board until the vote-counting process is
4 terminated [THE COMPUTER SYSTEM SHALL REMAIN IDLE AND THE AREA SECURED
5 UNTIL TABULATION OF PUNCH-CARD BALLOTS BEGINS].

6 * Sec. 112. AS 15.20.620 is amended by adding a new subsection to read:

7 (f) At any time during the count, party representatives or members
8 of the Data Processing Review Board may request a listing of the program
9 source code which comprises the instructions to be executed by the
10 computer.

11 * Sec. 113. AS 15.20.640(b) is amended to read:

12 (b) The ballot cards shall be inspected individually [,] and any
13 ballots which are damaged so that they cannot be read by the computer [,
14 OR ARE MARKED SO THAT THE VOTER CAN BE IDENTIFIED,] shall be withdrawn
15 and set aside for hand counting [PLACED IN THE FACSIMILE BALLOT ENVE-
16 LOPE].

17 * Sec. 114. AS 15.20.640(c) is amended to read:

18 (c) The ballots containing write-in votes shall be banded together
19 and placed behind the other undamaged ballot cards which have been
20 voted. The [FACSIMILE BALLOT ENVELOPE AND THE] envelope containing
21 questioned [AND CHALLENGED] ballots shall be banded to the computer-
22 ready ballots, and the bundle placed in a special container and sealed,
23 with the seal signed by the election board members.

24 * Sec. 115. AS 15.20.650 is amended to read:

25 Sec. 15.20.650. DELIVERY OF BALLOTS TO COMPUTER COUNTING CENTER.
26 The delivery of ballots from the precinct polling place to the desig-
27 nated computer counting center shall be made by a delivery team con-
28 sisting of two members of the election board, one from each of the two
29 major political parties or by a licensed security officer accompanied by

1 at least one person designated by the election board. The delivery team
2 shall accompany the ballots from the precinct polling place to the
3 receiving board at the computer counting center.

4 * Sec. 116. AS 15.20.670(3) is amended to read:

5 (3) place the ballot bundles and unprocessable ballots [FAC-
6 SIMILE] envelope in a tray for delivery to the computer room; and

7 * Sec. 117. AS 15.20.670(4) is amended to read:

8 (4) give the envelope containing questioned [AND CHALLENGED]
9 ballots to the election supervisor [DATA PROCESSING REVIEW BOARD].

10 * Sec. 118. AS 15.20.680 is repealed and re-enacted to read:

11 Sec. 15.20.680. COUNTING OF BALLOTS BY COMPUTER. (a) All vote-
12 counting processing in the computer room shall be under the supervision
13 of the presiding officer of the Data Processing Review Board. The
14 presiding officer shall resolve any problems which arise in the vote
15 counting by consulting with other members of the board.

16 (b) The Data Processing Review Board shall initiate the processing
17 of ballots from each precinct by

18 (1) comparing the precinct identification on the header card
19 against that of the envelope to ensure that they are the same;

20 (2) ensuring that any write-in ballots are separate and placed
21 at the rear of other ballots; and

22 (3) giving the ballots to the computer operator.

23 (c) The computer operator shall process the ballots by

24 (1) picking up the ballots of one precinct; removing any
25 ballots which cannot be processed; placing any unprocessable ballots in
26 the envelope; and returning the envelope to the Data Processing Review
27 Board member for hand counting;

28 (2) placing the ballots in the computer card reader and acti-
29 vating it;

1 (3) returning the counted ballots with write-in ballots
2 separated to the Data Processing Review Board.

3 * Sec. 119. AS 15.20 is amended by adding a new section to read:

4 Sec. 15.20.685. HAND COUNTING OF PUNCH-CARD BALLOTS. (a) The
5 election supervisor shall appoint a counting team or teams to assist in
6 the counting of punch-card ballots at the computer counting center on
7 election night. There shall be at least four counters on each counting
8 team, no more than two of whom may be members of the same political
9 party.

10 (b) A counting team or teams shall count all punch-card ballots
11 which cannot be processed through the computer and all write-in votes on
12 ballots which have been processed through the computer. Each counting
13 team shall make a certificate in duplicate of the results of the count.

14 * Sec. 120. AS 15.20.690 is amended to read:

15 Sec. 15.20.690. ALTERNATE COMPUTER [SITE] COUNTING. (a) A com-
16 puter service technician shall be on standby duty during the entire vote
17 counting process. If equipment failure occurs and the Data Processing
18 Review Board determines that repairs cannot be made within a reasonable
19 time and an alternate computer is not available at the same site, the
20 computer room process shall be moved to the alternate site if one is
21 available. If an alternate computer is available at the same site, the
22 Data Processing Review Board shall make a test run to ensure that the
23 alternate computer is functioning properly, and ballot counting shall
24 be continued beginning with the precinct determined appropriate by the
25 Data Processing Review Board If an alternate site is not available,
26 [ALL] ballots [, INCLUDING THOSE PREVIOUSLY COUNTED,] shall be counted
27 manually [IN THE COMPUTER COUNTING CENTER]. The Data Processing Review
28 Board shall determine the precincts to receive manual counting.

29 (b) If an alternate site is available, all ballots including those

1 previously counted shall be boxed, and a receipt prepared. The ballot
2 programs shall also be sealed. The sealed material shall then be trans-
3 ported to the alternate location accompanied by a state trooper, the
4 election supervisor, [THE COMPUTER OPERATOR,] and the Data Processing
5 Review Board. On arrival at the alternate site, the board shall ini-
6 tiate a test run to ensure that the computer is functioning properly.
7 After checking the seals on all containers, the supervisor and presiding
8 officer shall sign the receipt and open all of the materials. Ballot
9 counting shall be continued, beginning with the precinct determined
10 appropriate by the Data Processing Review Board [ALL OF THE BALLOTS
11 SHALL BE COUNTED AT THE ALTERNATE SITE, INCLUDING THOSE ALREADY COUNTED
12 AT THE MAIN LOCATION].

13 (c) After processing is completed, all [THE WRITE-IN BALLOTS, THE
14 FACSIMILE ENVELOPE, AND THE ENVELOPE CONTAINING THE CHALLENGED AND
15 QUESTIONED BALLOTS SHALL BE GIVEN TO THE ELECTION SUPERVISOR, AND THE
16 REMAINING] ballots shall [AGAIN] be sealed and transported to a desig-
17 nated place of security. [ALL COMPUTER TAPES RESULTING FROM THE ABORTED
18 COUNTING OPERATION SHALL BE ERASED AND THE SUMMARY CARDS DESTROYED.]

19 * Sec. 121. AS 15.20.700 is amended to read:

20 Sec. 15.20.700. DISPOSITION OF BALLOTS. (a) The ballots which
21 have been counted in the computer room shall be sealed by the Data
22 Processing Review Board or the designated counting team. The sealed
23 ballots shall then be transported to a designated place of security.
24 The [FACSIMILE ENVELOPES,] questioned [AND CHALLENGED] ballots shall be
25 sealed and given to the election supervisor for tallying. [ANY BALLOTS
26 CONTAINING WRITE-IN VOTES SHALL BE SEALED AND GIVEN TO THE ELECTION
27 SUPERVISOR FOR TALLYING BY THE DISTRICT ABSENTEE BALLOT CANVASSING
28 BOARD.]

29 (b) [A REPRESENTATIVE OF THE LIEUTENANT GOVERNOR'S OFFICE AND A

1 STATE TROOPER SHALL MEET ANY AIRCRAFT CARRYING COMPUTER BALLOTS TO THE
2 CAPITAL, AND ACCOMPANY THEM TO THE SECURITY AREA THERE.]

3 (c) The ballot image magnetic tape which contains an [A] exact
4 image of each counted ballot shall be retained in a secure manner by the
5 election supervisor until the director [LIEUTENANT GOVERNOR] determines
6 that it is no longer needed.

7 * Sec. 122. AS 15.20.710 is amended to read:

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 representa-
14 tives. In addition, the director may authorize the computerized broad-
15 cast of results while vote counting is in progress. This broadcast may
16 be accomplished through on-line terminals and may begin when the vote
17 counting begins.

18 * Sec. 123. AS 15.20.720 is amended to read:

19 Sec. 15.20.720. PUBLIC OBSERVATION. The punch-card counting
20 process shall be available for public viewing by closed circuit tele-
21 vision, or by direct observation to the extent that the presiding officer
22 of the Data Processing Review Board determines that election officials
23 and computer personnel will not be hindered in the performance of their
24 duties.

25 * Sec. 124. AS 15.20.730 is amended by adding a new subsection to read:

26 (c) Hand counting of write-in votes and unprocessable punch card
27 ballots shall be done in accordance with the requirements of this sec-
28 tion. If an equipment failure occurs and the Data Processing Review
29 Board determines that the ballots are to be counted manually, the ballot

1 counting shall be done in accordance with the requirements of this
2 section.

3 * Sec. 125. AS 15.20 is amended by adding a new section to read:

4 Sec. 15.20.740. QUESTIONED PUNCH-CARD BALLOTS. The procedure for
5 reviewing and counting questioned punch-card ballots is the same pro-
6 cedure established in AS 15.20.205 and 15.20.207 for hand-marked ballots
7 except that questioned punch-card ballots may be processed by the com-
8 puter from the third through the eighth day following the election. The
9 Data Processing Review Board shall supervise the count and shall follow
10 the procedure established in AS 15.20.680 and 15.20.685.

11 * Sec. 126. AS 15.25.030 is amended to read:

12 Sec. 15.25.030. DECLARATION OF CANDIDACY. (a) A member of a
13 political party who seeks to become a candidate of the party in the
14 primary election shall execute and file a declaration of candidacy. The
15 declaration shall be executed under oath before an officer authorized to
16 take acknowledgments and shall state in substance:

- 17 (1) the full name of the candidate;
- 18 (2) the full mailing address of the candidate;
- 19 (3) if the candidacy is for the office of state senator or
20 state representative, the election or senate district of which the
21 candidate is a resident;
- 22 (4) the office for which the candidate seeks nomination;
- 23 (5) the name of the political party of which he is a candidate
24 for nomination;
- 25 (6) the full resident address of the candidate;
- 26 (7) the date of the primary election at which the candidate
27 declares himself to be a candidate;
- 28 (8) that the candidate will meet the specific residency
29 requirements of the office for which he is a candidate;

1 (9) that the candidate will meet the specific citizenship
2 requirements of the office for which he is a candidate;

3 (10) that the candidate is a qualified voter as required by
4 law;

5 (11) that the candidate will meet the specific age require-
6 ments of the office for which he is a candidate;

7 (12) that the candidate requests that his name be placed on
8 the primary election ballot;

9 (13) that the required fee accompanies the declaration;

10 (14) that he is not a candidate for any other office [, EX-
11 CLUDING A CONGRESSIONAL OFFICE,] to be voted on at the primary or general
12 election and that he has not filed another declaration of candidacy or
13 nominating petition for the office for which this declaration is filed;
14 [AND]

15 (15) the manner in which he wishes his name to appear on the
16 ballot; and

17 (16) that the candidate is registered to vote as a member of
18 the political party whose nomination he seeks.

19 (b) A person filing a declaration of candidacy under this section
20 shall simultaneously file a statement of income sources and business
21 interests which complies with the requirements of AS 39.50.

22 * Sec. 127. AS 15.25.040(c) is amended to read:

23 (c) A candidate for a statewide office or a [SHALL FILE WITH THE
24 LIEUTENANT GOVERNOR. A] candidate for a district-wide office shall file
25 either with the director [LIEUTENANT GOVERNOR] or an election super-
26 visor. If the candidate files his declaration with an election super-
27 visor, the election supervisor shall immediately forward the declaration
28 to the director [LIEUTENANT GOVERNOR].

29 * Sec. 128. AS 15.25.050 is amended to read:

1 Sec. 15.25.050. REQUIREMENT OF FILING FEE. (a) At the time the
2 declaration is filed, each candidate shall pay a filing fee to the
3 director [LIEUTENANT GOVERNOR]. The filing fee for candidates for
4 office of governor, lieutenant governor, United States senator, and
5 United States representative is \$100. The filing fee for candidates for
6 office of state senator and state representative is \$30. Subject to
7 legislative appropriation, the director shall pay the filing fee
8 collected from a candidate under this section to the central committee
9 of the political party of that candidate.

10 (b) An indigent person as defined by regulations adopted under the
11 Administrative Procedure Act (AS 44.62) may file a statement of indi-
12 gency in the form prescribed by regulation in place of the filing fee
13 required by this section.

14 * Sec. 129. AS 15.25.055 is amended to read:

15 Sec. 15.25.055. REMOVAL OF NAME FROM PRIMARY BALLOT. A candi-
16 date's name will appear on the primary election ballot unless notice of
17 his withdrawal from the primary is received by the director [LIEUTENANT
18 GOVERNOR] at least 40 days before the date of the primary election.

19 * Sec. 130. AS 15.25.056(a) is amended to read:

20 (a) If an unopposed incumbent candidate for renomination dies,
21 becomes disqualified from holding the office he is seeking, or is certi-
22 fied as being incapacitated between June 1 of the election year and that
23 date which is 45 [15] days before the date of the primary election, his
24 place on the ballot may be filled by party petition. The petition shall
25 state that the political party requests the name of the proposed candi-
26 date replace that of the incumbent on the primary election ballot and
27 shall be accompanied by a declaration of candidacy from the person named
28 in the petition. The petition must be received by the director [LIEU-
29 TENANT GOVERNOR] no later than 14 days after the death, disqualification

1 or certification of incapacity of the incumbent or 40 [10] days before
2 the primary election date, whichever time is earlier.

3 * Sec. 131. AS 15.25.056(c) is amended to read:

4 (c) The death, disqualification or certification of incapacity of
5 the incumbent within 40 [10] days before or on the primary election date
6 does not affect the counting and review [CANVASS] of the ballots. If
7 the result of the counting and review [CANVASS] discloses that the
8 candidate, if he had lived, would have been nominated, the candidate
9 shall be declared nominated. The vacancy may be filled by party petition
10 as provided in AS 15.25.110 - 15.25.130.

11 * Sec. 132. AS 15.25.060 is amended to read:

12 Sec. 15.25.060. PREPARATION AND DISTRIBUTION OF BALLOTS. The
13 primary election ballot shall be prepared and distributed by the director
14 [LIEUTENANT GOVERNOR] in the manner prescribed for general election bal-
15 lots except as specifically provided otherwise for the primary election.
16 The director [LIEUTENANT GOVERNOR] shall place the names of all candidates
17 who have properly filed in groups according to offices filed for, without
18 regard to party affiliation. The names for each office shall be rotated
19 as provided for the general election ballot. No blank spaces shall be
20 provided on the ballot for the writing or pasting in of names.

21 * Sec. 133. AS 15.25.090 is amended to read:

22 Sec. 15.25.090. GENERAL PROCEDURE FOR CONDUCT OF PRIMARY ELECTION.
23 Unless specifically provided otherwise, all provisions regarding the
24 conduct of the general election shall govern the conduct of the primary
25 election, including, but not limited to, provisions concerning voter
26 qualification; provisions regarding the duties, powers, rights, and
27 obligations of the director [LIEUTENANT GOVERNOR], of other election
28 officials, and of cities and organized boroughs; provision for notifi-
29 cation of the election; provisions regarding payment of election ex-

1 penses; provisions regarding employees being allowed time from work to
2 vote; provisions for the counting, review [CANVASSING], and certifica-
3 tion of returns; provisions for the determination of tie votes and of
4 recount, contests and appeal; and provisions for absentee voting [AND
5 THE USE OF VOTING MACHINES].

6 * Sec. 134. AS 15.25.100 is amended to read:

7 Sec. 15.25.100. PLACEMENT OF NOMINEES ON GENERAL ELECTION BALLOT.

8 The director [LIEUTENANT GOVERNOR] shall place the name of the candidate
9 receiving the highest number of votes for an office by a political party
10 on the general election ballot.

11 * Sec. 135. AS 15.25.110 is amended to read:

12 Sec. 15.25.110. FILLING VACANCIES BY PARTY PETITION. If a candi-
13 date nominated at the primary election dies, withdraws, resigns, becomes
14 disqualified from holding office for which he is nominated, or is cer-
15 tified as being incapacitated in the manner prescribed by this section
16 after the primary election and 40 [10] days or more before the general
17 election, the vacancy may be filled by party petition. The central com-
18 mittee of any political party or any party district committee may
19 certify as being incapacitated any candidate nominated by their respec-
20 tive party by presenting to the director [LIEUTENANT GOVERNOR] a sworn
21 statement made by a panel of three licensed physicians, not more than
22 two of whom shall be of the same political party, that the candidate is
23 physically or mentally incapacitated to an extent that would in his
24 judgment prevent the candidate from active service during the term of
25 office if elected. The director [LIEUTENANT GOVERNOR] shall place the
26 name of the person nominated by party petition on the general election
27 ballot [OR, IF THE GENERAL ELECTION BALLOT HAS BEEN PREPARED, THE LIEU-
28 TENANT GOVERNOR OR THE ELECTION OFFICIALS DIRECTED BY THE LIEUTENANT
29 GOVERNOR SHALL PREPARE, PRINT, AND DISTRIBUTE A SUFFICIENT NUMBER OF

1 GUMMED LABELS OR STICKERS BEARING THE NAME OF THE CANDIDATE TO FILL THE
2 VACANCY TO EACH VOTING PRECINCT WITH INSTRUCTIONS THAT THE ELECTION
3 JUDGES SHALL PLACE ONE OF THE STICKERS OR LABELS ON THE APPROPRIATE
4 PLACE ON EACH BALLOT BEFORE THE BALLOT IS HANDED TO THE VOTER]. The
5 name of a candidate disqualified under this section shall not appear on
6 the general election ballot.

7 * Sec. 136. AS 15.25.120 is amended to read:

8 Sec. 15.25.120. REQUIREMENTS FOR PARTY PETITION. Party petitions
9 for the nomination of candidates shall state in substance that the
10 political party desires and intends to support the named candidate for
11 the named office and requests that the name of the proposed candidate be
12 placed on the general election ballot. The petition may be filed no
13 later than 40 [10] days before the date of the general election.

14 * Sec. 137. AS 15.25.150 is amended to read:

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

27 * Sec. 138. AS 15.25.160 is amended to read:

28 Sec. 15.25.160. REQUIRED NUMBER OF SIGNATURES FOR STATE-WIDE
29 OFFICE. Petitions for the nomination of candidates for the office of

1 governor, lieutenant governor, United States senator and United States
2 representative shall be signed by qualified voters of the state equal
3 in number to at least three percent of the number of votes cast in the
4 preceding general election [NOT LESS THAN 1,000 QUALIFIED VOTERS].

5 Candidates for the office of governor and lieutenant governor shall file
6 jointly.

7 * Sec. 139. AS 15.25.170 is amended to read:

8 Sec. 15.25.170. REQUIRED NUMBER OF SIGNATURES FOR DISTRICT-WIDE
9 OFFICE. Petitions for the nomination of candidates for the office of
10 state senator or state representative shall be signed by qualified
11 voters of the election or senate district in which the proposed nominee
12 desires to be a candidate equal in number to at least three [FIVE] per-
13 cent of the number of votes cast in his respective election or senate
14 district in the preceding general election, provided that no nominating
15 petition need contain more than 200 signatures nor may it contain less
16 than 50 signatures for any district.

17 * Sec. 140. AS 15.25.180 is amended by adding new paragraphs to read:

18 (14) the name of the candidate as he wishes it to appear on
19 the ballot;

20 (15) that the candidate is not a candidate for any other
21 office to be voted on at the primary or general election and that he has
22 not filed another nominating petition or declaration of candidacy for
23 the office for which this petition is filed.

24 * Sec. 141. AS 15.25.190 is amended to read:

25 Sec. 15.25.190. PLACEMENT OF NAMES ON GENERAL ELECTION BALLOT.
26 The director [LIEUTENANT GOVERNOR] shall place the names and the poli-
27 tical group affiliation of persons who have been properly nominated by
28 petition on the general election ballot.

29 * Sec. 142. AS 15.25.200 is amended to read:

1 Sec. 15.25.200. WITHDRAWAL OF CANDIDATE'S NAME. If a candidate
2 nominated by petition dies or withdraws after the petition has been
3 filed and before September 1 of the election year, the director [LIEU-
4 TENANT GOVERNOR] shall not place the name of the candidate on the gen-
5 eral election ballot.

6 * Sec. 143. AS 15.30.020 is amended to read:

7 Sec. 15.30.020. NUMBER AND MANNER OF SELECTING CANDIDATES. Each
8 political party shall select a number of candidates for electors of
9 President and Vice President of the United States equal to the number of
10 senators and representatives to which the state is entitled in Congress.
11 The candidates for electors shall be selected by the state party conven-
12 tion or in any other manner prescribed by the bylaws of the party. The
13 chairman and secretary of the state convention or any other party offi-
14 cial designated by the party bylaws shall certify a list of the names of
15 candidates for electors to the director [LIEUTENANT GOVERNOR] on or
16 before September 1 in presidential election years.

17 * Sec. 144. AS 15.30.025 is amended to read:

18 Sec. 15.30.025. QUALIFICATIONS FOR LIMITED POLITICAL PARTIES. (a)
19 A limited political party may be organized for the purpose of selecting
20 candidates for electors of President and Vice President of the United
21 States by filing a petition with the director [LIEUTENANT GOVERNOR] at
22 least 90 days before a presidential general election signed by qualified
23 voters of this state equaling in number at least three percent of
24 Alaska's total vote for President at the last presidential election.
25 The petition shall state that the signers intend to organize a limited
26 political party, that they intend to select candidates for electors of
27 President and Vice President of the United States at the next succeeding
28 presidential election, and the name of the limited political party.

29 (b) A limited political party organized under this section may not

1 assume a name which is so similar to an existing political party as to
2 confuse or mislead the voters at an election. If the director [LIEU-
3 TENANT GOVERNOR] determines that the name of the limited political party
4 set out in a petition is confusing or misleading, he may refuse to
5 accept the petition for filing.

6 (c) A limited political party organized under this section shall
7 cease to be a limited political party whenever its presidential candi-
8 date fails to receive at least 10 percent of the total Alaskan vote cast
9 for the office of President at a presidential election.

10 * Sec. 145. AS 15.30.060 is amended to read:

11 Sec. 15.30.060. NOTIFICATION OF ELECTORS. When the results of the
12 election of presidential electors have been determined, the director
13 [LIEUTENANT GOVERNOR] shall send a certificate of election to each
14 elector and shall notify the electors of the time and place of their
15 meeting and of their duties as electors.

16 * Sec. 146. AS 15.30.070 is amended to read:

17 Sec. 15.30.070. PLACE AND TIME OF MEETING. The electors shall
18 meet at the office of the director [LIEUTENANT GOVERNOR] or other place
19 designated by him at 11:00 o'clock in the morning on the first Monday
20 after the second Wednesday in December following their election. If
21 Congress fixes a different day for the meeting, the electors shall meet
22 on the day designated by the Act of Congress.

23 * Sec. 147. AS 15.30.090 is amended to read:

24 Sec. 15.30.090. DUTIES OF ELECTORS. After any vacancies have been
25 filled, the electors shall proceed to cast their votes for the candi-
26 dates for the office of President and Vice President of the party which
27 selected them as candidates for electors and shall perform the duties of
28 electors as required by the constitution and laws of the United States.
29 The director [LIEUTENANT GOVERNOR] shall provide administrative services

1 and the Department of Law shall provide legal services necessary for the
2 electors to perform their duties.

3 * Sec. 148. AS 15.35.040 is amended to read:

4 Sec. 15.35.040. FILING DECLARATION BY SUPREME COURT JUSTICE. Each
5 justice seeking retention in [TO SUCCEED HIMSELF TO] office shall file
6 with the director [LIEUTENANT GOVERNOR] a declaration of candidacy
7 for retention not less than 90 days before the date of the general
8 election at which approval or rejection is requisite.

9 * Sec. 149. AS 15.35.041 is amended to read:

10 Sec. 15.35.041. REQUIREMENT OF FILING FEE FOR SUPREME COURT CANDI-
11 DATE. At the time the declaration is filed, each candidate for retention
12 shall pay a filing fee to the director [LIEUTENANT GOVERNOR]. The
13 filing fee for a candidate for retention on the supreme court is \$100.

14 * Sec. 150. AS 15.35.050 is amended to read:

15 Sec. 15.35.050. PLACING NAME OF SUPREME COURT JUSTICE ON BALLOT.
16 The director [LIEUTENANT GOVERNOR] shall place the name of a supreme
17 court justice who has properly filed a declaration of candidacy for
18 retention on the judicial ballot in each judicial district of the state
19 for the general election at which approval is sought.

20 * Sec. 151. AS 15.35 is amended by adding new sections to read:

21 Sec. 15.35.053. APPROVAL OR REJECTION OF A JUDGE OF THE COURT OF
22 APPEALS. Each judge of the court of appeals shall be subject to ap-
23 proval or rejection at the first general election held more than three
24 years after his appointment. If approved, he is thereafter subject to
25 approval or rejection in a like manner every eighth year.

26 Sec. 15.35.055. FILING DECLARATION BY JUDGE OF THE COURT OF AP-
27 PEALS. Each judge of the court of appeals seeking retention in office
28 shall file with the director a declaration of candidacy for retention
29 not less than 90 days before the date of the general election at which

1 approval or rejection is requisite.

2 Sec. 15.35.057. REQUIREMENT OF FILING FEE FOR COURT OF APPEALS.

3 At the time the declaration is filed, each candidate for retention shall
4 pay a filing fee to the director. The filing fee for a candidate for
5 retention on the court of appeals is \$100.

6 Sec. 15.35.059. PLACING NAME OF JUDGE OF THE COURT OF APPEALS ON
7 BALLOT. The director shall place the name of a judge of the court of
8 appeals who has properly filed a declaration of candidacy for retention
9 on the judicial ballot in each judicial district of the state for the
10 general election at which approval is sought.

11 * Sec. 152. AS 15.35.070 is amended to read:

12 Sec. 15.35.070. FILING DECLARATION BY SUPERIOR COURT JUDGE. Each
13 judge seeking retention in [TO SUCCEED HIMSELF TO] office shall file
14 with the director [LIEUTENANT GOVERNOR] a declaration of candidacy
15 for retention not less than 90 days before the date fixed for the
16 general election at which approval or rejection is requisite.

17 * Sec. 153. AS 15.35.071 is amended to read:

18 Sec. 15.35.071. REQUIREMENT OF FILING FEE FOR SUPERIOR COURT
19 CANDIDATE. At the time the declaration is filed, each candidate for
20 retention shall pay a filing fee to the director [LIEUTENANT GOVERNOR].
21 The filing fee for a candidate for retention on the superior court is
22 \$30.

23 * Sec. 154. AS 15.35.090 is amended to read:

24 Sec. 15.35.090. PLACING NAME OF SUPERIOR COURT JUDGE ON BALLOT.
25 The director [LIEUTENANT GOVERNOR] shall place the name of a superior
26 court judge who has properly filed a declaration of candidacy for re-
27 retention on the judicial ballot in the judicial district designated in
28 his declaration of candidacy for the general election at which approval
29 is sought.

- 1 * Sec. 155. AS 15.35.110 is amended to read:
2 Sec. 15.35.110. FILING DECLARATION BY DISTRICT JUDGE. Each dis-
3 trict judge seeking retention in [TO SUCCEED HIMSELF TO] office shall
4 file with the director [LIEUTENANT GOVERNOR] a declaration of candidacy
5 for retention not less than 90 days before the date fixed for the
6 general election at which approval or rejection is requisite.
- 7 * Sec. 156. AS 15.35.120 is amended to read:
8 Sec. 15.35.120. REQUIREMENT OF FILING FEE FOR DISTRICT COURT
9 CANDIDATE. At the time the declaration is filed, each candidate for
10 retention on the district court shall pay a filing fee of \$30 to the
11 director [LIEUTENANT GOVERNOR].
- 12 * Sec. 157. AS 15.35.130 is amended to read:
13 Sec. 15.35.130. PLACING NAME OF DISTRICT JUDGE ON BALLOT. The
14 director [LIEUTENANT GOVERNOR] shall place the name of a district judge
15 who has properly filed a declaration of candidacy for retention on the
16 judicial ballot in the judicial district designated in his declaration
17 of candidacy for the general election at which approval is sought.
- 18 * Sec. 158. AS 15.40.040 is amended to read:
19 Sec. 15.40.040. CONDITIONS FOR PART-TERM APPOINTMENT AND SPECIAL
20 ELECTION. If the vacancy is for an unexpired term of more than two
21 years plus five full calendar months, the governor shall call a special
22 election by proclamation and the appointment shall expire on the date
23 the United States senate first meets, convenes, or reconvenes, following
24 the certification of the results of the special election by the director
25 [LIEUTENANT GOVERNOR].
- 26 * Sec. 159. AS 15.40.070 is amended to read:
27 Sec. 15.40.070. TERM OF ELECTED SENATOR. At the special election,
28 a United States senator shall be elected to fill the remainder of the
29 unexpired term. The person elected shall take office on the date the

1 United States senate first meets, convenes, or reconvenes following the
2 certification of the results of the special election by the director
3 [LIEUTENANT GOVERNOR].

4 * Sec. 160. AS 15.40.090 is amended to read:

5 Sec. 15.40.090. DESIGNATION OF NOMINEES BY PETITION. If the
6 vacancy occurs less than one calendar month before the filing date for
7 the primary election and more than three calendar months before the next
8 general election, candidates shall be nominated by petition transmitted
9 by actual delivery to the director [LIEUTENANT GOVERNOR] before
10 September 2 immediately preceding the special election.

11 * Sec. 161. AS 15.40.100 is amended to read:

12 Sec. 15.40.100. REQUIREMENTS OF PETITION FOR NO-PARTY CANDIDATES.
13 Petitions for the nomination of candidates not representing a political
14 party shall be signed by qualified voters of the state equal in number to
15 at least three percent of the number of votes cast in the preceding
16 general election [1,000 QUALIFIED VOTERS], and shall state in substance
17 that which is required in petitions for nomination for general elections
18 provided in AS 15.25.180.

19 * Sec. 162. AS 15.40.130 is amended to read:

20 Sec. 15.40.130. GENERAL PROVISION FOR CONDUCT OF SPECIAL ELECTION.
21 Unless specifically provided otherwise, all provisions regarding the
22 conduct of the general election shall govern the conduct of the special
23 election of United States senators, including, but not limited to,
24 provisions concerning voter qualifications; provisions regarding the
25 duties, powers, rights and obligations of the director [LIEUTENANT
26 GOVERNOR], of other election officials, and of cities and organized
27 boroughs; provision for notification of the election; provision for
28 payment of election expenses; provisions regarding employees being
29 allowed time from work to vote; provisions for the counting, canvassing,

1 and certification of returns; provisions for the determination of the
2 votes and of recounts, contests, and appeal; and provision for absentee
3 voting [AND THE USE OF VOTING MACHINES].

4 * Sec. 163. AS 15.40.170 is amended to read:

5 Sec. 15.40.170. TERM OF ELECTED REPRESENTATIVE. At the special
6 election, a United States representative shall be elected to fill the
7 remainder of the unexpired term. The person elected shall take office
8 on the date the United States house of representatives meets, convenes,
9 or reconvenes following the certification of the results of the special
10 election by the director [LIEUTENANT GOVERNOR].

11 * Sec. 164. AS 15.40.180 is amended to read:

12 Sec. 15.40.180. DATE OF NOMINATIONS. Candidates for the special
13 election shall be nominated by petition transmitted by (1) the actual
14 physical delivery of the petition in person; (2) by mail postmarked not
15 later than midnight of the filing date; or (3) by telegram of a copy in
16 substance of the statements made in the petition to the director [LIEU-
17 TENANT GOVERNOR] before the 21st day after the vacancy occurs.

18 * Sec. 165. AS 15.40.190 is amended to read:

19 Sec. 15.40.190. REQUIREMENTS OF PETITION OF NO-PARTY CANDIDATES.
20 Petitions for the nomination of candidates not representing a political
21 party shall be signed by qualified voters of the state equal in number to
22 at least three percent of the number of votes cast in the preceding
23 general election [1,000 QUALIFIED VOTERS] and shall state in substance
24 that which is required for nomination petitions by AS 15.25.180.

25 * Sec. 166. AS 15.40.270 is amended to read:

26 Sec. 15.40.270. DATE OF NOMINATIONS. Candidates for the special
27 election shall be nominated by petition transmitted by (1) actual phy-
28 sical delivery of the petition in person; (2) by mail postmarked not
29 later than midnight of the filing date; or (3) by telegram of a copy in

1 substance of the statements made in the petition to the director [LIEU-
2 TENANT GOVERNOR] before the 21st day after the vacancy occurs.

3 * Sec. 167. AS 15.40.280 is amended to read:

4 Sec. 15.40.280. REQUIREMENTS OF PETITION OF NO-PARTY CANDIDATES.

5 Petitions for the nomination of candidates not representing a political
6 party shall be signed by qualified voters of the state equal in number to
7 at least three percent of the number of votes cast in the preceding
8 general election [1,000 QUALIFIED VOTERS], shall include nominees for the
9 office of governor and lieutenant governor, and shall state in substance
10 that which is required for nomination petitions by AS 15.25.180.

11 * Sec. 168. AS 15.40.330 is amended by adding a new subsection to read:

12 (b) A member of a political party is a person who supports the
13 political program of a party. The filing for office of a candidate as
14 an independent or no-party candidate does not preclude a candidate from
15 being a member of a political party. Recognition of an independent or
16 no-party candidate as a member of a party caucus of members of the
17 legislature at the legislative session following his election is recog-
18 nition of his party membership at the time filings were made by party
19 candidates for the preceding general election.

20 * Sec. 169. AS 15.40.380 is amended to read:

21 Sec. 15.40.380. CONDITIONS FOR PART-TERM SENATE APPOINTMENT AND
22 SPECIAL ELECTION. If the vacancy is for an unexpired senate term of
23 more than two years and five full calendar months, the governor shall
24 call a special election by proclamation and the appointment shall expire
25 on the date the state senate first convenes or reconvenes following the
26 certification of the results of the special election by the director
27 [LIEUTENANT GOVERNOR].

28 * Sec. 170. AS 15.40.410 is amended to read:

29 Sec. 15.40.410. TERM OF ELECTED SENATOR. At the special election

1 a state senator shall be elected to fill the remainder of the unexpired
2 term and shall take office on the date the state senate first convenes
3 or reconvenes following the certification of the results of the special
4 election by the director [LIEUTENANT GOVERNOR].

5 * Sec. 171. AS 15.40.430 is amended to read:

6 Sec. 15.40.430. DESIGNATION OF NOMINEES BY PETITION. If the
7 vacancy occurs less than one calendar month before the filing date and
8 more than three calendar months before the next general election, can-
9 didates shall be nominated by petition transmitted by (1) the actual
10 physical delivery of the petition in person; (2) by mail postmarked not
11 later than midnight of the filing date; or (3) by telegram of a copy in
12 substance of the statements made in the petition to the director [LIEU-
13 TENANT GOVERNOR] before September 2 just before the special election.

14 * Sec. 172. AS 15.40.440 is amended to read:

15 Sec. 15.40.440. REQUIREMENTS OF PETITION FOR NO-PARTY CANDIDATES.
16 Petitions for the nomination of candidates not representing a political
17 party shall be signed by qualified voters equal in number to at least
18 three [FIVE] percent of the number of votes cast in his respective
19 election or senate district in the preceding general election, provided
20 that no nominating petition need contain more than 200 signatures nor
21 may it contain less than 50 signatures for any district, and shall state
22 in substance that which is required in petitions for nomination for
23 general elections provided in AS 15.25.180.

24 * Sec. 173. AS 15.45.100 is amended to read:

25 Sec. 15.45.100. STATEMENT OF WARNING. Each petition shall include
26 a statement of warning that a person who signs a name other than his own
27 on the petition, or who knowingly signs his name more than once for the
28 same proposition at one election, or who signs the petition knowing he
29 is not a qualified voter, is guilty of a class B misdemeanor [UPON

1 CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000 OR BY IMPRI-
2 SONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH].

3 * Sec. 174. AS 15.45.190 is amended to read:

4 Sec. 15.45.190. PLACING PROPOSITION ON BALLOT. The lieutenant
5 governor shall direct the director to place the ballot title and propo-
6 sition on the election ballot of the first statewide general, special,
7 or primary election that is held after (1) the petition and any sup-
8 plementary petition have been filed, (2) a legislative session has
9 convened and adjourned, and (3) a period of 120 days has expired since
10 the adjournment of the legislative session.

11 * Sec. 175. AS 15.45.200 is amended to read:

12 Sec. 15.45.200. DISPLAY OF PROPOSED LAW. The director [LIEUTENANT
13 GOVERNOR] shall provide each election board with 10 copies of the pro-
14 posed law being initiated, and the election board shall display three
15 copies of the proposed law in a conspicuous place in the room where the
16 election is held.

17 * Sec. 176. AS 15.45.240 is amended to read:

18 Sec. 15.45.240. JUDICIAL REVIEW. Any person aggrieved by a deter-
19 mination made by the lieutenant governor under AS 15.45.010 - 15.45.230
20 may bring an action in the superior court to have the determination
21 reviewed within 30 days of the date on which notice of the determination
22 was given [BY ANY APPROPRIATE REMEDY IN THE SUPERIOR COURT].

23 * Sec. 177. AS 15.45 is amended by adding a new section to article 1 to
24 read:

25 Sec. 15.45.245. DELEGATION BY LIEUTENANT GOVERNOR. The lieutenant
26 governor may delegate the duties imposed on him by AS 15.45.010 - 15.45.-
27 240 to the director.

28 * Sec. 178. AS 15.45.300 is amended to read:

29 Sec. 15.45.300. TIME OF REVIEW OF APPLICATION FOR CERTIFICATION.

1 Within seven calendar days after the date the application is received,
2 the lieutenant governor shall review [CANVASS] the application and shall
3 either certify it or notify the referendum committee of the grounds for
4 denial.

5 * Sec. 179. AS 15.45.330 is amended to read:

6 Sec. 15.45.330. STATEMENT OF WARNING. Each petition shall include
7 a statement of warning that a person who signs a name other than his own
8 to the petition, or knowingly signs his name more than once for the same
9 proposition at one election, or who signs the petition knowing he is not
10 a qualified voter is guilty of a class B misdemeanor [, UPON CONVICTION,
11 IS PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000 OR BY IMPRISONMENT FOR
12 NOT MORE THAN ONE YEAR, OR BY BOTH].

13 * Sec. 180. AS 15.45.420 is amended to read:

14 Sec. 15.45.420. PLACING PROPOSITION ON BALLOT. The lieutenant
15 governor shall direct the director to place the ballot title and propo-
16 sition on the election ballot for the first statewide general, special,
17 or primary election held more than 180 days after adjournment of the
18 legislative session at which the act was passed.

19 * Sec. 181. AS 15.45.430 is amended to read:

20 Sec. 15.45.430. DISPLAY OF ACT BEING REFERRED. The director
21 [LIEUTENANT GOVERNOR] shall provide each election board with 10 copies
22 of the act being referred, and the election board shall display three
23 copies of the act in a conspicuous place in the room where the election
24 is held.

25 * Sec. 182. AS 15.45.460 is amended to read:

26 Sec. 15.45.460. JUDICIAL REVIEW. Any person aggrieved by any
27 determination made by the lieutenant governor under AS 15.45.250 -
28 15.45.450 may bring an action in the superior court to have the deter-
29 mination reviewed within 30 days of the date on which notice of the

1 determination was given [BY ANY APPROPRIATE REMEDY IN THE SUPERIOR
2 COURT].

3 * Sec. 183. AS 15.45 is amended by adding a new section to article 2 to
4 read:

5 Sec. 15.45.465. DELEGATION BY LIEUTENANT GOVERNOR. The lieutenant
6 governor may delegate the duties imposed upon him by AS 15.45.250 -
7 15.45.460 to the director.

8 * Sec. 184. AS 15.45.480 is amended to read:

9 Sec. 15.45.480. FILING APPLICATION. The recall of the governor,
10 lieutenant governor, or a member of the state legislature is proposed by
11 filing an application with the director [LIEUTENANT GOVERNOR. THE
12 RECALL OF THE LIEUTENANT GOVERNOR IS PROPOSED BY FILING AN APPLICATION
13 WITH THE ATTORNEY GENERAL, WHO SHALL PERFORM THE DUTIES IMPOSED ON THE
14 LIEUTENANT GOVERNOR IN THE RECALL OF OTHER ELECTED STATE OFFICIALS]. A
15 deposit of \$100 must accompany the application. This deposit will be
16 retained if a petition is not properly filed. If a petition is properly
17 filed the deposit shall be refunded.

18 * Sec. 185. AS 15.45.500 is amended to read:

19 Sec. 15.45.500. FORM OF APPLICATION. The application shall include
20 (1) the name and office of the person to be recalled, (2) the grounds
21 for recall described in particular in not more than 200 words, (3) a
22 statement that the sponsors are qualified voters who signed the applica-
23 tion with the statement of grounds for recall attached, (4) the designa-
24 tion of a recall committee of three sponsors who shall represent all
25 sponsors and subscribers in matters relating to the recall, (5) the
26 signatures [APPOINTMENT] of at least 100 qualified voters who subscribe
27 to the application as sponsors for purposes of circulation, and (6) the
28 signatures and addresses of qualified voters equal in number to 10
29 percent of those who voted in the preceding general election in the

1 state or in the senate or electoral district of the official sought to
2 be recalled.

3 * Sec. 186. AS 15.45.530 is amended to read:

4 Sec. 15.45.530. NOTICE OF THE NUMBER OF VOTERS. The director
5 [LIEUTENANT GOVERNOR], upon request, shall notify the recall committee
6 of the official number of persons who voted in the preceding general
7 election in the state or in the senate or election district of the
8 official to be recalled.

9 * Sec. 187. AS 15.45.540 is amended to read:

10 Sec. 15.45.540. REVIEW OF APPLICATION. The director [LIEUTENANT
11 GOVERNOR] shall review the application and shall either certify it or
12 notify the recall committee of the grounds of refusal.

13 * Sec. 188. AS 15.45.550 is amended to read:

14 Sec. 15.45.550. BASES OF DENIAL OF CERTIFICATION. The director
15 [LIEUTENANT GOVERNOR] shall deny certification if he determines that (1)
16 the application is not substantially in the required form, (2) the
17 application was filed during the first 120 days of the term of office of
18 the official subject to recall or within less than 180 days of the
19 termination of the term of office of any official subject to recall, (3)
20 the person named in the application is not subject to recall, or (4)
21 there is an insufficient number of qualified subscribers.

22 * Sec. 189. AS 15.45.560 is amended to read:

23 Sec. 15.45.560. PREPARATION OF PETITION. If the director [LIEU-
24 TENANT GOVERNOR] certifies the application, he shall prescribe the form
25 of, and prepare, a petition containing (1) the name and office of the
26 person to be recalled, (2) the statement of the grounds for recall
27 included in the application, (3) the statement of warning required in
28 AS 15.45.570, (4) sufficient space for signatures and addresses, and (5)
29 other specifications prescribed by the director [LIEUTENANT GOVERNOR] to

1 assure proper handling and control. Petitions, for purposes of circu-
2 lation, shall be prepared by the director [LIEUTENANT GOVERNOR] in a
3 number reasonably calculated to allow full circulation throughout the
4 state or throughout the senate or election district of the official
5 sought to be recalled. The director [LIEUTENANT GOVERNOR] shall number
6 each petition and shall keep a record of the petitions delivered to each
7 sponsor.

8 * Sec. 190. AS 15.45.570 is amended to read:

9 Sec. 15.45.570. STATEMENT OF WARNING. Each petition and duplicate
10 copy shall include a statement of warning that a person who signs a name
11 other than his own to the petition, or who knowingly signs his name more
12 than once for the same proposition at one election, or who signs the
13 petition knowing he is not a qualified voter, is guilty of a class B
14 misdemeanor [UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN
15 \$1,000 OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH].

16 * Sec. 191. AS 15.45.590 is amended to read:

17 Sec. 15.45.590. MANNER OF SIGNING AND WITHDRAWING NAME FROM PETI-
18 TION. Any qualified voter may subscribe to the petition by signing his
19 name and address. A person who has signed the petition may withdraw his
20 name only by giving written notice to the director [LIEUTENANT GOVERNOR]
21 before the date the petition is filed.

22 * Sec. 192. AS 15.45.600 is amended to read:

23 Sec. 15.45.600. CERTIFICATION OF SPONSOR. Before being filed,
24 each petition shall be certified by an affidavit by the sponsor who
25 personally circulated the petition. The affidavit shall state in sub-
26 stance that (1) the person signing the affidavit is a sponsor, (2) the
27 person is the only circulator of that petition or copy, (3) the signa-
28 tures were made in his actual presence, and (4) to the best of his
29 knowledge, the signatures are those of the persons whose names they

1 purport to be. In determining the sufficiency of the petition, the
2 director [LIEUTENANT GOVERNOR] shall not count subscriptions on peti-
3 tions not properly certified.

4 * Sec. 193. AS 15.45.620 is amended to read:

5 Sec. 15.45.620. REVIEW OF PETITION. Within 30 days of the date of
6 filing, the director [LIEUTENANT GOVERNOR] shall review the petition and
7 shall notify the recall committee and the person subject to recall
8 whether the petition was properly or improperly filed.

9 * Sec. 194. AS 15.45.630 is amended to read:

10 Sec. 15.45.630. BASES FOR DETERMINING THE PETITION WAS IMPROPERLY
11 FILED. The director [LIEUTENANT GOVERNOR] shall notify the committee
12 that the petition was improperly filed if he determines that (1) there
13 is an insufficient number of qualified subscribers, or (2) the petition
14 was filed within less than 180 days of the termination of the term of
15 office of the official subject to recall.

16 * Sec. 195. AS 15.45.650 is amended to read:

17 Sec. 15.45.650. CALLING SPECIAL ELECTION. If the director [LIEU-
18 TENANT GOVERNOR] determines the petition is properly filed and if the
19 office is not vacant, he shall prepare the ballot and shall call a
20 special election to be held on a date not less than 60, nor more than
21 90, days after the date that notification is given that the petition was
22 properly filed. If a primary or general election is to be held not less
23 than 60, nor more than 90, days after the date that notification is
24 given that the petition was properly filed, the special election shall
25 be held on the date of the primary or general election.

26 * Sec. 196. AS 15.45.670 is amended to read:

27 Sec. 15.45.670. CONDUCT OF SPECIAL ELECTION. Unless specifically
28 provided otherwise, all provisions regarding the conduct of a general
29 election shall govern the conduct of a special election for the recall

1 of a state public official, including but not limited to, provisions
2 concerning voter qualification; provisions regarding duties, powers,
3 rights and obligations of the director [LIEUTENANT GOVERNOR], of other
4 election officials, and of cities and organized boroughs; provision for
5 notification of the election; provision for the payment of election
6 expenses; provisions regarding employees being allowed time from work to
7 vote; provisions for counting, reviewing [CANVASSING], and certification
8 of returns; provision for the determination of votes and of recount
9 contests and court appeal; and provisions for absentee voting [AND THE
10 USE OF VOTING MACHINES].

11 * Sec. 197. AS 15.45.680 is amended to read:

12 Sec. 15.45.680. DISPLAY OF BASES FOR AND AGAINST RECALL. The
13 director [LIEUTENANT GOVERNOR] shall provide each election board in the
14 state or in the senate or election district of the person subject to
15 recall with 10 copies of the statement of the grounds for recall in-
16 cluded in the application and 10 copies of the statement of not more
17 than 200 words made by the official subject to recall in justification
18 of his conduct in office. The person subject to recall may provide the
19 director [LIEUTENANT GOVERNOR] with his statement within 10 days after
20 the date the director [LIEUTENANT GOVERNOR] gave notification that the
21 petition was properly filed. The election board shall post three copies
22 of the statements for and against recall in three conspicuous places in
23 the polling place.

24 * Sec. 198. AS 15.45.690 is amended to read:

25 Sec. 15.45.690. CERTIFICATION OF ELECTION RESULTS. If a majority
26 of the votes cast on the question of recall favor the removal of the
27 official, the director [LIEUTENANT GOVERNOR] shall so certify and the
28 office is vacant on the day after the date of certification.

29 * Sec. 199. AS 15.45.720 is amended to read:

1 Sec. 15.45.720. JUDICIAL REVIEW. Any person aggrieved by a deter-
2 mination made by the director under AS 15.45.470 - 15.45.710 [LIEUTENANT
3 GOVERNOR] may bring an action in the superior court to have the deter-
4 mination reviewed within 30 days of the date on which notice of deter-
5 mination was given [BY ANY APPROPRIATE REMEDY IN THE SUPERIOR COURT].

6 * Sec. 200. AS 15.50.025 is amended to read:

7 Sec. 15.50.025. OBJECTION TO PROPOSED BALLOT TITLE AND PROPOSI-
8 TION. A qualified voter, or the Legislature of the State of Alaska
9 acting directly, or through the Legislative Council, who believes that
10 the proposed ballot title and proposition prepared by the lieutenant
11 governor under AS 15.50.010 does not provide a true and impartial sum-
12 mary of the amendment proposed may, within 15 days of the date of mail-
13 ing of the proposed ballot title and proposition to the members of the
14 legislature, submit to the lieutenant governor a statement of objection
15 to the proposed ballot title and proposition, giving his reasons for
16 objection, and suggesting alternative language revising the wording of
17 the title or proposition. The lieutenant governor shall consider any
18 objection received before directing that the ballot containing the
19 proposition be prepared by the director [ORDERING PREPARATION AND PRINT-
20 ING OF THE BALLOTS]. Not more than 10 days after the deadline for
21 receipt of objections, he shall advise any person who submitted a state-
22 ment of objection to the proposed ballot title and proposition of his
23 final decision.

24 * Sec. 201. AS 15.50.030 is amended to read:

25 Sec. 15.50.030. PLACING PROPOSITION ON BALLOT. The lieutenant
26 governor shall direct the director to place the ballot title and propo-
27 sition on the ballot for the next statewide general [, PRIMARY, OR
28 SPECIAL] election held after the amendment proposed by the legislature
29 or held 120 days after the amendment proposed by a constitutional conven-

1 tion. If there is insufficient time to permit the proposition to be
2 placed on the regular ballot by the director [LIEUTENANT GOVERNOR], the
3 lieutenant governor shall direct the director [ELECTION OFFICIALS] to
4 prepare a separate [THE] ballot for the proposition.

5 * Sec. 202. AS 15.50.040 is amended to read:

6 Sec. 15.50.040. DISPLAY OF RESOLUTION. The director [LIEUTENANT
7 GOVERNOR] shall provide each election board with 10 copies of the reso-
8 lution proposing the constitutional amendment by the legislature or by
9 the convention, and the election board shall display three copies of the
10 resolution in a conspicuous place in the room where the election is
11 held.

12 * Sec. 203. AS 15.50.070 is amended to read:

13 Sec. 15.50.070. PLACING QUESTION OF CONSTITUTIONAL CONVENTION ON
14 BALLOT. If during any 10-year period a constitutional convention has
15 not yet been held, and the question of holding a constitutional con-
16 vention has not been placed before the voters, the lieutenant governor
17 shall direct the director to place the question on the ballot for the
18 next regular statewide general or primary election.

19 * Sec. 204. AS 15.50 is amended by adding a new section to read:

20 ARTICLE 3. DELEGATION BY LIEUTENANT GOVERNOR.

21 Sec. 15.50.110. DELEGATION BY LIEUTENANT GOVERNOR. The lieutenant
22 governor may delegate the duties imposed on him by AS 15.50.010 - 15.50.-
23 100 to the director.

24 * Sec. 205. AS 15 is amended by adding a new chapter to read:

25 CHAPTER 56. ELECTION OFFENSES, CORRUPT

26 PRACTICES, AND PENALTIES.

27 Sec. 15.56.011. CAMPAIGN MISCONDUCT IN THE FIRST DEGREE. (a) A
28 person commits the crime of campaign misconduct in the first degree if
29 he

1 (1) knowingly circulates or has written, printed or
2 circulated a letter, circular, or publication relating to an elec-
3 tion, to a candidate at an election, or an election proposition or
4 question without the name and address of the author appearing on its
5 face;

6 (2) knowingly prints or publishes an advertisement, bill-
7 board, placard, poster, handbill, paid-for television or radio announce-
8 ment or other communication intended to influence the election of a
9 candidate or outcome of a ballot proposition or question without the
10 words "paid for by" followed by the name and address of the candidate,
11 group or individual paying for the advertising or communication and, if
12 a candidate or group, with the name of the campaign chairman; or

13 (3) knowingly writes or prints and circulates, or has writ-
14 ten, printed and circulated, a letter, circular, bill, placard, poster
15 or advertisement in a newspaper, on radio or television

16 (A) containing false factual information relating to a
17 candidate for an election;

18 (B) which he knows to be false; and

19 (C) which would provoke a reasonable person under the
20 circumstances to a breach of the peace or damages the candidate's
21 reputation for honesty, integrity, or his qualifications to serve
22 if elected to office.

23 (b) Violation of this section is a corrupt practice.

24 (c) Campaign misconduct in the first degree is a class A mis-
25 demeanor.

26 Sec. 15.56.021. CAMPAIGN MISCONDUCT IN THE SECOND DEGREE. (a) A
27 person commits the crime of campaign misconduct in the second degree if,
28 during the hours the polls are open, he intentionally is within 200 feet
29 of an entrance to a polling place, and

1 (1) attempts to persuade a person to vote for or against a
2 candidate, proposition, or question; or

3 (2) circulates cards, handbills, or marked ballots, or posts
4 political signs or posters relating to a candidate at an election or
5 election proposition or question.

6 (b) Election judges shall post warning notices at the required
7 distance in the form and manner prescribed by the director or the chief
8 municipal elections official in a local election.

9 (c) Campaign misconduct in the second degree is a class B mis-
10 demeanor.

11 Sec. 15.56.031. UNLAWFUL INTERFERENCE WITH VOTING IN THE FIRST
12 DEGREE. (a) A person commits the crime of unlawful interference with
13 voting in the first degree if he

14 (1) uses, threatens to use, or causes to be used force,
15 coercion, violence, or restraint; or if he inflicts, threatens to in-
16 flict, or causes to be inflicted damage, harm or loss upon or against a
17 person to induce or compel the person to vote or refrain from voting for
18 a candidate in an election or for any election proposition or question;

19 (2) gives, promises to give, offers, or causes to be given or
20 offered money or other valuable thing to a person with the intent to
21 induce the person to vote for or refrain from voting for a candidate at
22 an election or for an election proposition or question; or

23 (3) solicits, accepts, or agrees to accept money or other
24 valuable thing with the intent to vote for or refrain from voting for a
25 candidate at an election or for an election proposition or question.

26 (b) Violation of this section is a corrupt practice.

27 (c) Unlawful interference with voting in the first degree is a
28 class C felony.

29 Sec. 15.56.036. UNLAWFUL INTERFERENCE WITH VOTING IN THE SECOND

1 DEGREE. (a) A person commits the crime of unlawful interference with
2 voting in the second degree if he

3 (1) has an official ballot in his possession outside of the
4 voting room unless he is an election official or other person authorized
5 by law or local ordinance, or by the director or chief municipal elec-
6 tions official in a local election;

7 (2) makes, or knowingly has in his possession, a counterfeit
8 of an official election ballot;

9 (3) knowingly solicits or encourages, directly or indirectly,
10 a registered voter who is no longer qualified to vote under AS 15.05.-
11 010, to vote in an election; or

12 (4) as a registration official

13 (A) knowingly refuses to register a person who is en-
14 titled to register under AS 15.07.030; or

15 (B) accepts a fee from an applicant applying for regis-
16 tration.

17 (b) Violation of (a)(3) of this section is a corrupt practice.

18 (c) Unlawful interference with voting in the second degree is a
19 class A misdemeanor.

20 Sec. 15.56.041. VOTER MISCONDUCT IN THE FIRST DEGREE. (a) A
21 person commits the crime of voter misconduct in the first degree if he

22 (1) votes or attempts to vote in the name of another person
23 or in a name other than his own;

24 (2) votes or attempts to vote more than once at the same
25 election with the intent that his vote be counted more than once;

26 (3) intentionally makes a false affidavit, swears falsely or
27 falsely affirms under an oath required by the Alaska Election Code
28 (AS 15.05 - 15.60).

29 (4) knowingly votes or solicits a person to vote after the

1 polls are closed with the intent that his vote be counted.

2 (b) Voter misconduct in the first degree is a class C felony.

3 Sec. 15.56.051. VOTER MISCONDUCT IN THE SECOND DEGREE. (a) A
4 person commits the crime of voter misconduct in the second degree if he

5 (1) registers to vote when he is not entitled to register
6 under AS 15.07.030;

7 (2) knowingly makes a material false statement while applying
8 for voter registration or re-registration; or

9 (3) votes or attempts to vote in an election after being
10 disqualified under AS 15.05.030.

11 (b) Voter misconduct in the second degree is a class A misde-
12 meanor.

13 Sec. 15.56.061. UNLAWFUL INTERFERENCE WITH AN ELECTION. (a) A
14 person commits the crime of unlawful interference with an election if he

15 (1) induces or attempts to induce an election official to
16 fail in his duty by force, threat, intimidation or offers of reward;

17 (2) intentionally changes, attempts to change, or causes to
18 be changed an official election document including ballots, tallies and
19 returns;

20 (3) intentionally delays, attempts to delay, or causes to be
21 delayed the sending of the certificate, register, ballots, or other
22 materials whether original or duplicate, required to be sent by AS 15.-
23 15.370; or

24 (4) is contracted or employed by the state to print or re-
25 produce in any manner an official ballot, and he knowingly

26 (A) appropriates to himself, or gives or delivers to, or
27 permits to be taken by anyone other than a person authorized by the
28 director, official ballots; or

29 (B) prints or reproduces or has printed or reproduced

1 official ballots in a form or with a content other than that pre-
2 scribed by law or as directed by the director.

3 (b) Unlawful interference with an election is a class C felony.

4 Sec. 15.56.071. ELECTION OFFICIAL MISCONDUCT IN THE FIRST DEGREE.

5 (a) A person commits the crime of election official misconduct in the
6 first degree if he is an election official, and he

7 (1) intentionally fails to perform an election duty or know-
8 ingly does an unauthorized act with the intent to affect an election or
9 its results;

10 (2) knowingly permits or makes or attempts to make a false
11 count of election returns; or

12 (3) intentionally conceals, withholds, destroys, or attempts
13 to conceal, withhold or destroy election returns.

14 (b) Election official misconduct in the first degree is a class C
15 felony.

16 Sec. 15.56.081. ELECTION OFFICIAL MISCONDUCT IN THE SECOND DEGREE.

17 (a) A person commits the crime of election official misconduct in the
18 second degree if he is an election official, and while the polls are
19 open, he

20 (1) opens a ballot received from a voter at an election,
21 unless permitted by ordinance in a local election;

22 (2) marks a ballot by folding or otherwise so as to be able
23 to recognize it;

24 (3) otherwise attempts to learn how a voter marked his bal-
25 lot; or

26 (4) allows a person to do one of the acts prescribed by (1),
27 (2), or (3) of this subsection.

28 (b) Election official misconduct in the second degree is a class A
29 misdemeanor.

1 Sec. 15.56.091. IMPROPER SUBSCRIPTION TO PETITION. (a) A person
2 commits the crime of improper subscription to petition if he

3 (1) signs a name other than his own to a petition proposing
4 an initiative, referendum, recall, or nomination of a candidate for
5 state or local office;

6 (2) knowingly signs his name more than once for the same
7 proposition, question, or candidate at one election; or

8 (3) signs a petition proposing an initiative, referendum,
9 recall, or nomination of a candidate for state or local office, knowing
10 he is not a qualified voter.

11 (b) Improper subscription to petition is a class B misdemeanor.

12 Sec. 15.56.101. REFUSAL TO ALLOW EMPLOYEES TIME OFF. (a) An
13 employer commits the offense of refusal to allow employees time off if
14 he refuses to allow an employee time off for the purpose of voting, or
15 if he, after allowing the time off, deducts the time from the wages of
16 the employee, except as provided in (b) of this section.

17 (b) An employee who has two consecutive hours in which to vote,
18 either between the opening of the polls and the beginning of his regular
19 working shift, or between the end of his regular working shift and the
20 close of the polls, is considered to have sufficient time outside of his
21 working hours within which to vote.

22 (c) Refusal to allow employees time off to vote is a violation.

23 Sec. 15.56.111. EFFECT OF CERTAIN CONVICTIONS. (a) The election
24 of a candidate to the state legislature or to municipal office who
25 knowingly commits a corrupt practice or whose campaign treasurer or
26 deputy campaign treasurer knowingly commits a corrupt practice is
27 voidable under this section.

28 (b) If a successful candidate or the campaign treasurer or the
29 deputy campaign treasurer of a successful candidate for the state legis-

1 lature or for a seat on a city council or borough assembly or for
2 borough or city mayor is convicted of a felony or misdemeanor described
3 in this chapter as a corrupt practice, the eligibility of the successful
4 candidate to hold the office to which elected shall be determined as to

5 (1) a member of the legislature under art. II, sec. 12 of the
6 state constitution;

7 (2) a borough assemblyman under AS 29.23.060(c);

8 (3) a borough mayor under AS 29.23.130(f);

9 (4) a city councilman under AS 29.23.210(b);

10 (5) a city mayor under AS 29.23.255.

11 (c) When a candidate or a nominee or the campaign treasurer or the
12 deputy campaign treasurer of a candidate or a nominee is charged with a
13 felony or misdemeanor described in this chapter as a corrupt practice,
14 the case shall be promptly tried and the case shall be accorded a
15 preferred status by the courts to ensure a speedy disposition of the
16 matter.

17 Sec. 15.56.121. ELECTION DEFINED. For purposes of this chapter,
18 "election" includes a local election as defined in AS 15.60.010(13) in
19 addition to a state election.

20 Sec. 15.56.131. TIME LIMITATION. A prosecution for an offense
21 described in the Alaska Election Code (AS 15.05 - 15.60) may not be
22 maintained unless it is begun within one year after the date of the
23 election in connection with which the offense is alleged to have been
24 committed.

25 * Sec. 206. AS 15 is amended by adding a new chapter to read:

26 CHAPTER 58. ELECTION PAMPHLET.

27 Sec. 15.58.010. ELECTION PAMPHLET. Before each state general
28 election, the lieutenant governor shall prepare, publish and mail an
29 election pamphlet to every registered voter. The pamphlets shall be

1 prepared on a regional basis as determined by the lieutenant governor.

2 Sec. 15.58.020. CONTENTS OF PAMPHLET. Each election pamphlet
3 shall contain

4 (1) photographs and campaign statements submitted by eligible
5 candidates for elective office in the region;

6 (2) information and recommendations filed under AS 15.58.050
7 on judicial officers subject to a retention election in the region;

8 (3) a map of the election district or districts of the re-
9 gion;

10 (4) sample ballots for election districts of the region;

11 (5) an absentee ballot application;

12 (6) for each ballot proposition submitted to the voters by
13 initiative or referendum petition or by the legislature,

14 (A) the full text of the proposition specifying consti-
15 tutional or statutory provisions proposed to be affected;

16 (B) the ballot title and the summary of the proposition
17 prepared by the director or by the lieutenant governor;

18 (C) a neutral summary of the proposition prepared by the
19 Legislative Affairs Agency;

20 (D) statements submitted which advocate voter approval
21 or rejection of the proposition not to exceed 500 words;

22 (7) for each bond question, a statement of the scope of each
23 project as it appears in the bond authorization Act;

24 (8) a maximum of two pages of material submitted by each
25 political party;

26 (9) additional information on voting procedures that the
27 lieutenant governor considers necessary.

28 Sec. 15.58.030. MATERIAL TO BE FILED BY CANDIDATE. (a) No later
29 than 75 days before the state general election, candidates for the

1 offices of the United States President and Vice President may file with
2 the lieutenant governor photographs and statements advocating their
3 candidacy.

4 (b) No later than 75 days before the state general election, a
5 candidate for the office of United States senator, United States repre-
6 sentative, governor, lieutenant governor, justice or judge, state sena-
7 tor, or state representative may file with the lieutenant governor a
8 photograph and a statement advocating his candidacy.

9 (c) Each candidate for an office designated under (a) or (b) of
10 this section is allowed one page of space in the pamphlet for a photo-
11 graph and statement.

12 (d) Pages on which candidates' photographs or statements appear
13 must be clearly identified with the words "paid for by the candidate."

14 (e) A candidate's statement must be typewritten and is limited to
15 a position statement of 250 words or less and a biographical statement
16 of 150 words or less.

17 (f) A candidate's photograph must be a 5" x 7" black and white
18 glossy print taken within the past five years. The photograph must be
19 limited to the head, neck and shoulders of the candidate.

20 Sec. 15.58.040. MATERIAL TO BE FILED BY POLITICAL PARTIES. (a)
21 No later than 75 days before the state general election, a political
22 party may file with the lieutenant governor a maximum of two pages of
23 material.

24 (b) Each page purchased must be clearly identified with the words
25 "paid for by" followed by the name of the political party, the name of
26 the state chairman of the party, and the name of the party treasurer.

27 Sec. 15.58.050. INFORMATION AND RECOMMENDATIONS ON JUDICIAL OFFI-
28 CERS. No later than 75 days before the state general election, the
29 judicial council shall file with the lieutenant governor a statement

1 including information about each supreme court justice, court of appeals
2 judge, superior court judge, and district court judge who will be subject
3 to a retention election. The statement shall reflect the evaluation of
4 each justice or judge conducted by the judicial council according to
5 law. A statement may not exceed 600 words.

6 Sec. 15.58.060. CHARGES FOR SPACE IN PAMPHLET. (a) Each general
7 election candidate shall pay to the lieutenant governor at the time of
8 filing material under this chapter the following:

- 9 (1) President or Vice President of the United States, United
10 States senator, United States representative, governor, lieutenant
11 governor, supreme court justice and court of appeals judge, \$150 each;
12 (2) superior court judge, district court judge, \$75 each;
13 (3) state senator, and state representative, \$50 each.

14 (b) The state chairman or executive committee of a political party
15 shall pay to the lieutenant governor at the time of filing material
16 under this chapter \$300 for each page purchased.

17 (c) There is no charge for statements and recommendations sub-
18 mitted by the judicial council or for statements advocating approval or
19 rejection of a proposition submitted to the voters for approval.

20 Sec. 15.58.070. ORGANIZATION OF MATERIAL. Material in the elec-
21 tion pamphlet shall be organized to the extent possible in the same
22 manner and form in which it will appear on the ballot. The decision of
23 the lieutenant governor on the form of material is final.

24 Sec. 15.58.080. DISTRIBUTION. (a) Not less than 30 days before
25 the general election, the lieutenant governor shall mail to every regis-
26 tered voter one copy of the pamphlet prepared for the region in which
27 the voter resides. Additional pamphlets may be obtained from the direc-
28 tor, the office of the lieutenant governor, and area election offices.

29 (b) The state library shall make a recording of the appropriate

1 regional pamphlet available to a blind voter without cost. The lieu-
2 tenant governor shall assist with the preparation of recording each
3 regional pamphlet.

4 Sec. 15.58.090. DELEGATION BY LIEUTENANT GOVERNOR. The lieutenant
5 governor may delegate the duties imposed on him by this chapter to the
6 director.

7 * Sec. 207. AS 15.60.010 is repealed and re-enacted to read:

8 Sec. 15.60.010. DEFINITIONS. In this title, unless the context
9 otherwise requires,

10 (1) "absentee voting official" means a person appointed to
11 serve as an absentee voting official in accordance with AS 15.20.045;

12 (2) "ballot" means a hand-marked ballot and a punch-card
13 ballot;

14 (3) "director" means the director of elections who is the
15 chief elections officer of the state appointed in accordance with AS 15.-
16 10.105(a);

17 (4) "election board" means the local precinct board composed
18 of the three election judges;

19 (5) "election district" means one of the districts described
20 in art. XIV, sec. 3, of the state constitution, as may be modified under
21 art. VI of the state constitution;

22 (6) "election official" means election judges, clerks,
23 counters, members of counting or review boards, employees of the division
24 of elections and absentee voting officials;

25 (7) "federal election" means a general, special, or primary
26 election held solely or in part for the purpose of selecting, nominating
27 or electing a candidate for the office of President, Vice-President,
28 Presidential elector, United States senator or United States represen-
29 tative;

1 (8) "felony involving moral turpitude" includes those crimes
2 which are immoral or wrong in themselves such as murder, sexual assault,
3 robbery, kidnapping, incest, arson, burglary, theft, and forgery;

4 (9) "general election" means the election held on the Tuesday
5 after the first Monday in November of even-numbered years;

6 (10) "hand-marked ballot" means a ballot designated to be
7 marked by hand with a pen or pencil;

8 (11) "lieutenant governor" includes an appointed lieutenant
9 governor, governor, or acting governor if a vacancy has occurred in the
10 office of lieutenant governor or governor;

11 (12) "limited political party" means a political group which
12 organizes for the purpose of selecting candidates for electors for
13 president and vice-president;

14 (13) "local election" means a regular or special election held
15 by a borough, city, school district, or regional educational attendance
16 area;

17 (14) "master register" means the list of all registered voters
18 in the state which is maintained by the director of elections;

19 (15) "member of a political party" means a person who supports
20 the political program of a party;

21 (16) "oath" includes affirmation; "sworn" includes affirmed;

22 (17) "official registration list" means the list of all voters
23 qualified to vote at a particular election compiled in accordance with
24 AS 15.07.125;

25 (18) "party district committee" means the political party
26 committee that performs the executive function for a region representing
27 an area larger than a precinct and smaller than the state;

28 (19) "political group" means a group of organized voters which
29 represents a political program and which does not qualify as a political

1 party;

2 (20) "political party" means a group of organized voters which
3 represents a political program and which nominated a candidate for
4 governor who received at least 10 percent of the total vote cast at the
5 preceding general election for governor;

6 (21) "precinct" means the territory within which resident
7 voters may cast votes at one polling place;

8 (22) "presidential election year" means a year in which the
9 presidential electors are elected;

10 (23) "proposition" means an initiative, referendum, or con-
11 stitutional amendment submitted at an election to the public for vote;

12 (24) "punch-card ballot" means a ballot designed to be punched
13 by a machine and counted by automatic data processing equipment;

14 (25) "qualified voter" means a person who has the qualifi-
15 cation of a voter and is not disqualified as provided by art. V, sec. 2,
16 of the state constitution and AS 15.05.030;

17 (26) "question" means an issue placed on the ballot to deter-
18 mine whether a judge or justice shall be accepted or rejected, whether a
19 constitutional convention shall be called, whether a state debt shall be
20 contracted, or whether a state official shall be recalled;

21 (27) "registration official" includes an employee of the
22 division of elections when performing the task of voter registration and
23 a person appointed to serve as a registration official in accordance
24 with AS 15.07.081 or 15.07.100;

25 (28) "senate district" means the territory included in the
26 election districts as designated in art. XIV, sec. 2, of the state
27 constitution, as may be modified under art. VI of the state constitu-
28 tion;

29 (29) "signature" or "subscription" includes a mark intended as

1 a signature or subscription;

2 (30) "special election" means an election held at a time other
3 than when the general or party primary election is held and an election
4 called to be held with, and at the time of, the general or party primary
5 election;

6 (31) "state chairman" means the party official elected as the
7 highest ranking statewide party executive;

8 (32) "unconditional discharge" means that a person is released
9 from all disability arising under a conviction and sentence, including
10 probation and parole;

11 (33) "vacancy" exists in an office when the person elected or
12 appointed to the office resigns, retires, dies, is recalled, is rejected
13 by majority vote on the question at an election, is convicted of a
14 corrupt practice, is removed by impeachment, or is expelled;

15 (34) "voter" means a person who presents himself for the
16 purpose of voting either in person or by absentee ballot.

17 * Sec. 208. AS 29.13.100 is amended by adding new paragraphs to read:

18 (40) AS 29.23.060(c) (expulsion of borough assemblyman);

19 (41) AS 29.23.130(f) (removal of borough mayor from office);

20 (42) AS 29.23.210(b) (expulsion of city councilman from of-
21 fice);

22 (43) AS 29.23.255 (removal of mayor from office);

23 (44) AS 29.28.050(f) (expulsion, removal from office).

24 * Sec. 209. AS 29.23.060(c) is amended to read:

25 (c) The assembly shall determine its own rules and order of busi-
26 ness and provide for keeping a journal of its proceedings. The assembly
27 is the judge of the election and qualification of its members and, with
28 the concurrence of two-thirds of its members, may expel a member for
29 a conviction of a felony or misdemeanor described in AS 15.56 as a

1 corrupt practice. The assembly shall consider a conviction of a member
2 for a felony or misdemeanor described in AS 15.56 as a corrupt practice
3 at its first meeting following the final determination of the conviction.

4 * Sec. 210. AS 29.23.130 is amended by adding a new subsection to read:

5 (f) The assembly, with the concurrence of two-thirds of its mem-
6 bers, may remove the borough mayor from office for a conviction of a
7 felony or misdemeanor described in AS 15.56 as a corrupt practice. The
8 assembly shall consider a conviction of the borough mayor of a felony or
9 misdemeanor described in AS 15.56 as a corrupt practice at its first
10 meeting following the final determination of the conviction.

11 * Sec. 211. AS 29.23.210(b) is amended to read:

12 (b) The council shall determine its own rules and order of busi-
13 ness and provide for keeping a journal of its proceedings. The council
14 is the judge of the election and qualification of its members and, with
15 the concurrence of two-thirds of its members, may expel a member for
16 a conviction of a felony or misdemeanor described in AS 15.56 as a
17 corrupt practice. The council shall consider that conviction during its
18 first meeting following final determination of the conviction.

19 * Sec. 212. AS 29.23 is amended by adding a new section to read:

20 Sec. 29.23.255. REMOVAL FROM OFFICE. The council may, with con-
21 currence of two-thirds of its members, remove the mayor from office for
22 a conviction of a felony or misdemeanor described in AS 15.56 as a
23 corrupt practice. The council shall consider the conviction during its
24 first meeting following final determination of the conviction.

25 * Sec. 213. AS 29.28.050 is amended by adding a new subsection to read:

26 (f) Notwithstanding the provisions of (e) of this section, the
27 expulsion of a member of a borough assembly under AS 29.23.060(c), of a
28 member of a city council under AS 29.23.210(b), of a borough mayor under
29 AS 29.23.130(f), or of a city mayor under AS 29.23.255 is final and is

1 not subject to judicial review.

2 * Sec. 214. AS 15 is amended by adding a new chapter to read:

3 CHAPTER 03. ADMINISTRATION OF ELECTIONS.

4 ARTICLE 1. STATE ELECTION BOARD.

5 Sec. 15.03.010. STATE ELECTION BOARD. There is created at the
6 head of the division of elections the State Election Board consisting of
7 the lieutenant governor who is the chairman of the board and four mem-
8 bers appointed by the governor.

9 Sec. 15.03.020. APPOINTMENT OF MEMBERS. The governor shall
10 appoint one member of the State Election Board from each political
11 party. The appointee from each political party shall be chosen from a
12 list of four names submitted to the governor by the central committee of
13 the political party. The governor shall appoint the remaining members
14 of the board without regard to political affiliation. Each member
15 appointed by the governor must be confirmed by a majority of the members
16 of the legislature in joint session.

17 Sec. 15.03.030. TERM OF OFFICE. The term of an appointed member
18 of the State Election Board is four years. The term of a member begins
19 on March 1 of the year of appointment.

20 Sec. 15.03.040. VACANCIES. A vacancy on the State Election Board
21 is filled in the same manner as the original appointment. A member
22 appointed to fill a vacancy serves for the unexpired term.

23 Sec. 15.03.050. MEETINGS. Meetings of the State Election Board
24 shall be held at the call of the chairman or two members. Three members
25 constitute a quorum. The affirmative vote of three members is necessary
26 for any action to be taken by the board. Minutes shall be kept of all
27 meetings of the board and a record kept of the vote of each member on
28 all questions coming before the board.

29 Sec. 15.03.060. DUTIES OF THE STATE ELECTION BOARD. The State

1 Election Board shall

2 (1) appoint, subject to the approval of the governor, and
3 remove, in its sole discretion, the director of elections;

4 (2) periodically review the procedures and practices of the
5 division of elections;

6 (3) adopt regulations under the Administrative Procedure Act
7 (AS 44.62) necessary for the administration of elections;

8 (4) investigate the administration of election laws and
9 charges of frauds or irregularities in elections;

10 (5) report apparent violations of election laws to the appro-
11 priate agencies for further investigation and prosecution;

12 (6) make recommendations to the legislature for changes in
13 election laws;

14 (7) approve the budget of the division of elections for
15 submission to the governor;

16 (8) perform other duties assigned to it by law.

17 Sec. 15.03.070. COMPENSATION AND STAFF. A member of the State
18 Election Board is entitled to compensation of \$50 per day for each day
19 he is concerned with the business of the board and is also entitled to
20 travel expenses and per diem prescribed for other state boards and
21 commissions. The board may use the staff of the lieutenant governor or
22 of the director of elections as necessary to carry out its duties.

23 ARTICLE 2. DIRECTOR OF ELECTIONS.

24 Sec. 15.03.080. DIRECTOR OF ELECTIONS. (a) The director of
25 elections is the principal executive officer of the division of elec-
26 tions.

27 (b) The director shall

28 (1) prepare an annual budget for the division of elections,
29 subject to the approval of the State Election Board;

1 (2) prepare reports concerning procedures and practices of
2 the division of elections as requested by the State Election Board.

3 * Sec. 215. AS 15.07.070(a) is amended to read:

4 (a) The State Election Board [DIRECTOR] may adopt regulations
5 under the Administrative Procedure Act (AS 44.62) relating to the regis-
6 tration of voters consistent with the requirements of this section.

7 * Sec. 216. AS 15.07.070(b) is amended to read:

8 (b) To register by mail the director or the area election super-
9 visor shall furnish, upon request, and at no cost to the voter, forms
10 prepared by the director on which the registration information required
11 under AS 15.07.060 shall be inserted by the voter, or by a person on
12 behalf of the voter if he is physically incapacitated. The forms shall
13 be executed before an election judge, a notary public, a commissioned
14 officer of the armed forces including the National Guard, a district
15 judge or magistrate, a United States postal official, or other person
16 qualified to administer oaths. If none of the officials listed in this
17 subsection is reasonably accessible, the person shall have the forms
18 witnessed by two persons over the age of 18 years, and in addition shall
19 provide the certification required by AS 09.65.012. The director may
20 require proof of identification of the applicant as required by regula-
21 tions adopted by the State Election Board [DIRECTOR] under the Adminis-
22 trative Procedure Act (AS 44.62). Upon receipt and approval of the
23 completed registration forms the director or the election supervisor
24 shall forward to the voter an acknowledgment in the form of a registra-
25 tion card, and his name shall immediately be placed on the master regis-
26 ter located in the office of the director and on the district register
27 located in the office of the election supervisor. If the registration
28 is denied, the voter shall immediately be informed in writing by certi-
29 fied or registered letter that registration was denied and the reason

1 for denial.

2 * Sec. 217. AS 15.10.020 is amended to read:

3 Sec. 15.10.020. PRECINCT BOUNDARIES AND POLLING PLACES MODIFIED BY
4 STATE ELECTION BOARD [DIRECTOR]. The State Election Board [DIRECTOR]
5 shall have the exclusive power to modify the boundary of a precinct and
6 to establish or abolish a precinct and polling place in the state by
7 regulations adopted under the Administrative Procedure Act (AS 44.62).

8 * Sec. 218. AS 15.10.030 is amended to read:

9 Sec. 15.10.030. UNIFORM PRECINCT BOUNDARIES REQUIRED FOR STATE AND
10 LOCAL ELECTIONS. The precinct boundaries established by the State Elec-
11 tion Board [DIRECTOR] shall be the boundaries for both state and local
12 elections. The State Election Board [DIRECTOR] by regulation pursuant
13 to the provisions of the Administrative Procedure Act (AS 44.62) may
14 authorize the combining, consolidation, or altering of precinct boun-
15 daries for local elections.

16 * Sec. 219. AS 15.10.050 is amended to read:

17 Sec. 15.10.050. GENERAL DUTY AND STANDARD FOR PRECINCT BOUNDARY
18 MODIFICATION. The State Election Board [DIRECTOR] shall modify the
19 boundary of a precinct, and shall establish or abolish a precinct if the
20 action serves the convenience of the voters and assures the efficient
21 administration of election laws.

22 * Sec. 220. AS 15.10.080 is amended to read:

23 Sec. 15.10.080. DATES FOR DESIGNATING PRECINCT BOUNDARY. The
24 State Election Board [DIRECTOR] shall designate boundaries of an elec-
25 tion precinct which has been established or modified, not later than 40
26 days before an election.

27 * Sec. 221. AS 15.10.090 is amended to read:

28 Sec. 15.10.090. NOTICE OF PRECINCT BOUNDARY DESIGNATION AND MODI-
29 FICATION. The State Election Board [DIRECTOR] shall give full public

1 notice when precinct boundaries are designated and when the boundaries
2 of a precinct are modified or when a precinct is established or abol-
3 ished. Public notice shall include, but is not limited to, the publica-
4 tion on three different days in a daily newspaper of general circula-
5 tion, if such a newspaper is published in the election district where
6 the precinct is located, by posting written notice in three conspicuous
7 places in the designated precinct, and by notification to appropriate
8 municipal clerks.

9 * Sec. 222. AS 15.10.100 is amended to read:

10 Sec. 15.10.100. JUDICIAL REVIEW OF PRECINCT BOUNDARY. Any person
11 aggrieved by a determination of precinct boundaries by the State Elec-
12 tion Board [DIRECTOR] may bring a civil action to have the determination
13 reviewed in the superior court. If the action receives final determina-
14 tion within 15 days before the election, the State Election Board
15 [DIRECTOR] shall not make the required modification in precinct bounda-
16 ries until immediately after the election.

17 * Sec. 223. AS 15.10.105(a) is amended to read:

18 (a) [THE LIEUTENANT GOVERNOR SHALL CONTROL AND SUPERVISE THE DIVI-
19 SION OF ELECTIONS. THE LIEUTENANT GOVERNOR SHALL APPOINT A DIRECTOR OF
20 ELECTIONS.] The director shall supervise the [ACT FOR HIM IN THE SUPER-
21 VISION OF] central and regional election offices, the employment and
22 training of election personnel, and the administration of all state
23 elections as well as those municipal elections which the state is re-
24 quired to conduct. The director serves at the pleasure of the State
25 Election Board [LIEUTENANT GOVERNOR].

26 * Sec. 224. AS 15.15.361 is amended to read:

27 Sec. 15.15.361. STICKERS. The State Election Board [DIRECTOR] may
28 adopt regulations under the Administrative Procedure Act (AS 44.62),
29 governing the size, thickness, color and other characteristics of stic-

1 kers and their use in elections.

2 * Sec. 225. AS 15.15.480 is amended to read:

3 Sec. 15.15.480. SECURITY OF BALLOTS. All official ballots in the
4 possession of election officials, whether marked or unmarked, shall be
5 kept in a secure manner until destroyed in accordance with law. The
6 State Election Board [DIRECTOR] shall provide for the security of bal-
7 lots during transportation and storage under regulations adopted under
8 the Administrative Procedure Act (AS.44.62).

9 * Sec. 226. AS 15.20.045(b) is amended to read:

10 (b) The State Election Board [DIRECTOR] may designate by regu-
11 lation adopted under the Administrative Procedure Act (AS 44.62) loca-
12 tions at which absentee voting stations will be operated on election day
13 and on other dates and at times to be designated by the director. The
14 director shall supply absentee voting stations with ballots for all
15 election districts in the state and shall designate absentee voting
16 officials to serve at absentee voting stations.

17 * Sec. 227. AS 15.20.081(f) is amended to read:

18 (f) The director may require a voter casting an absentee ballot by
19 mail to provide proof of identification or other information to aid in
20 the establishment of his identity as prescribed by regulations of the
21 State Election Board adopted under the Administrative Procedure Act
22 (AS 44.62).

23 * Sec. 228. AS 15.25.050(b) is amended to read:

24 (b) An indigent person as defined by regulations adopted by the
25 State Election Board under the Administrative Procedure Act (AS 44.62)
26 may file a statement of indigency in the form prescribed by regulation
27 in place of the filing fee required by this section.

28 * Sec. 229. AS 15.60.010(3) is amended to read:

29 (3) "director" means the director of elections who is the

1 chief elections officer of the state appointed in accordance with
2 AS 15.03.060 [AS 15.10.105(a)];

3 * Sec. 230. AS 15.60.010 is amended by adding a new paragraph to read:

4 (34) "State Election Board" means the board created by AS 15.-
5 03.010 which oversees state elections;

6 * Sec. 231. The following laws are repealed: AS 15.07.020, 15.07.065,
7 15.07.160(c); AS 15.15.190, 15.15.210, 15.15.215(b); AS 15.20.060, 15.20.062,
8 15.20.065, 15.20.070 - 15.20.150, 15.20.200 - 15.20.210, 15.20.220, 15.-
9 20.230 - 15.20.420; AS 15.25.080; AS 15.35.140 - 15.35.170; AS 15.55; and
10 AS 15.65.

11 * Sec. 232. AS 15.57 is repealed.

12 * Sec. 233. AS 44.19.030(1) is repealed.

13 * Sec. 234. The terms of the initial members of the State Election Board
14 appointed under AS 15.03.020 shall be one, two, three, and four years, re-
15 spectively. The governor shall specify the term of office for each member in
16 accordance with this section.

17 * Sec. 235. AS 43.20.031(f) is amended to read:

18 (f) A natural person who is a resident of the State of Alaska is
19 entitled to a tax credit not to exceed \$100 [\$50] for the amount of
20 political campaign contributions made within the tax year, including but
21 not limited to a contribution or gift to a person or organization for
22 use exclusively (1) for political campaigns for candidates for President
23 or Vice President of the United States, whether or not they will be
24 voted on in a primary election in Alaska; United States senator from
25 Alaska; United States representative from Alaska; governor or lieutenant
26 governor of Alaska; the Alaska legislature; delegate to an Alaska
27 constitutional convention; electoral confirmation as a judge or justice
28 of a court in Alaska; and municipal office in Alaska, (2) for groups
29 seeking to influence the outcome of a ballot proposition or question; or

1 dues to a nonprofit organization organized primarily for the purpose of
2 influencing elections. The credit allowed by this subsection is in
3 place of the credit allowed by sec. 41 of the Internal Revenue Code and
4 the deduction allowed by sec. 218 of the Internal Revenue Code for
5 contribution to candidates for public office.

6 * Sec. 236. Sections 214 - 230 and 233 - 234 of this Act take effect 30
7 days after the lieutenant governor certifies that an amendment to the state
8 constitution providing for the establishment of a Board of Elections at the
9 head of the division of elections has been adopted by the voters.

10 * Sec. 237. Sections 1 - 3, 5 - 28, 32 - 37, 39 - 104, 125 - 205, 207,
11 231 and 235 of this Act take effect January 1, 1981.

12 * Sec. 238. Sections 4, 29 - 31, 38, 105 - 124, 206, 208 - 213, 232,
13 236 - 238 of this Act take effect immediately in accordance with AS 01.10.-
14 070(c).

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