

Introduced: 1/14/80
Referred: State Affairs

1 IN THE SENATE

BY THE SPECIAL COMMITTEE ON
ELECTORAL REFORM

2 SENATE BILL NO. 312

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 revising the Alaska
7 Election Code; 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15 (3) (repealed)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19 (5) (repealed)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 AS 15.05.030 is repealed and re-enacted to read:

18 Sec. 15.05.030. LOSS AND RESTORATION OF VOTING RIGHTS. (a) A
19 person convicted of a crime that constitutes a felony involving moral
20 turpitude under state law may not vote in a state or a municipal elec-
21 tion from the date of the conviction through the date of the restoration
22 of voting rights under this section. The right to vote withdrawn under
23 this section is restored upon the unconditional discharge of the person.

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26 the restoration of voting rights withdrawn by a conviction.

27 (c) As used in this section,

28 (1) "felony involving moral turpitude" includes those crimes
29 which are immoral or wrong in themselves such as murder, sexual assault,

1 robbery, kidnapping, incest, arson, burglary, theft, and forgery;

2 (2) "unconditional discharge" means that a person is released
3 from all disability arising under a conviction and sentence, including
4 probation and parole.

5 * Sec. 4. AS 15.07.010 is amended to read:

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

12 * Sec. 5. AS 15.07.030 is amended by adding a new subsection to read:

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

17 * Sec. 6. AS 15.07.040 is amended to read:

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

24 * Sec. 7. 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 regis-
28 tration official who knows the identity of the applicant may waive the
29 identification requirement.

1 * Sec. 8. AS 15.07.070 is amended to read:

2 Sec. 15.07.070. PROCEDURE FOR REGISTRATION. (a) The director
3 may adopt [LIEUTENANT GOVERNOR SHALL PROMULGATE RULES AND] regulations
4 under the Administrative Procedure Act (AS 44.62) consistent with the
5 provisions of this section to enable voters to register.

6 (b) To register by mail the director [LIEUTENANT GOVERNOR] or the
7 area election supervisor shall furnish, upon request, and at no cost to
8 the voter, forms prepared by the director [LIEUTENANT GOVERNOR] on which
9 the registration information required under AS 15.07.060 shall be in-
10 sserted by the voter, or by a person on behalf of the voter if he is
11 physically incapacitated. The forms shall be executed before an elec-
12 tion judge, a notary public, a commissioned officer of the armed forces
13 including the National Guard, a district judge or magistrate, a United
14 States postal official, or other person qualified to administer oaths
15 [TWO ALASKA RESIDENTS IF THE PERSON REGISTERING IS IN THE STATE. IF THE
16 PERSON IS OUTSIDE THE STATE, THE FORMS SHALL BE EXECUTED BEFORE A PERSON
17 QUALIFIED TO ADMINISTER OATHS]. The director may require proof of
18 identification of the applicant as required by regulations adopted by
19 the director under the Administrative Procedure Act (AS 44.62). Upon
20 receipt and approval of the completed registration forms the director
21 [LIEUTENANT GOVERNOR] or the election supervisor shall forward to the
22 voter an acknowledgment in the form of a registration card, and his name
23 shall immediately be placed on the master register located in the office
24 of the director [LIEUTENANT GOVERNOR] and on the district register
25 located in the office of the election supervisor. If the registration
26 is denied, the voter shall immediately be informed in writing by certi-
27 fied or registered letter that registration was denied and the reason
28 for denial.

21 (c) The names of persons submitting completed registration forms

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

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

23 (e) (repealed)

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

28 * Sec. 9. AS 15.07.081 is amended to read:

29 Sec. 15.07.081. REGISTRATION OFFICIALS. The director [LIEUTENANT

1 GOVERNOR] shall appoint one or more registration officials to serve in
2 each precinct polling place in all [MUNICIPAL, PRIMARY, AND GENERAL]
3 elections during the hours the polling places are open. [REGISTRATION
4 OFFICIALS SERVE WITHOUT COMPENSATION.] An election clerk or election
5 judge, appointed under AS 15.10, may also serve as a registration offi-
6 cial. If more than one registration official is appointed to serve in a
7 polling place, each [THE MAJOR] political party [PARTIES] shall be
8 represented.

9 * Sec. 10. AS 15.07.090 (a) is amended to read:

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

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

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

23 * Sec. 12. AS 15.07.100 is amended to read:

24 Sec. 15.07.100. REGISTRATION OFFICIALS. (a) The director [LIEU-
25 TENANT GOVERNOR] shall appoint one or more registration officials in
26 each precinct. When more than one registration official is appointed to
27 serve in a precinct, each [MAJOR] political party shall be represented.
28 However, any precinct containing more than 250 voters must have at least
29 two registration officials, one from each [MAJOR] political party.

1 The registration official shall be a qualified state voter and shall
2 take an oath to honestly, faithfully and promptly perform the duties of
3 his office.

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

7 (c) A registration official serves at the pleasure of the director.
8 Each registration official shall be periodically evaluated by the direc-
9 tor based on the completeness of the registration forms, timely filing
10 of registration forms, and the voter registration activity attributed to
11 the registration official.

12 * Sec. 13. AS 15.07.110 is amended to read:

13 Sec. 15.07.110. EXPENSE OF REGISTRATION. Each registration offi-
14 cial serving between elections shall be paid by the director [LIEUTENANT
15 GOVERNOR] a sum to be determined by him which may not exceed \$1 for each
16 registration or change of registration personally made by the registra-
17 tion official.

18 * Sec. 14. AS 15.07.120 is amended to read:

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

23 * Sec. 15. AS 15.07 is amended by adding a new section to read:

24 Sec. 15.07.125. OFFICIAL REGISTRATION LIST. Thirty days before
25 each election, the director shall prepare an official registration list
26 for that election consisting of all names appearing on the master regis-
27 ter as of 30 days before the election. A list of persons eligible to
28 vote in each precinct at that election shall be prepared from the offi-
29 cial registration list.

1 * Sec. 16. AS 15.07.130(b) is amended to read:

2 (b) When a registered voter has not re-registered or has not
3 indicated in writing a desire to remain registered as provided in this
4 subsection within the preceding two years or has not voted in [EITHER] a
5 local, regional school board, primary or general election at least once
6 in two [FOUR] consecutive calendar years, the voter shall be advised by
7 mail sent to his last known address that his registration will be can-
8 celled unless he indicates within 90 days on forms furnished by the
9 director [LIEUTENANT GOVERNOR] his desire to remain registered.

10 * Sec. 17. AS 15.07.130(c) is amended to read:

11 (c) The director [LIEUTENANT GOVERNOR] shall obtain from the
12 office of vital statistics death certificates and presumptive death
13 certificates for all residents over 18 years of age who have died or who
14 have been presumptively declared dead. The director [LIEUTENANT GOVER-
15 NOR] shall cancel the registration of all deceased voters.

16 * Sec. 18. AS 15.07.130 is amended by adding new subsections to read:

17 (d) The director shall make reasonable efforts to obtain the names
18 of persons convicted of a felony involving moral turpitude. The direc-
19 tor shall also make reasonable efforts to obtain the names of persons
20 unconditionally released from custody. The director shall suspend the
21 registration of a person convicted of a felony involving moral turpitude
22 until the person is unconditionally released from custody.

23 (e) Within 60 days after each election held in a municipality, the
24 municipal clerk shall forward to the director a list of the voters who
25 voted in that election.

26 * Sec. 19. AS 15.07.140 is amended to read:

27 Sec. 15.07.140. GENERAL ADMINISTRATIVE SUPERVISION BY DIRECTOR
28 [LIEUTENANT GOVERNOR]. The director [LIEUTENANT GOVERNOR] shall provide
29 general administrative supervision over the registration and re-

1 registration of voters [AND MAY ISSUE REGULATIONS UNDER THE ADMINISTRA-
2 TIVE PROCEDURE ACT (AS 44.62) NECESSARY TO PROTECT THE INTEREST OF THE
3 VOTER AND ASSURE ADMINISTRATIVE EFFICIENCY; HOWEVER, THE LIEUTENANT
4 GOVERNOR MAY NOT ISSUE OR PROMULGATE ADMINISTRATIVE REGULATIONS WHICH
5 ARE INCONSISTENT WITH THE PROVISIONS OF THIS CHAPTER]. The director
6 [LIEUTENANT GOVERNOR] shall, no later than 40 days before any [PRIMARY
7 OR GENERAL] election, arrange to have the list of registered voters of
8 the precinct publicly displayed [IN THE PRECINCT]. The director [LIEU-
9 TENANT GOVERNOR] shall instruct registration officials to post the list
10 of registered voters in a number of locations calculated to obtain
11 maximum recognition. Upon request by the mayor or city manager of a
12 municipality or a borough chairman the director [LIEUTENANT GOVERNOR]
13 shall furnish registration information for all precincts all or part of
14 which are within the boundaries of the local government unit.

15 * Sec. 20. AS 15.07.200 is amended to read:

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

19 * Sec. 21. AS 15.10.020 is amended to read:

20 Sec. 15.10.020. PRECINCT BOUNDARIES AND POLLING PLACES MODIFIED BY
21 DIRECTOR [LIEUTENANT GOVERNOR]. The director [LIEUTENANT GOVERNOR]
22 shall have the exclusive power to modify the boundary of a precinct and
23 to establish or abolish a precinct and polling place in the state by
24 regulations [RULES] adopted under the Administrative Procedure Act (AS
25 44.62).

26 * Sec. 22. AS 15.10.030 is amended to read:

27 Sec. 15.10.030. UNIFORM PRECINCT BOUNDARIES REQUIRED FOR STATE AND
28 LOCAL ELECTIONS. The precinct boundaries established by the director
29 [LIEUTENANT GOVERNOR] shall be the boundaries for both state and local

1 elections. The director [LIEUTENANT GOVERNOR] by regulation pursuant to
2 the provisions of the Administrative Procedure Act (AS 44.62) may autho-
3 rize the combining, consolidation, or altering of precinct boundaries
4 for local elections.

5 * Sec. 23. AS 15.10.050 is amended to read:

6 Sec. 15.10.050. GENERAL DUTY AND STANDARD FOR PRECINCT BOUNDARY
7 MODIFICATION. The director [LIEUTENANT GOVERNOR] shall modify the
8 boundary of a precinct, and shall establish or abolish a precinct if the
9 action serves the convenience of the voters and assures the efficient
10 administration of election laws.

11 * Sec. 24. AS 15.10.080 is amended to read:

12 Sec. 15.10.080. DATES FOR DESIGNATING PRECINCT BOUNDARY. The
13 director [LIEUTENANT GOVERNOR] shall designate boundaries of an election
14 precinct which has been established or modified, not later than 40 days
15 before an election.

16 * Sec. 25. AS 15.10.090 is amended to read:

17 Sec. 15.10.090. NOTICE OF PRECINCT BOUNDARY DESIGNATION AND MODI-
18 FICATION. The director [LIEUTENANT GOVERNOR] shall give full public
19 notice when precinct boundaries are designated and when the boundaries
20 of a precinct are modified or when a precinct is established or abol-
21 ished. Public notice shall include, but is not limited to, the publica-
22 tion on three different days in a daily newspaper of general circula-
23 tion, if such a newspaper is published in the election district where
24 the precinct is located, [AND] by posting written notice in three con-
25 spicuous places in the designated precinct, and by notification to appro-
26 prate municipal clerks.

27 * Sec. 26. AS 15.10.100 is amended to read:

28 Sec. 15.10.100. JUDICIAL REVIEW OF PRECINCT BOUNDARY. Any person
29 aggrieved by a determination of precinct boundaries by the director

1 [LIEUTENANT GOVERNOR] may bring a civil action to have the determination
2 reviewed in the superior court. If the action receives final determina-
3 tion within 15 days before the election, the director [LIEUTENANT GOVER-
4 NOR] shall not make the required modification in precinct boundaries
5 until immediately after the election.

6 * Sec. 27. AS 15.10.105(a) is amended to read:

7 Sec. 15.10.105. ADMINISTRATION [APPOINTMENT OF DIRECTOR] OF ELEC-
8 TIONS. (a) The lieutenant governor shall control and supervise the
9 division of elections. The lieutenant governor shall appoint a director
10 of elections. The director shall [TO] act for him in the supervision of
11 central and regional election offices, the employment and training of
12 election personnel, and the administration of all state elections as
13 well as those municipal elections which the state is required to con-
14 duct. The director serves at the pleasure of the lieutenant governor
15 [OF ELECTIONS* SHALL ALSO ASSIST THE LIEUTENANT GOVERNOR IN THE ADMINIS-
16 TRATION OF THE VOTER REGISTRATION PROGRAM AND THE MODIFICATION OF PRE-
17 CINCT BOUNDARIES].

18 * Sec. 28. AS 15.10.107 is amended to read:

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

26 * Sec. 29. AS 15.10.110 is amended to read:

27 Sec. 15.10.110. APPOINTMENT OF ELECTION SUPERVISORS. The director
28 [LIEUTENANT GOVERNOR] shall appoint election supervisors, including one
29 in each of the municipalities of Juneau, Anchorage, Fairbanks and Nome,

1 to assist in the administration of elections in the election districts
2 designated by the director [LIEUTENANT GOVERNOR]. The director [LIEU-
3 TENANT GOVERNOR] may appoint as an election supervisor a person who is a
4 qualified voter in the area over which he has jurisdiction and who does
5 not hold an office in a political party. An election supervisor is
6 entitled to receive compensation in an amount that is comparable to that
7 received for similar state employment as determined by the director
8 [LIEUTENANT GOVERNOR].

9 * Sec. 30. AS 15.10.120 is amended to read:

10 Sec. 15.10.120. APPOINTMENT OF ELECTION BOARD. The election
11 supervisors shall appoint within their district an election board,
12 composed of three judges, for each precinct from among the qualified
13 voters of each of the precincts for which they are appointed. One judge
14 shall be designated chairman and be primarily responsible for the ad-
15 ministration of the election in the precinct. If no clerks are ap-
16 pointed for the precinct, the other two judges shall perform the duties
17 of clerks of the election. No more than two judges may be of the same
18 political party. When appointments to the election board have been
19 accepted, the election supervisor shall notify the director [LIEUTENANT
20 GOVERNOR] of the name and full local mailing address of the designated
21 chairman and other judges of the election board in each precinct.
22 Election boards in local government unit elections shall be appointed by
23 the appropriate local government unit for all local elections.

24 * Sec. 31. AS 15.10.170 is amended to read:

25 Sec. 15.10.170. APPOINTMENT AND PRIVILEGES OF WATCHERS. The
26 precinct party committee, where an organized precinct committee exists,
27 or the district party committee where no organized precinct committee
28 exists, or the state party chairman where neither precinct nor district
29 committee exists, may appoint one or more persons as watchers in each

1 precinct and counting center for any election. Each candidate not
2 representing a political party may appoint one or more watchers for each
3 precinct or counting center in his respective district or the state for
4 any election. Any organization or organized group that sponsors or
5 opposes an initiative, referendum or recall may have one or more persons
6 as watchers at the polls and counting centers after first obtaining
7 authorization from the director [LIEUTENANT GOVERNOR]. No state party
8 chairman, no precinct party committee, no district committee or candi-
9 date not representing a political party or organization or organized
10 group may have more than one watcher on duty at a time in any precinct
11 or counting center. The watcher may be present at a position inside the
12 place of voting or counting which affords a full view of all action of
13 the election board and other counters taken from the time the polls are
14 opened until the ballots are finally counted and the results certified
15 by the election board or the Data Processing Review Board. The election
16 board or the Data Processing Review Board may require each watcher to
17 present written proof showing that he is the watcher appointed by the
18 precinct party committee, the district party committee, the organization
19 or organized group or the candidate he represents which is signed by the
20 chairman of the precinct party committee, the district party committee,
21 the state party chairman, the organization or organized group or the
22 candidate representing no party. The director [LIEUTENANT GOVERNOR] may
23 prescribe regulations under the Administrative Procedure Act (AS 44.62),
24 governing the conduct of watchers to assure the privileges of the watchers
25 and the proper conduct of the election.

26 * Sec. 32. AS 15.10.180 is amended to read:

27 Sec. 15.10.180. APPOINTMENT OF PARTY REPRESENTATIVES FOR STATE
28 CANVASS. The director [LIEUTENANT GOVERNOR] shall appoint two persons
29 from each political party to participate in the canvassing of the vote.

1 Each person who is appointed and serves is entitled to [THE SAME RATE
2 OF] compensation as provided in AS 15.15.380 [PAID ELECTION JUDGES].
3 Each political party may present to the director [LIEUTENANT GOVERNOR] a
4 list of three or more names from which he shall select the persons to
5 represent the party. The list of names may be submitted in writing at
6 least 30 days before the date of the election. The persons to represent
7 the party on the canvassing board may be selected by the state party
8 central committee or in any other manner prescribed by the bylaws of the
9 party. The list of names shall be certified by the chairman of the
10 state central committee of the party or by the person authorized by the
11 party bylaws to act in the absence of the chairman.

12 * Sec. 33. AS 15.15.010 is amended to read:

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

23 * Sec. 34. AS 15.15.030 is amended to read:

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

1
2 (1) The director [LIEUTENANT GOVERNOR] shall determine the
3 size of the ballot, the type of print, necessary additional instruction
4 notes to voters, and other similar matters of form not provided by law.

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

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

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

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

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

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

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

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

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

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

1 or judge shall be approved or rejected shall be set out in substantially
2 the following manner: (A) "Shall be retained as justice of the
3 supreme court for 10 years?"; (B) "Shall be retained as judge
4 of the superior court for six years?"; or (C) "Shall be re-
5 tained as judge of the district court for four years?" Provision shall
6 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. 35. 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. 36. 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 15.57.010(2) shall be made available with each sample
19 ballot.

20 * Sec. 37. 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. 38. 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.

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

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

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

24 * Sec. 39. AS 15.15.070(a) is amended to read:

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

29 * Sec. 40. AS 15.15.070(e) is amended to read:

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

4 * Sec. 41. AS 15.15.070(f) is amended to read:

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

11 * Sec. 42. AS 15.15.070(g) is amended to read:

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

15 * Sec. 43. AS 15.15.090 is amended to read:

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

20 * Sec. 44. AS 15.15.140 is amended to read:

21 Sec. 15.15.140. PERMITTED USE OF UNOFFICIAL BALLOTS. If no offi-
22 cial ballots or election supplies are received, or if an insufficient
23 number of either are received, or if either have been destroyed or lost,
24 the election board shall provide, and the voters may use, unmarked
25 substitute ballots and other election materials to indicate the intent
26 of the voter. The election board shall certify to the facts which
27 prevented the use of the official ballots and materials and shall in-
28 clude the certificate in the election returns to the director [LIEU-
29 TENANT GOVERNOR]. The initial failure to certify to the facts, or

1 include the certificate as required, does not invalidate any ballots.
2 Upon disclosure that unofficial ballots have been used without a certi-
3 fication as required, the director [LIEUTENANT GOVERNOR] shall notify
4 the chairman of the election board by telephone or telegraph of his
5 failure to properly certify the ballots. The director [LIEUTENANT
6 GOVERNOR] may accept the required certificate made by telegraph and
7 count the ballots if the certificate is proper and actually delivered to
8 the director [LIEUTENANT GOVERNOR] within 10 days of the date that the
9 chairman of the election board was notified.

10 * Sec. 45. AS 15.15.180 is amended to read:

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

19 * Sec. 46. AS 15.15 is amended by adding new sections to read:

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

24 Sec. 15.15.198. VOTERS NOT ON OFFICIAL REGISTRATION LIST. (a) If
25 a voter's name does not appear on the official registration list in the
26 precinct in which he seeks to vote, he shall be allowed to vote a
27 questioned ballot.

28 (b) A person whose registration has been cancelled under AS 15.-
29 07.130(b) and who votes a questioned ballot shall have the ballot

1 counted if he has voted in a local, regional school board, primary or
2 general election within four years of the casting of the questioned bal-
3 lot, if he signs under oath a statement to that effect and if the earlier
4 vote is verified by the director.

5 * Sec. 47. AS 15.15.213 is amended to read:

6 Sec. 15.15.213. QUESTIONING A VOTER'S BALLOT. If his qualifica-
7 tions are [POLLING PLACE IS] in question a voter shall be allowed to
8 vote [, AND ANY ELECTION OFFICIAL SHALL CONSIDER THE BALLOT AS] a ques-
9 tioned ballot.

10 * Sec. 48. AS 15.15.215 is amended to read:

11 Sec. 15.15.215. DISPOSITION OF [CHALLENGED AND] QUESTIONED VOTES.
12 [(a)] A [CHALLENGED] voter [OR ONE] who casts a questioned ballot shall
13 vote his ballot in the same manner as prescribed for other voters [EX-
14 CEPT THAT HE SHALL USE A PAPER BALLOT]. After the election judge re-
15 moves the numbered stub [IDENTIFICATION NUMBER] from the ballot, the
16 [CHALLENGED] voter shall insert the ballot into a small blank envelope
17 designed to provide for the secrecy of the ballot, seal it and put the
18 sealed small envelope into a larger envelope on which the statement
19 [OATH AND AFFIDAVIT] he previously signed is located. [AFTER THE ELEC-
20 TION JUDGE REMOVES THE IDENTIFICATION NUMBER FROM THE BALLOT, THE VOTER
21 WHO CASTS A QUESTIONED BALLOT SHALL INSERT THE BALLOT INTO A SMALL BLANK
22 ENVELOPE, SEAL IT, AND PUT THE ENVELOPE INTO A LARGER ENVELOPE ON WHICH
23 THE INFORMATION CONCERNING THAT VOTER'S RESIDENCE IS LOCATED.] These
24 larger envelopes shall be sealed and deposited in the ballot box [ALONG
25 WITH THEIR RESPECTIVE ATTACHED STATEMENTS OF ASSERTED INVALIDITY]. [ALL
26 ENVELOPES SHALL BE COUNTED AND COMPARED TO THE VOTING LIST BEFORE
27 LEAVING THE PLACE OF POLLING AND UPON RECEIPT BY THE OFFICIAL OR BODY
28 SUPERVISING THE ELECTION.] When the ballot box is opened, these enve-
29 lopes shall be segregated, counted, compared to the voting list, and

1 delivered to the official or body supervising the election. The merits
2 of the [CHALLENGE OR] question shall be determined by this official or
3 body in accordance with the procedure prescribed for questioned [CHAL-
4 LENGED ABSENTEE] votes in AS 15.20.210.

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

9 * Sec. 49. AS 15.15.220 is amended to read:

10 Sec. 15.15.220. ADMINISTRATION OF OATHS. Any election judge may
11 administer to a voter any oath that is necessary in the administration
12 of the election.

13 * Sec. 50. AS 15.15 is amended by adding a new section to read:

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

19 (b) An election judge may waive the identification requirement if
20 he knows the identity of the voter.

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

23 * Sec. 51. AS 15.15.230 is amended to read:

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

28 * Sec. 52. AS 15.15.240 is amended to read:

29 Sec. 15.15.240. ASSISTING VOTER BY JUDGE. A qualified voter who

1 cannot read, mark the ballot, or sign his name may request an election
2 [A] judge, a person, or not more than two persons of his choice to
3 assist him. If the election judge is requested, he shall assist the
4 voter. If any other person is requested, the person shall state upon
5 oath before the election judge that he will not divulge the vote cast by
6 the person whom he assists.

7 * Sec. 53. AS 15.15.260 is amended to read:

8 Sec. 15.15.260. PLACING BALLOT IN BALLOT BOX BY VOTER. When the
9 voter has marked his ballot, he shall inform the election judge. The
10 director [LIEUTENANT GOVERNOR] may require that the voter return the
11 ballot to the election judge temporarily so that any stub which may be
12 part of the ballot may be removed by the election judge. Any such
13 requirement shall protect the secrecy of the ballot. In all cases the
14 ballot shall be deposited in the ballot box by the voter himself in the
15 presence of the election judge unless the voter requests the election
16 judge to deposit the ballot on his behalf. Separate ballot boxes may be
17 used for separate ballots.

18 * Sec. 54. AS 15.15.300 is amended to read:

19 Sec. 15.15.300. PROHIBITING THE COUNT OF EXHIBITED BALLOTS. No
20 election official may allow a ballot to be placed [PLACE] in the ballot
21 box which he knows [A BALLOT KNOWN] to have been unlawfully exhibited by
22 the voter. A ballot unlawfully exhibited shall be destroyed [RETAINED
23 AND PLACED WITH THE IMPROPERLY MARKED OR DAMAGED BALLOTS].

24 * Sec. 55. AS 15.15.330 is amended to read:

25 Sec. 15.15.330. COMMENCEMENT OF CANVASS. [COUNTING OF PAPER
26 BALLOTS MAY BEGIN BEFORE THE POLLS ARE CLOSED IN PRECINCTS HAVING 300 OR
27 MORE VOTERS AND DESIGNATED BY THE LIEUTENANT GOVERNOR; HOWEVER, COUNTING
28 SHALL NOT IN ANY EVENT BEGIN BEFORE 2:00 P.M. PREVAILING TIME AND UNLESS
29 AT LEAST 100 VOTES HAVE BEEN CAST.] When [IN ALL OTHER PRECINCTS, WHEN]

1 the polls are closed and the last vote has been cast, the election board
2 and clerks or counters shall immediately proceed to open the ballot box
3 and to count and canvass the votes cast. In all cases the election
4 board shall cause the canvass to be continued without adjournment until
5 the canvass is complete.

6 * Sec. 56. AS 15.15.350 is amended to read:

7 Sec. 15.15.350. GENERAL PROCEDURE FOR CANVASS. The director may
8 [LIEUTENANT GOVERNOR SHALL] issue rules prescribing the manner in which
9 the precinct canvass is accomplished so as to assure accuracy in the
10 count and to expedite the process. The election or canvass board shall
11 count the number of ballots in the ballot box and shall compare that
12 number to the number of signatures in the register. The board shall
13 count the number of questioned ballots and shall compare that number to
14 the number of signatures of questioned voters in the register. Dis-
15 crepancies shall be noted and the numbers included in the certificate
16 prescribed by AS 15.15.370. The certificate prescribed by AS 15.15.370
17 shall also include the number of official ballots received by the elec-
18 tion board, and the number of unused and spoiled ballots. The election
19 board or canvass [COUNTING] board shall canvass the ballots in a manner
20 that allows watchers to see the ballots when opened and read. No person
21 handling the ballot after it has been taken from the ballot box and
22 before it is placed in the envelope for mailing may have a marking
23 device in hand or remove a ballot from the immediate vicinity of the
24 polls [EXCEPT AS PROVIDED BY AS 15.15.330 FOR THE EARLY COUNTING OF
25 BALLOTS, AND BY AS 15.20.680 FOR THE COUNTING OF PUNCH-CARD BALLOTS].
26 The election or canvass board shall maintain a record of all destroyed
27 and spoiled ballots and shall preserve the destroyed or spoiled ballots.

28 * Sec. 57. AS 15.15.360 is amended to read:

29 Sec. 15.15.360. RULES FOR COUNTING HAND-MARK [DETERMINING MARK ON]

1 BALLOTS. (a) The election board shall canvass and count hand-mark
2 ballots [THE VOTES] according to the following rules.

3 (1) A voter may mark his ballot only by the use of cross-
4 marks, "X" marks, diagonal, horizontal or vertical marks, solid marks,
5 stars, circles, asterisks, checks, or plus signs that are clearly spaced
6 in the square opposite the name of the candidate the voter desires to
7 designate.

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

10 (3) If a voter marks fewer names than there are persons to be
11 elected to the office, a vote shall be counted for each candidate prop-
12 erly marked.

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

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

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

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

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

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

1 marked for the purpose of identifying the ballot.

2 (10) Stickers bearing a candidate's name may be affixed to the
3 ballot in place of writing in a candidate's name if write-in votes or
4 ballots are otherwise permitted. Stickers shall not be issued by mem-
5 bers of the election board while serving at the polls. Stickers shall
6 not be offered to voters within 200 [100] feet of the polling place.

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

11 (b) The rules set out in this section are mandatory and there
12 shall be no exceptions to them. A ballot may not be counted unless
13 marked in compliance with these rules. A court has no jurisdiction to
14 order a ballot counted which is not marked in accordance with rules set
15 out in this section.

16 * Sec. 58. AS 15.15 is amended by adding a new section to read:

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

21 * Sec. 59. AS 15.15.370 is amended to read:

22 Sec. 15.15.370. COMPLETION OF CANVASS. When the canvass is com-
23 pleted, and in no event later than the day after the election, the
24 election board or counters shall make a certificate in duplicate of the
25 results. The certificate includes the number of votes cast for each
26 candidate, for and against each proposition, yes or no on each question,
27 and any additional information prescribed by the director [LIEUTENANT
28 GOVERNOR]. The election board shall, immediately upon completion of the
29 certificate or as soon thereafter as the local mail service permits,

1 send in one sealed package to the director [LIEUTENANT GOVERNOR] one
2 copy of the certificate and [,] the original register [, ALL BALLOTS
3 UNLAWFULLY EXHIBITED, PROPERLY IDENTIFIED, THE RECORD OF BALLOTS DE-
4 STROYED UNDER SEC. 250 OF THIS CHAPTER, AND ALL OATHS AND AFFIDAVITS].
5 In addition, all ballots properly cast shall be mailed to the director
6 [LIEUTENANT GOVERNOR] in a separate, sealed package. Both packages, in
7 addition to an address on the outside, shall clearly indicate the pre-
8 cinct from which they come. Each board shall, immediately upon comple-
9 tion of the certification and as soon thereafter as the local mail
10 service permits, send the duplicate certificate and the duplicate regis-
11 ter to its respective election supervisor. The director [LIEUTENANT
12 GOVERNOR] may authorize election boards in precincts in those areas of
13 the state where distance and weather make mail communication unreliable
14 to forward their election certificates by telegram or radio. The
15 director [LIEUTENANT GOVERNOR] may authorize the unofficial canvass of
16 votes on a regional basis by election supervisors, tallying the votes as
17 indicated on duplicate certificates. To assure adequate protection the
18 director [LIEUTENANT GOVERNOR] shall prescribe the manner in which the
19 ballots, registers, and all other election records and materials are
20 thereafter preserved, transferred, and destroyed.

21 * Sec. 60. AS 15.15.380 is amended to read:

22 Sec. 15.15.380. PAYMENT OF ELECTION BOARD MEMBERS. The state,
23 through the office of the director [LIEUTENANT GOVERNOR], shall pay each
24 election board member \$5 per hour for time spent at his election duties,
25 including the receiving of instructions. Election board chairmen and
26 the chairman and members of the absentee ballot, questioned ballot and
27 state canvass board shall be paid \$5.50 an hour for time spent at their
28 election duties.

29 * Sec. 61. AS 15.15.390 is amended to read:

1 Sec. 15.15.390. CERTIFYING ELECTION EXPENSES. The director [LIEU-
2 TENANT GOVERNOR] shall prescribe the manner of certifying, auditing, and
3 paying election expenses, including the cost of giving notice, renting
4 polling places, paying judges, clerks, and counters, securing a ballot
5 box, postage, and stationery, and obtaining similar election neces-
6 sities.

7 * Sec. 62. AS 15.15.400 is amended to read:

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

17 * Sec. 63. AS 15.15.410 is amended to read:

18 Sec. 15.15.410. PLURAL VOTING. Upon a determination that a person
19 has cast more than one general ballot, the director [LIEUTENANT GOVER-
20 NOR] shall notify the attorney general to proceed to prosecute.

21 * Sec. 64. AS 15.15.420 is amended to read:

22 Sec. 15.15.420. DUTY TO CANVASS VOTE. The director [LIEUTENANT
23 GOVERNOR] shall canvass the vote with the assistance of and in the
24 presence of the appointed representatives from the political parties.

25 * Sec. 65. AS 15.15.430 is amended to read:

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

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

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

6 (3) the canvass of absentee and questioned ballots as pre-
7 scribed by law.

8 (b) If the director [LIEUTENANT GOVERNOR] finds an unexplained
9 error in the tally of hand-mark [PAPER] ballots in any precinct election
10 poll book, he may count the ballots from the precinct according to the
11 rules set out in AS 15.15.360(a). 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(a). The director [LIEUTENANT GOVERNOR] shall certify in writing to
17 the state canvass board any changes resulting from the count.

18 * Sec. 66. AS 15.15.440 is amended to read:

19 Sec. 15.15.440. DATES FOR OPENING AND CLOSING STATE CANVASS. The
20 state canvass shall begin eight days after the election and be continued
21 daily until completed. The director [LIEUTENANT GOVERNOR] may designate
22 the hours each [A] day during which the state canvass board is to con-
23 duct its canvass. The director [LIEUTENANT GOVERNOR] shall close the
24 canvass when he is satisfied that no missing precinct certificate of
25 election would, if received, change the result of the election. If no
26 election certificate has been received from a precinct, the director
27 [LIEUTENANT GOVERNOR] may secure from the election supervisors and may
28 count a certified copy of the duplicate election certificate of the
29 precinct. If no election poll books have been received, but an autho-

1 rized election certificate has been received by telegram or radio, the
2 director [LIEUTENANT GOVERNOR] shall count the election certificate so
3 received. If the director [LIEUTENANT GOVERNOR] has reason to believe
4 that a missing precinct certificate, if received, would affect the
5 result of the election, the director [LIEUTENANT GOVERNOR] shall await
6 the receipt of the certificate until four o'clock in the afternoon of
7 the 15th day after the date of election. A certificate not actually
8 delivered to the director [LIEUTENANT GOVERNOR] by four o'clock on the
9 15th day after the election shall not be counted at the canvass.

10 * Sec. 67. AS 15.15.450 is amended to read:

11 Sec. 15.15.450. CERTIFICATION OF STATE CANVASS. Upon completion
12 of the canvass, the director [LIEUTENANT GOVERNOR] shall certify the
13 person receiving the largest number of votes for the office for which he
14 was a candidate as elected to that office and shall certify the approval
15 of a justice or judge not rejected by a majority of the voters voting on
16 the question. The director [LIEUTENANT GOVERNOR] shall issue to the
17 elected candidates and approved justices and judges, a certificate of
18 their election or approval. The director [LIEUTENANT GOVERNOR] shall
19 also certify the results of a proposition and other question except that
20 the lieutenant governor shall certify the results of an initiative,
21 referendum or constitutional amendment.

22 * Sec. 68. AS 15.15.460 is amended to read:

23 Sec. 15.15.460. TIE VOTES. If two or more candidates tie in
24 having the highest number of votes for the same office for which there
25 is to be elected only one candidate, the director [LIEUTENANT GOVERNOR]
26 shall so notify the candidates who are tied. The director [LIEUTENANT
27 GOVERNOR] shall immediately proceed with the recount of votes in the
28 manner provided by AS 15.20.430 - 15.20.530.

29 * Sec. 69. AS 15.15.470 is amended to read:

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

10 * Sec. 70. AS 15.15 is amended by adding a new section to read:

11 Sec. 15.15.480. SECURITY OF BALLOTS. All official ballots in the
12 possession of election officials, whether marked or unmarked, shall be
13 kept in a secure manner until destroyed in accordance with law. The
14 director shall adopt regulations which provide for the security of
15 ballots during transportation and storage.

16 * Sec. 71. AS 15.20.010 is amended to read:

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

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

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

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

27 * Sec. 72. AS 15.20.020 is amended to read:

28 Sec. 15.20.020. PROVISION FOR GENERAL ADMINISTRATIVE SUPERVISION.
29 The director [LIEUTENANT GOVERNOR] shall provide general administrative

1 supervision over the conduct of absentee voting [AND MAY ISSUE RULES
2 NECESSARY TO THE ADMINISTRATION OF ABSENTEE VOTING TO ASSURE EFFICIENCY
3 AND ENCOURAGE VOTER PARTICIPATION]. The director [LIEUTENANT GOVERNOR]
4 shall issue instructions to absentee voters regarding the procedure for
5 absentee voting. One set of instructions shall accompany each absentee
6 ballot.

7 * Sec. 73. AS 15.20.030 is amended to read:

8 Sec. 15.20.030. PREPARATION OF BALLOTS, ENVELOPES, AND OTHER
9 MATERIAL. The director [LIEUTENANT GOVERNOR] shall provide hand-mark
10 [THE PAPER] ballots [PREPARED] for use [AT THE POLLS] as [THE] absentee
11 ballots in those districts which do not use punch-card ballots. The
12 director [LIEUTENANT GOVERNOR] shall provide a small blank envelope in
13 which the voter shall initially place the marked ballot, and shall
14 provide a larger envelope, with the prescribed voter's certificate on
15 the back, in which the small blank envelope with ballot enclosed shall
16 be placed. The director [LIEUTENANT GOVERNOR] shall prescribe the form
17 of and prepare the voter's certificate, envelopes, and other material
18 used in absentee voting. The voter's certificate shall include an oath,
19 for use when required, that the voter is a qualified voter in all
20 respects, a blank for the voter's signature, a certification that the
21 affiant properly executed the marking of the ballot and identified
22 himself, blanks for the attesting official [WITNESSES], and a place for
23 recording the date [AND TIME] the envelope was sealed and witnessed
24 [DELIVERED].

25 * Sec. 74. AS 15.20.040 is amended to read:

26 Sec. 15.20.040. DISTRIBUTION OF BALLOTS, ENVELOPES, AND OTHER
27 MATERIAL. The director [LIEUTENANT GOVERNOR] shall distribute the
28 absentee ballots, envelopes, and other absentee voting material to the
29 election supervisors for redistribution to absentee voting [THE PROPER

1 ELECTION] officials and absentee ballot stations before the date upon
2 which a person may first apply for an absentee ballot in person.

3 * Sec. 75. AS 15.20.045 is amended to read:

4 Sec. 15.20.045. DESIGNATION OF MAGISTRATES AND OTHERS AS ELECTION
5 OFFICIALS. (a) The director [LIEUTENANT GOVERNOR] or election super-
6 visor may designate persons to act as absentee voting [ELECTION] offi-
7 cials under AS 15.20.010 - 15.20.220 in areas where election supervisors
8 do not have offices. Magistrates may, with the approval of the admini-
9 strative director of the Alaska Court System, be designated under this
10 section. At least 15 days before the election the director shall supply
11 each absentee voting official with appropriate ballots.

12 (b) The director may designate by regulation adopted under the
13 Administrative Procedure Act (AS 44.62) locations at which absentee
14 voting stations will be operated on election day and on other dates and
15 at times to be designated by the director. The director shall supply
16 absentee voting stations with ballots for all election districts in the
17 state and shall designate absentee voting officials to serve at absentee
18 voting stations.

19 * Sec. 76. AS 15.20 is amended by adding a new section to read:

20 Sec. 15.20.048. ABSENTEE VOTING IN OFFICES OF ELECTION SUPER-
21 VISORS. At least 15 days before an election the director shall supply
22 each election supervisor with ballots for all districts in the state to
23 be used for absentee voting in that election. Absentee voting shall be
24 conducted by election supervisors during regular office hours on the
25 dates specified in AS 15.20.061 and in the offices of the election
26 supervisors from 8:00 a.m. through 4:30 p.m. on the last two Saturdays
27 before the election.

28 * Sec. 77. AS 15.20.050 is amended to read:

29 Sec. 15.20.050. REQUIREMENT OF FULL PUBLIC NOTICE. The director

1 [LIEUTENANT GOVERNOR] shall give full public notice of the dates and
2 manner of voting absentee and may select any means of communication
3 permitted to be used in giving notice of the date and time of the gener-
4 al election.

5 * Sec. 78. AS 15.20 is amended by adding a new section to read:

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

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

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

14 (3) to an absentee voting official at an absentee voting
15 station designated under AS 15.20.045(b) at any time when the absentee
16 voting station is operating.

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

21 (c) On receipt of an absentee ballot in person, the voter shall
22 proceed to mark the ballot in secret, to place the ballot in the small
23 blank envelope, to place the small blank envelope in the larger envelope,
24 and to sign the voter's certificate on the back of the larger envelope
25 in the presence of the absentee voting official who shall sign as
26 attesting official and date his signature. The absentee voting official
27 shall then accept the ballot.

28 (d) The absentee voting official may not accept a marked ballot
29 that has been exhibited by an absentee voter with intent to influence

1 other voters. If the absentee voter improperly marks or otherwise
2 damages a ballot, the voter may request and the absentee voting official
3 shall provide him with another ballot up to a maximum of three. Im-
4 properly marked or damaged ballots shall be destroyed. The numbers of
5 all ballots destroyed shall be noted on the registration lists.

6 (e) Each absentee voting official shall keep a register containing
7 the names and signatures of voters who cast absentee ballots before him
8 and the dates on which the ballots were cast.

9 * Sec. 79. AS 15.20 is amended by adding new sections to read:

10 Sec. 15.20.071. ABSENTEE VOTING BY PERSONAL REPRESENTATIVE. (a) A
11 qualified voter who is physically disabled may apply for an absentee
12 ballot through a personal representative to the following election
13 officials at the times specified:

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

17 (2) to an election supervisor on or after the 15th day before
18 an election up to and including the date of the election;

19 (3) to an absentee voting official at an absentee voting
20 station designated under AS 15.20.045(b) at a time when the absentee
21 voting station is operating;

22 (4) to the election board chairman or his designee on elec-
23 tion day in the precinct in which the voter is entitled to vote except
24 that the voter may not apply to the election board chairman in an area
25 in which absentee voting officials have been designated.

26 (b) Upon receipt of a written application by personal representa-
27 tive, the election official authorized to issue the absentee ballot
28 shall provide the ballot and other absentee voting material to the
29 personal representative if the written application is signed by the

1 applicant and is accompanied by a letter from a licensed physician or a
2 statement signed by two qualified voters stating that the applicant will
3 be unable to go to the polling place because of physical disability.

4 (c) The personal representative shall deliver the absentee ballot
5 to the voter as soon as practicable. Upon receipt of an absentee ballot
6 through a personal representative, the voter shall proceed to mark the
7 ballot in secret, to place the ballot in the small blank envelope, to
8 place the small blank envelope in the larger envelope, and to sign the
9 voter's certificate on the back of the envelope in the presence of the
10 personal representative who shall sign as attesting witness and date his
11 signature. The voter shall then return the ballot to his personal
12 representative who shall deliver the ballot to the election official who
13 provided the ballot. The ballot must be returned to the election offi-
14 cial on the same day it is obtained.

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

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 application.

29 (b) An application for an absentee ballot by mail must be post-

1 marked not more than six months nor less than seven days before the
2 election for which the absentee ballot is sought.

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

9 (d) Upon receipt of an absentee ballot by mail, the voter, in the
10 presence of an election judge, notary public, commissioned officer of
11 the armed forces including the National Guard, district judge or magis-
12 trate, United States postal official, or other person qualified to
13 administer oaths, may proceed to mark the ballot in secret, to place the
14 ballot in the small blank envelope, to place the small blank envelope in
15 the larger envelope, and to sign the voter's certificate on the back of
16 the larger envelope in the presence of an official listed in this sub-
17 section who shall sign as attesting official and shall date his signa-
18 ture. In remote areas where none of the officials are reasonably ac-
19 cessible, an absentee voter shall have the ballot witnessed by two
20 persons over the age of 18 years and, in addition, shall provide the
21 certification prescribed in AS 09.65.012.

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

27 (f) The director may require a voter casting an absentee ballot by
28 mail to provide proof of identification or other information to aid in
29 the establishment of his identity as prescribed by regulations adopted

1 under the Administrative Procedure Act (AS 44.62).

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

7 * Sec. 80. AS 15.20.170 is amended to read:

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

17 * Sec. 81. AS 15.20.190 is amended to read:

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

28 (b) The election supervisor shall appoint a counting team or
29 teams to aid the district canvassing board in counting absentee and

1 questioned ballots. There shall be four counters on each counting
2 team, no more than two of whom may be members of the same political
3 party.

4 * Sec. 82. AS 15.20 is amended by adding new sections to read:

5 Sec. 15.20.201. TIME OF DISTRICT ABSENTEE BALLOT CANVASS. (a) On
6 the seventh day preceding the day of election, the election supervisor,
7 in the presence and with the assistance of the district absentee ballot
8 canvassing board, shall canvass all voter certificates of absentee
9 ballots received by that date. The canvass of absentee ballots shall
10 continue at times designated by the election supervisor until completed
11 and shall include all absentee ballots received in the office of the
12 election supervisor by 4:00 p.m. on the seventh day following the day of
13 the election.

14 (b) Counting of absentee ballots which have been canvassed shall
15 begin at 8:00 p.m. local time on the day of the election at places
16 designated by each election supervisor and shall continue until all
17 ballots canvassed and eligible for counting have been counted. The
18 counting teams shall report the count of absentee ballots to the dis-
19 trict absentee ballot canvassing board.

20 (c) On the eighth day following the day of the election, the
21 district absentee ballot canvassing board shall certify the absentee
22 ballot canvass.

23 (d) Absentee ballots received in the office of an election super-
24 visor after the seventh day following the day of the election shall be
25 forwarded immediately to the director by the most expeditious mail
26 service.

27 Sec. 15.20.203. PROCEDURE FOR DISTRICT ABSENTEE BALLOT CANVASS.

28 (a) The district absentee ballot canvassing board shall examine each
29 absentee ballot envelope and shall determine whether the absentee voter

1 is qualified to vote at the election and whether the ballot has been
2 properly cast.

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

4 (1) the voter is not registered in the district for which the
5 ballot is cast;

6 (2) the voter has failed to properly execute the certificate;

7 (3) the official authorized by law to attest the voter's
8 certificate fails to affix his signature;

9 (4) the voter fails to enclose the marked ballot inside the
10 small blank envelope;

11 (5) the ballot is not attested on or before the date of the
12 election; or

13 (6) the ballot, if postmarked, is not postmarked on or before
14 the date of the election.

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

24 (d) If an absentee ballot is rejected, the election supervisor
25 shall send a copy of the statement of the challenge to the absentee
26 voter. The election supervisor shall place all rejected absentee ballots
27 in a separate envelope with the statements of challenge. The envelope
28 shall be labeled "rejected absentee ballots" and shall be forwarded to
29 the director with the election certificates and other returns.

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

4 (f) The small blank envelopes shall be drawn from the container,
5 opened, and the ballots counted at the times specified in AS 15.20.201
6 and according to the rules for determining properly marked ballots in
7 AS 15.15.360(a).

8 (g) Upon completion of the absentee ballot canvass, the election
9 supervisor shall prepare an election certificate for execution by the
10 district absentee ballot canvassing board, and shall forward the origin-
11 al certificate and other returns to the director on the eighth day
12 following the election.

13 Sec. 15.20.205. TIME OF DISTRICT QUESTIONED BALLOT CANVASS. (a)
14 On the second day following the day of the election, the election super-
15 visor, in the presence and with the assistance of the district ques-
16 tioned ballot canvassing board, shall canvass all voter certificates of
17 questioned ballots received by that date. The canvass of questioned
18 ballots shall continue at times designated by the election supervisor
19 until completed.

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

26 (c) The district questioned ballot canvassing board shall certify
27 the questioned ballot canvass as soon as the count is completed but no
28 later than the eighth day following the election.

29 (d) Questioned ballots received after certification of the count

1 shall be forwarded immediately to the director by the most expeditious
2 mail service.

3 Sec. 15.20.207. PROCEDURE FOR DISTRICT QUESTIONED BALLOT CANVASS.

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

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

9 (1) the voter is not registered in the district in which the
10 ballot is cast;

11 (2) the voter has failed to properly execute the certificate;

12 (3) the official authorized by law to attest the voter's
13 certificate did not affix his signature; or

14 (4) the voter did not enclose the marked ballot inside the
15 small blank envelope.

16 (c) Any person present at the district questioned ballot canvass
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 canvassing board by majority vote may refuse
23 to accept and count the questioned ballot of a person properly chal-
24 lenged 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 blank envelope containing the ballot shall
4 be placed in a container and mixed with other small blank envelopes
5 containing questioned ballots.

6 (f) The small blank envelopes shall be drawn from the container,
7 opened, and the ballots counted at the times specified in AS 15.20.205
8 and according to the rules for determining properly marked ballots in
9 AS 15.15.360(a).

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

15 * Sec. 83. AS 15.20.220 is amended to read:

16 Sec. 15.20.220. PROCEDURE FOR STATE CANVASS. (a) When the direc-
17 tor [LIEUTENANT GOVERNOR] and appointed party representatives have
18 completed the canvass of [PAPER] ballots cast at the voting precincts
19 [AND THE CANVASS OF VOTING MACHINE BALLOTS], they shall proceed to
20 canvass the absentee and questioned ballot votes certified [COUNTED] by
21 the district canvassing boards [BOARD]. The canvass of the absentee
22 and questioned ballot vote certified [COUNTED] by the district can-
23 vassing board shall be accomplished by reviewing the tallies of the
24 recorded vote to check for mathematical error and by comparing the
25 totals with the election certificate of results.

26 (b) The state canvass board shall canvass and count absentee and
27 questioned ballots not canvassed or counted by the district canvassing
28 boards and which have been forwarded to the director. Absentee and
29 questioned ballots not received in the office of the director by

1 4:00 p.m. on the 15th day following the election may not be counted in
2 the canvass.

3 * Sec. 84. AS 15.20.430 is amended to read:

4 Sec. 15.20.430. AUTHORIZATION OF RECOUNT APPLICATION. (a) A
5 defeated candidate or 10 qualified voters who believe there has been a
6 mistake made by an election official or by the canvassing board in
7 counting the votes in an election, may file an application within five
8 days after the completion of the state canvass to the director [LIEU-
9 TENANT GOVERNOR] for a recount of the votes from any particular precinct
10 or any election district and for any particular office, proposition, or
11 question. However, the application may be filed only within three days
12 after the completion of the state canvass after the general election for
13 a recount of votes cast for the office of governor and lieutenant gover-
14 nor. If there is a tie vote as provided in AS 15.15.460, the director
15 [LIEUTENANT GOVERNOR] shall initiate the recount and give notice to the
16 interested parties as provided in AS 15.20.470.

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

26 * Sec. 85. AS 15.20.440(b) is amended to read:

27 (b) Candidates, political parties, or organized groups having a
28 direct interest in a recount and who are seeking to protect their in-
29 terests during a recount may provide, at their own expense, [NOT MORE

1 THAN] two or more observers to witness the recount.

2 * Sec. 86. AS 15.20.450 is amended to read:

3 Sec. 15.20.450. REQUIREMENT OF DEPOSIT. The application shall
4 include a deposit in cash, by certified check, or by bond with a surety
5 approved by the director [LIEUTENANT GOVERNOR]. The amount of the
6 deposit is \$50 for each precinct, \$250 for each election district, and
7 \$2,000 for the entire state. However, if the recount includes an office
8 for which candidates received a tie vote, or the difference between the
9 number of votes cast was 10 or less or was less than .5 percent of the
10 total number of votes cast for the two candidates for the contested
11 office, or a question or proposition for which there was a tie vote on
12 the issue, or the difference between the number of votes cast in favor
13 of or opposed to the issue was 10 or less or was less than .5 percent of
14 the total votes cast in favor of or opposed to the issue, the applica-
15 tion need not include a deposit and the state shall bear the cost of the
16 recount. If, on the recount, a candidate other than the candidate who
17 received the original election certificate is declared elected, or if
18 the vote on recount is determined to be four percent or more in excess
19 of the vote reported by the state canvass for the candidate applying for
20 the recount or in favor or opposed to the question or proposition as
21 stated in the application, the entire deposit shall be refunded. If the
22 entire deposit is not refunded, the director [LIEUTENANT GOVERNOR] shall
23 refund any money remaining after the cost of the recount has been paid
24 from the deposit.

25 * Sec. 87. AS 15.20.460 is amended to read:

26 Sec. 15.20.460. DETERMINATION OF DATE OF RECOUNT. If the director
27 [LIEUTENANT GOVERNOR] determines that the application is substantially
28 in the required form, he shall fix the date of the recount to be held
29 within three days after the receipt of an application requesting a

1 recount of the general election votes cast for the office of governor
2 and lieutenant governor and within five days after the receipt of an
3 application requesting a recount for any other office, question, or
4 proposition.

5 * Sec. 88. AS 15.20.470 is amended to read:

6 Sec. 15.20.470. REQUIREMENT OF NOTICE. The director [LIEUTENANT
7 GOVERNOR] shall give the candidate or designated chairman signing the
8 application, the two persons appointed to represent the applicant during
9 the recount, and other directly interested parties, notice of the time
10 and place of the recount by certified mail, by telegraph, or by tele-
11 phone.

12 * Sec. 89. AS 15.20.480 is amended to read:

13 Sec. 15.20.480. PROCEDURE FOR RECOUNT. In conducting the recount,
14 the director [LIEUTENANT GOVERNOR], or his appointed representative,
15 shall review all [PAPER, ABSENTEE, AND MACHINE] ballots whether [OR NOT]
16 the ballots were counted at the precinct or by computer or by the dis-
17 trict absentee or questioned ballot canvassing board to determine which
18 ballots, or parts of ballots, were properly marked and which ballots are
19 to be counted in the recount, and shall [MAY] check the accuracy of the
20 original count, the precinct certificate and the canvass. The director
21 shall check the number of ballots and questioned ballots cast in a pre-
22 inct against the registers and shall check absentee ballots voted
23 against absentee ballots distributed. For administrative purposes, the
24 director [LIEUTENANT GOVERNOR] may join and include two or more applica-
25 tions in a single review and count of votes. The rules in AS 15.15.-
26 360(a) [RULE] governing the counting of hand-mark [MARKED] ballots
27 and the rules in AS 15.20.730 governing the counting of punch-card bal-
28 lots [BY THE ELECTION BOARD] shall be followed in the recount. The
29 ballots and other election material shall remain in the custody of the

1 director [LIEUTENANT GOVERNOR] during the recount and the highest degree
2 of care shall be exercised to protect the ballots against alteration or
3 mutilation. The recount shall be completed within 10 [FIVE] days. The
4 director [LIEUTENANT GOVERNOR] may employ additional personnel necessary
5 to assist in the recount.

6 * Sec. 90. AS 15.20.490 is amended to read:

7 Sec. 15.20.490. CERTIFICATION OF RESULTS. If it is determined by
8 recount that the plurality of votes was cast for a candidate, the direc-
9 tor [LIEUTENANT GOVERNOR] shall issue a certificate of election or
10 nomination to the elected or nominated candidate as determined by the
11 recount. If it is determined by the recount that a proposition or
12 question should be certified as having received the required vote, the
13 director [LIEUTENANT GOVERNOR] shall so certify except that the lieu-
14 tenant governor shall so certify if the proposition or question involves
15 an initiative, referendum or constitutional amendment.

16 * Sec. 91. AS 15.20.510 is amended to read:

17 Sec. 15.20.510. PROVISION FOR APPEAL TO COURTS. A candidate or
18 any person who requested a recount who has reason to believe an error
19 has been made in the recount (1) involving any question or proposition
20 or the validity of any ballot may appeal to the superior court in ac-
21 cordance with applicable court rules governing appeals in civil matters,
22 and (2) involving candidates for the legislature or Congress or the
23 office of governor and lieutenant governor may appeal to the supreme
24 court in accordance with rules as may be promulgated by the court.
25 Appeal shall be filed within five days of the completion of the recount.
26 Upon order of the court, the director [LIEUTENANT GOVERNOR] shall fur-
27 nish the record of the recount taken including all ballots, registers,
28 and other election material and papers pertaining to the election con-
29 test. The appeal shall be heard by the court sitting without a jury.

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The inquiry in the appeal shall extend to the questions whether or not the director [LIEUTENANT GOVERNOR] has properly determined what ballots, parts of ballots, or marks for candidates on ballots are valid, and to which candidate or division on the question or proposition the vote should be attributed. The court shall enter judgment either setting aside, modifying, or affirming the action of the director [LIEUTENANT GOVERNOR] on recount.

* Sec. 92. AS 15.20.520 is amended to read:

Sec. 15.20.520. PROVISION FOR APPEAL TO LEGISLATURE OR CONGRESS.

A candidate or persons who requested a recount, who have reason to believe an error has been made in the recount involving a candidate for the general election for the state legislature or Congress, may appeal to the chamber in which the candidate seeks membership in accordance with applicable rules of the legislature or Congress. Upon request of the legislature or Congress, the director [LIEUTENANT GOVERNOR] shall furnish the record of the recount taken including all ballots, registers, and other election material and papers pertaining to the election contest.

* Sec. 93. AS 15.20.530 is amended to read:

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

* Sec. 94. AS 15.20.560 is amended to read:

Sec. 15.20.560. JUDGMENT OF COURT. The judge shall pronounce judgment on which candidate was elected or nominated and whether the

1 question or proposition was accepted or rejected. The director [LIEU-
2 TENANT GOVERNOR] shall issue a new election certificate to correctly
3 reflect the judgment of the court. If the court decides that the elec-
4 tion resulted in a tie vote, the director [LIEUTENANT GOVERNOR] shall
5 immediately proceed to determine the election by lot as is provided by
6 law. If the court decides that no candidate was duly elected or nomi-
7 nated, the judgment shall be that the contested election be set aside.
8 The provisions of this section and AS 15.20.540 and 15.20.550 are not
9 intended to limit or interfere with the power of the legislature to
10 judge the election and qualifications of its members.

11 * Sec. 95. AS 15.20.590(a) is amended to read:

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

27 * Sec. 96. AS 15.20.600 is amended to read:

28 Sec. 15.20.600. PARTY REPRESENTATION. In AS 15.20.590 - 15.20.-
29 730, wherever there is a provision for a person to represent a political

1 party, he shall be chosen by the appointing official subject to the
2 approval of the district committee of that party. If the party district
3 committee fails to respond, the appointing official shall seek approval
4 from the state chairman of the party. If the committee or state chair-
5 man makes a reasonable objection, another person shall be appointed.

6 * Sec. 97. AS 15.20 is amended by adding a new section to read:

7 Sec. 15.20.609. USE OF COMPUTERS. The director shall designate the
8 computers to be used in the counting of ballots. The director may
9 designate more than one computer for use in a computer counting center
10 in addition to alternate computers specified under AS 15.20.610.

11 * Sec. 98. AS 15.20.610 is amended to read:

12 Sec. 15.20.610. ALTERNATE SITE. For each computer counting cen-
13 ter, the director [LIEUTENANT GOVERNOR] shall designate an alternate
14 site, if available, to be used in the event of equipment failure at the
15 main location. If the computer fails and no alternate site is avail-
16 able, the election supervisor shall designate emergency counting teams
17 to handcount punch-card ballots in the manner prescribed by AS 15.20.730
18 [FOR PAPER BALLOTS].

19 * Sec. 99. AS 15.20.620(b)(4) is amended to read:

20 (4) approximately one hour before the processing of the
21 questioned [ABSENTEE AND CHALLENGED] ballots; and

22 * Sec. 100. AS 15.20.620(b)(5) is amended to read:

23 (5) immediately after the final vote tabulation of questioned
24 [ABSENTEE AND CHALLENGED] ballots is complete.

25 * Sec. 101. AS 15.20.620(c) is amended to read:

26 (c) As a security precaution, after the computer has been tested
27 as prescribed in (b)(2) and (4) of this section,

28 (1) the vote-counting task shall remain isolated from non-
29 related processing tasks;

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2 (2) processing not concerned with vote counting shall be
3 limited to tasks which are critical to the computer center and shall be
4 agreed upon in advance by the manager of the computer center and the
5 director;

6 (3) reasonable computer security controls shall be in effect
7 to assure the integrity of the vote-counting process; and

8 (4) access to the computer counting area shall be controlled
9 by the Data Processing Review Board until the vote-counting process is
10 terminated [THE COMPUTER SYSTEM SHALL REMAIN IDLE AND THE AREA SECURED
11 UNTIL TABULATION OF PUNCH-CARD BALLOTS BEGINS].

12 * Sec. 102. AS 15.20.620 is amended by adding a new subsection to read:

13 (f) At any time during the count, party representatives or members
14 of the Data Processing Review Board may request a listing of the program
15 source codes which comprise the instructions to be executed by the
16 computer.

17 * Sec. 103. AS 15.20.640(b) is amended to read:

18 (b) The ballot cards shall be inspected individually, and any
19 ballots which are damaged so that they cannot be read by the computer,
20 or are marked so that the voter can be identified, shall be withdrawn
21 and set aside for hand counting [PLACED IN THE FACSIMILE BALLOT EN-
22 VELOPE].

23 * Sec. 104. AS 15.20.640(c) is amended to read:

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

* Sec. 105. AS 15.20.650 is amended to read:

1 Sec. 15.20.650. DELIVERY OF BALLOTS TO COMPUTER COUNTING CENTER.
2 The delivery of ballots from the precinct polling place to the desig-
3 nated computer counting center shall be made by a delivery team con-
4 sisting of two members of the election board, one from each of the two
5 major political parties or by a licensed security officer accompanied by
6 at least one person designated by the election board. The delivery team
7 shall accompany the ballots from the precinct polling place to the
8 receiving board at the computer counting center.

9 * Sec. 106. AS 15.20.670(4) is amended to read:

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

12 * Sec. 107. AS 15.20.680 is repealed and re-enacted to read:

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

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

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

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

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

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

26 (1) picking up the ballots of one precinct; removing any
27 ballots which cannot be processed and returning them to the Data Pro-
28 cessing Review Board for hand counting;

29 (2) placing the ballots in the computer card reader and acti-

1 vating it;

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

4 * Sec. 108. AS 15.20 is amended by adding a new section to read:

5 Sec. 15.20.685. HAND COUNTING OF PUNCH-CARD BALLOTS. (a) The
6 election supervisor shall appoint a counting team or teams to assist in
7 the counting of punch-card ballots at the computer counting center on
8 election night. There shall be four counters on each counting team, no
9 more than two of whom may be members of the same political 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. 109. 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].

28 (b) If an alternate site is available, all ballots including those
29 previously counted shall be boxed, and a receipt prepared. The ballot

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

12 (c) After processing is completed, the write-in ballots [, THE
13 FACSIMILE ENVELOPE,] and the envelope containing the [CHALLENGED AND]
14 questioned ballots shall be given to the election supervisor, and the
15 remaining ballots shall again be sealed and transported to a designated
16 place of security. [ALL COMPUTER TAPES RESULTING FROM THE ABORTED
17 COUNTING OPERATION SHALL BE ERASED AND THE SUMMARY CARDS DESTROYED.]

18 * Sec. 110. AS 15.20.700 is amended to read:

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

27 (b) [A REPRESENTATIVE OF THE LIEUTENANT GOVERNOR'S OFFICE AND A
28 STATE TROOPER SHALL MEET ANY AIRCRAFT CARRYING COMPUTER BALLOTS TO THE
29 CAPITAL, AND ACCOMPANY THEM TO THE SECURITY AREA THERE.]

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

5 * Sec. 111. AS 15.20.710 is amended to read:

6 Sec. 15.20.710. REPORT OF PARTIAL RESULTS. The presiding officer
7 of the Data Processing Review Board may authorize activation of the
8 print program to provide partial results, if time permits. This print-
9 out shall be released to the presiding officer of the Data Processing
10 Review Board who shall file the original with the control board and
11 provide copies for posting and distribution to news media representa-
12 tives. In addition, the director may authorize the computerized broad-
13 cast of results while vote counting is in progress. This broadcast may
14 be accomplished through on-line terminals and may begin when the vote
15 counting begins.

16 * Sec. 112. AS 15.20.720 is amended to read:

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

23 * Sec. 113. AS 15.20.730 is amended by adding a new subsection to read:

24 (c) Hand counting of punch card ballots shall be done in accord-
25 ance with the requirements of this section. The requirements of this
26 section are mandatory and there are no exceptions to them.

27 * Sec. 114. AS 15.20 is amended by adding a new section to read:

28 Sec. 15.20.740. QUESTIONED PUNCH-CARD BALLOTS. The procedure for
29 canvassing and counting questioned punch-card ballots is the same pro-

1 cedure established in AS 15.20.205 and 15.20.207 for hand-mark ballots
2 except that questioned punch-card ballots may be processed by the com-
3 puter only on the third and eighth days following the election. The
4 Data Processing Review Board shall supervise the count and shall follow
5 the procedure established in AS 15.20.680 and 15.20.685.

6 * Sec. 115. AS 15.25.030 is amended to read:

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

12 (1) the full name of the candidate;

13 (2) the full mailing address of the candidate;

14 (3) if the candidacy is for the office of state senator or
15 state representative, the election or senate district of which the
16 candidate is a resident;

17 (4) the office for which the candidate seeks nomination;

18 (5) the name of the political party of which he is a candi-
19 date for nomination;

20 (6) the full resident address of the candidate;

21 (7) the date of the primary election at which the candidate
22 declares himself to be a candidate;

23 (8) that the candidate will meet the specific residency
24 requirements of the office for which he is a candidate;

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

27 (10) that the candidate is a qualified voter as required by
28 law;

29 (11) that the candidate will meet the specific age require-

1 ments of the office for which he is a candidate;

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

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

5 (14) that he is not a candidate for any other office, ex-
6 cluding a congressional office, to be voted on at the primary election
7 and that he has not filed another declaration of candidacy for the
8 office for which this declaration is filed; [AND]

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

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

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

16 * Sec. 116. AS 15.25.040(c) is amended to read:

17 (c) A candidate for a statewide office or a [SHALL FILE WITH THE
18 LIEUTENANT GOVERNOR. A] candidate for a district-wide office shall file
19 either with the director [LIEUTENANT GOVERNOR] or an election super-
20 visor. If the candidate files his declaration with an election super-
21 visor, the election supervisor shall immediately forward the declaration
22 to the director [LIEUTENANT GOVERNOR].

23 * Sec. 117. AS 15.25.050 is amended to read:

24 Sec. 15.25.050. REQUIREMENT OF FILING FEE. (a) At the time the
25 declaration is filed, each candidate shall pay a filing fee to the
26 director [LIEUTENANT GOVERNOR]. The filing fee for candidates for
27 office of governor, lieutenant governor, United States senator, and
28 United States representative is \$100. The filing fee for candidates for
29 office of state senator and state representative is \$30. The director

1 shall pay the filing fee collected from a candidate under this section
2 to the central committee of the political party of that candidate.

3 (b) An indigent person as defined by regulations adopted under the
4 Administrative Procedure Act (AS 44.62) may file a statement of in-
5 digency in the form prescribed by regulation in place of the filing fee
6 required by this section.

7 * Sec. 118. AS 15.25.055 is amended to read:

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

12 * Sec. 119. AS 15.25.056(a) is amended to read:

13 (a) If an incumbent candidate for renomination dies, becomes
14 disqualified from holding the office he is seeking, or is certified as
15 being incapacitated between June 1 of the election year and that date
16 which is 45 [15] days before the date of the primary election, his place
17 on the ballot may be filled by party petition. The petition shall state
18 that the political party requests the name of the proposed candidate
19 replace that of the incumbent on the primary election ballot and shall
20 be accompanied by a declaration of candidacy from the person named in
21 the petition. The petition must be received by the director [LIEUTENANT
22 GOVERNOR] no later than 14 days after the death, disqualification or
23 certification of incapacity of the incumbent or 40 [10] days before the
24 primary election date, whichever time is earlier.

25 * Sec. 120. AS 15.25.056(c) is amended to read:

26 (c) The death, disqualification or certification of incapacity of
27 the incumbent within 40 [10] days before or on the primary election date
28 does not affect the canvass of the ballots. If the result of the can-
29 vass discloses that the candidate, if he had lived, would have been

1 nominated, the candidate shall be declared nominated. The vacancy may
2 be filled by party petition as provided in AS 15.25.110 - 15.25.130.

3 * Sec. 121. AS 15.25.060 is amended to read:

4 Sec. 15.25.060. PREPARATION AND DISTRIBUTION OF BALLOTS. The
5 primary election ballot shall be prepared and distributed by the
6 director [LIEUTENANT GOVERNOR] in the manner prescribed for general
7 election ballots except as specifically provided otherwise for the
8 primary election. The director [LIEUTENANT GOVERNOR] shall place the
9 names of all candidates who have properly filed in groups according to
10 offices filed for, without regard to party affiliation. The names for
11 each office shall be rotated as provided for the general election bal-
12 lot. No blank spaces shall be provided on the ballot for the writing or
13 pasting in of names.

14 * Sec. 122. AS 15.25.090 is amended to read:

15 Sec. 15.25.090. GENERAL PROCEDURE FOR CONDUCT OF PRIMARY ELECTION.
16 Unless specifically provided otherwise, all provisions regarding the
17 conduct of the general election shall govern the conduct of the primary
18 election, including, but not limited to, provisions concerning voter
19 qualification; provisions regarding the duties, powers, rights, and
20 obligations of the director [LIEUTENANT GOVERNOR], of other election
21 officials, and of cities and organized boroughs; provision for notifi-
22 cation of the election; provisions regarding payment of election ex-
23 penses; provisions regarding employees being allowed time from work to
24 vote; provisions for the counting, canvassing, and certification of
25 returns; provisions for the determination of tie votes and of recount,
26 contests and appeal; and provisions for absentee voting [AND THE USE OF
27 VOTING MACHINES].

28 * Sec. 123. AS 15.25.100 is amended to read:

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

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

4 * Sec. 124. AS 15.25.110 is amended to read:

5 Sec. 15.25.110. FILLING VACANCIES BY PARTY PETITION. If a candi-
6 date nominated at the primary election dies, withdraws, resigns, becomes
7 disqualified from holding office for which he is nominated, or is cer-
8 tified as being incapacitated in the manner prescribed by this section
9 after the primary election and 40 [10] days or more before the general
10 election, the vacancy may be filled by party petition. The central
11 committee of any political party or any party district committee may
12 certify as being incapacitated any candidate nominated by their re-
13 spective party by presenting to the director [LIEUTENANT GOVERNOR] a
14 sworn statement made by a panel of three licensed physicians, not more
15 than two of whom shall be of the same political party, that the candi-
16 date is physically or mentally incapacitated to an extent that would in
17 his judgment prevent the candidate from active service during the term
18 of office if elected. The director [LIEUTENANT GOVERNOR] shall place
19 the name of the person nominated by party petition on the general elec-
20 tion ballot [OR, IF THE GENERAL ELECTION BALLOT HAS BEEN PREPARED, THE
21 LIEUTENANT GOVERNOR OR THE ELECTION OFFICIALS DIRECTED BY THE LIEUTENANT
22 GOVERNOR SHALL PREPARE, PRINT, AND DISTRIBUTE A SUFFICIENT NUMBER OF
23 GUMMED LABELS OR STICKERS BEARING THE NAME OF THE CANDIDATE TO FILL THE
24 VACANCY TO EACH VOTING PRECINCT WITH INSTRUCTIONS THAT THE ELECTION
25 JUDGES SHALL PLACE ONE OF THE STICKERS OR LABELS ON THE APPROPRIATE
26 PLACE ON EACH BALLOT BEFORE THE BALLOT IS HANDED TO THE VOTER]. The
27 name of a candidate disqualified under this section shall not appear on
28 the general election ballot.

29 * Sec. 125. AS 15.25.120 is amended to read:

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

7 * Sec. 126. AS 15.25.150 is amended to read:

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

20 * Sec. 127. AS 15.25.160 is amended to read:

21 Sec. 15.25.160. REQUIRED NUMBER OF SIGNATURES FOR STATE-WIDE
22 OFFICE. Petitions for the nomination of candidates for the office of
23 governor, lieutenant governor, United States senator and United States
24 representative shall be signed by qualified voters of the state equal
25 in number to at least two percent of the number of votes cast in the
26 preceding general election [NOT LESS THAN 1,000 QUALIFIED VOTERS].
27 Candidates for the office of governor and lieutenant governor shall file
28 jointly.

29 * Sec. 128. AS 15.25.170 is amended to read:

1 Sec. 15.25.170. REQUIRED NUMBER OF SIGNATURES FOR DISTRICT-WIDE
2 OFFICE. Petitions for the nomination of candidates for the office of
3 state senator or state representative shall be signed by qualified
4 voters of the election or senate district in which the proposed nominee
5 desires to be a candidate equal in number to at least two [FIVE] percent
6 of the number of votes cast in his respective election or senate dis-
7 trict in the preceding general election [, PROVIDED THAT NO NOMINATING
8 PETITION NEED CONTAIN MORE THAN 200 SIGNATURES NOR MAY IT CONTAIN LESS
9 THAN 50 SIGNATURES FOR ANY DISTRICT].

10 * Sec. 129. AS 15.25.180 is amended by adding a new paragraph to read:

11 (14) the name of the candidate as he wishes it to appear on
12 the ballot.

13 * Sec. 130. AS 15.25.190 is amended to read:

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

18 * Sec. 131. AS 15.25.200 is amended to read:

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

24 * Sec. 132. AS 15.30.020 is amended to read:

25 Sec. 15.30.020. NUMBER AND MANNER OF SELECTING CANDIDATES. Each
26 political party shall select a number of candidates for electors of
27 President and Vice President of the United States equal to the number of
28 senators and representatives to which the state is entitled in Congress.
29 The candidates for electors shall be selected by the state party conven-

1 tion or in any other manner prescribed by the bylaws of the party. The
2 chairman and secretary of the state convention or any other party offi-
3 cial designated by the party bylaws shall certify a list of the names of
4 candidates for electors to the director [LIEUTENANT GOVERNOR] on or
5 before September 1 in presidential election years.

6 * Sec. 133. AS 15.30.025 is amended to read:

7 Sec. 15.30.025. QUALIFICATIONS FOR LIMITED POLITICAL PARTIES. (a)
8 A limited political party may be organized for the purpose of selecting
9 candidates for electors of President and Vice President of the United
10 States by filing a petition with the director [LIEUTENANT GOVERNOR] at
11 least 90 days before a presidential election signed by qualified voters
12 of this state equaling in number at least three percent of Alaska's
13 total vote for President at the last presidential election. The peti-
14 tion shall state that the signers intend to organize a limited political
15 party, that they intend to select candidates for electors of President
16 and Vice President of the United States at the next succeeding presi-
17 dential election, and the name of the limited political party.

18 (b) A limited political party organized under this section may not
19 assume a name which is so similar to an existing political party as to
20 confuse or mislead the voters at an election. If the director [LIEU-
21 TENANT GOVERNOR] determines that the name of the limited political party
22 set out in a petition is confusing or misleading, he may refuse to
23 accept the petition for filing.

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

28 * Sec. 134. AS 15.30.060 is amended to read:

29 Sec. 15.30.060. NOTIFICATION OF ELECTORS. When the results of the

1 election of presidential electors have been determined, the director
2 [LIEUTENANT GOVERNOR] shall send a certificate of election to each
3 elector and shall notify the electors of the time and place of their
4 meeting and of their duties as electors.

5 * Sec. 135. AS 15.30.070 is amended to read:

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

12 * Sec. 136. AS 15.30.090 is amended to read:

13 Sec. 15.30.090. DUTIES OF ELECTORS. After any vacancies have been
14 filled, the electors shall proceed to cast their votes for the candi-
15 dates for the office of President and Vice President of the party which
16 selected them as candidates for electors and shall perform the duties of
17 electors as required by the constitution and laws of the United States.
18 The director [LIEUTENANT GOVERNOR] shall provide administrative services
19 and the Department of Law shall provide legal services necessary for the
20 electors to perform their duties.

21 * Sec. 137. AS 15.35.040 is amended to read:

22 Sec. 15.35.040. FILING DECLARATION BY SUPREME COURT JUSTICE. Each
23 justice seeking to succeed himself to office shall file with the direc-
24 tor [LIEUTENANT GOVERNOR] a declaration of candidacy not less than 90
25 days before the date of the general election at which approval or re-
26 jection is requisite.

27 * Sec. 138. AS 15.35.041 is amended to read:

28 Sec. 15.35.041. REQUIREMENT OF FILING FEE FOR SUPREME COURT CANDI-
29 DATE. At the time the declaration is filed, each candidate shall pay a

1 filing fee to the director [LIEUTENANT GOVERNOR]. The filing fee for a
2 candidate for the supreme court is \$100.

3 * Sec. 139. AS 15.35.050 is amended to read:

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

9 * Sec. 140. AS 15.35.070 is amended to read:

10 Sec. 15.35.070. FILING DECLARATION BY SUPERIOR COURT JUDGE. Each
11 judge seeking to succeed himself to office shall file with the director
12 [LIEUTENANT GOVERNOR] a declaration of candidacy not less than 90 days
13 before the date fixed for the general election at which approval or
14 rejection is requisite.

15 * Sec. 141. AS 15.35.071 is amended to read:

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

20 * Sec. 142. AS 15.35.090 is amended to read:

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

26 * Sec. 143. AS 15.35.110 is amended to read:

27 Sec. 15.35.110. FILING DECLARATION BY DISTRICT JUDGE. Each dis-
28 trict judge seeking to succeed himself to office shall file with the
29 director [LIEUTENANT GOVERNOR] a declaration of candidacy not less than

1 90 days before the date fixed for the general election at which approval
2 or rejection is requisite.

3 * Sec. 144. AS 15.35.120 is amended to read:

4 Sec. 15.35.120. REQUIREMENT OF FILING FEE FOR DISTRICT COURT
5 CANDIDATE. At the time the declaration is filed, each candidate for the
6 district court shall pay a filing fee of \$30 to the director [LIEUTENANT
7 GOVERNOR].

8 * Sec. 145. AS 15.35.130 is amended to read:

9 Sec. 15.35.130. PLACING NAME OF DISTRICT JUDGE ON BALLOT. The
10 director [LIEUTENANT GOVERNOR] shall place the name of a district judge
11 who has properly filed a declaration of candidacy on the judicial ballot
12 in the judicial district designated in his declaration of candidacy for
13 the general election at which approval is sought.

14 * Sec. 146. AS 15.40.040 is amended to read:

15 Sec. 15.40.040. CONDITIONS FOR PART-TERM APPOINTMENT AND SPECIAL
16 ELECTION. If the vacancy is for an unexpired term of more than two
17 years plus five full calendar months, the governor shall call a special
18 election by proclamation and the appointment shall expire on the date
19 the United States senate first meets, convenes, or reconvenes, following
20 the certification of the results of the special election by the director
21 [LIEUTENANT GOVERNOR].

22 * Sec. 147. AS 15.40.070 is amended to read:

23 Sec. 15.40.070. TERM OF ELECTED SENATOR. At the special election,
24 a United States senator shall be elected to fill the remainder of the
25 unexpired term. The person elected shall take office on the date the
26 United States senate first meets, convenes, or reconvenes following the
27 certification of the results of the special election by the director
28 [LIEUTENANT GOVERNOR].

29 * Sec. 148. AS 15.40.090 is amended to read:

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

7 * Sec. 149. AS 15.40.100 is amended to read:

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

15 * Sec. 150. AS 15.40.130 is amended to read:

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

29 * Sec. 151. AS 15.40.170 is amended to read:

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

* Sec. 152. AS 15.40.180 is amended to read:

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

* Sec. 153. AS 15.40.190 is amended to read:

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

* Sec. 154. AS 15.40.270 is amended to read:

Sec. 15.40.270. DATE OF NOMINATIONS. Candidates for the special election shall be nominated by petition transmitted by (1) actual physical delivery of the petition in person; (2) by mail postmarked not later than midnight of the filing date; or (3) by telegram of a copy in substance of the statements made in the petition to the director [LIEUTENANT GOVERNOR] before the 21st day after the vacancy occurs.

* Sec. 155. AS 15.40.280 is amended to read:

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

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

7 * Sec. 156. AS 15.40.330 is amended by adding a new subsection to read:

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

16 * Sec. 157. AS 15.40.380 is amended to read:

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

24 * Sec. 158. AS 15.40.430 is amended to read:

25 Sec. 15.40.430. DESIGNATION OF NOMINEES BY PETITION. If the
26 vacancy occurs less than one calendar month before the filing date and
27 more than three calendar months before the next general election, can-
28 didates shall be nominated by petition transmitted by (1) the actual
29 physical delivery of the petition in person; (2) by mail postmarked not

1 later than midnight of the filing date; or (3) by telegram of a copy in
2 substance of the statements made in the petition to the director [LIEU-
3 TENANT GOVERNOR] before September 2 just before the special election.

4 * Sec. 159. AS 15.40.440 is amended to read:

5 Sec. 15.40.440. REQUIREMENTS OF PETITION FOR NO-PARTY CANDIDATES.
6 Petitions for the nomination of candidates not representing a political
7 party shall be signed by qualified voters equal in number to at least
8 two [FIVE] percent of the number of votes cast in his respective elec-
9 tion or senate district in the preceding general election, provided that
10 no nominating petition [NEED CONTAIN MORE THAN 200 SIGNATURES NOR] may
11 [IT] contain less than 100 [50] signatures for any district, and shall
12 state in substance that which is required in petitions for nomination
13 for general elections provided in AS 15.25.180.

14 * Sec. 160. AS 15.45.100 is amended to read:

15 Sec. 15.45.100. STATEMENT OF WARNING. Each petition shall include
16 a statement of warning that a person who signs a name other than his own
17 on the petition, or who knowingly signs his name more than once for the
18 same proposition at one election, or who signs the petition knowing he
19 is not a qualified voter, upon conviction is punishable by a fine of not
20 more than \$5,000, [\$1,000] or by imprisonment for not more than one
21 year, or by both.

22 * Sec. 161. AS 15.45.190 is amended to read:

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

1 * Sec. 162. AS 15.45.200 is amended to read:

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

7 * Sec. 163. AS 15.45.240 is amended to read:

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

13 * Sec. 164. AS 15.45 is amended by adding a new section to article 1 to
14 read:

15 Sec. 15.45.245. DELEGATION BY LIEUTENANT GOVERNOR. The lieutenant
16 governor may delegate the duties imposed on him by AS 15.45.010 -
17 15.45.240 to the director.

18 * Sec. 165. AS 15.45.330 is amended to read:

19 Sec. 15.45.330. STATEMENT OF WARNING. Each petition shall include
20 a statement of warning that a person who signs a name other than his own
21 to the petition, or knowingly signs his name more than once for the same
22 proposition at one election, or who signs the petition knowing he is not
23 a qualified voter, upon conviction, is punishable by a fine of not more
24 than \$5,000, [\$1,000] or by imprisonment for not more than one year, or
25 by both.

26 * Sec. 166. AS 15.45.420 is amended to read:

27 Sec. 15.45.420. PLACING PROPOSITION ON BALLOT. The lieutenant
28 governor shall direct the director to place the ballot title and propo-
29 sition on the election ballot for the first statewide general, special,

1 or primary election held more than 180 days after adjournment of the
2 legislative session at which the act was passed.

3 * Sec. 167. AS 15.45.430 is amended to read:

4 Sec. 15.45.430. DISPLAY OF ACT BEING REFERRED. The director
5 [LIEUTENANT GOVERNOR] shall provide each election board with 10 copies
6 of the act being referred, and the election board shall display three
7 copies of the act in a conspicuous place in the room where the election
8 is held.

9 * Sec. 168. AS 15.45.460 is amended to read:

10 Sec. 15.45.460. JUDICIAL REVIEW. Any person aggrieved by any
11 determination made by the lieutenant governor under AS 15.45.250 -
12 15.45.450 may bring an action in the superior court to have the deter-
13 mination reviewed within 30 days of the date on which notice of the
14 determination was given [BY ANY APPROPRIATE REMEDY IN THE SUPERIOR
15 COURT].

16 * Sec. 169. AS 15.45 is amended by adding a new section to article 2 to
17 read:

18 Sec. 15.45.465. DELEGATION BY LIEUTENANT GOVERNOR. The lieutenant
19 governor may delegate the duties imposed upon him by AS 15.45.250 -
20 15.45.460 to the director.

21 * Sec. 170. AS 15.45.480 is amended to read:

22 Sec. 15.45.480. FILING APPLICATION. The recall of the governor,
23 lieutenant governor, or a member of the state legislature is proposed by
24 filing an application with the director [LIEUTENANT GOVERNOR. THE
25 RECALL OF THE LIEUTENANT GOVERNOR IS PROPOSED BY FILING AN APPLICATION
26 WITH THE ATTORNEY GENERAL, WHO SHALL PERFORM THE DUTIES IMPOSED ON THE
27 LIEUTENANT GOVERNOR IN THE RECALL OF OTHER ELECTED STATE OFFICIALS]. A
28 deposit of \$100 must accompany the application. This deposit will be
29 retained if a petition is not properly filed. If a petition is properly

1 filed the deposit shall be refunded.

2 * Sec. 171. AS 15.45.500 is amended to read:

3 Sec. 15.45.500. FORM OF APPLICATION. The application shall in-
4 clude (1) the name and office of the person to be recalled, (2) the
5 grounds for recall described in particular in not more than 200 words,
6 (3) a statement that the sponsors are qualified voters who signed the
7 application with the statement of grounds for recall attached, (4) the
8 designation of a recall committee of three sponsors who shall represent
9 all sponsors and subscribers in matters relating to the recall, (5) the
10 signatures [APPOINTMENT] of at least 100 qualified voters who subscribe
11 to the application as sponsors for purposes of circulation, and (6) the
12 signatures and addresses of qualified voters equal in number to 10
13 percent of those who voted in the preceding general election in the
14 state or in the senate or electoral district of the official sought to
15 be recalled.

16 * Sec. 172. AS 15.45.530 is amended to read:

17 Sec. 15.45.530. NOTICE OF THE NUMBER OF VOTERS. The director
18 [LIEUTENANT GOVERNOR], upon request, shall notify the recall committee
19 of the official number of persons who voted in the preceding general
20 election in the state or in the senate or election district of the
21 official to be recalled.

22 * Sec. 173. AS 15.45.540 is amended to read:

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

26 * Sec. 174. AS 15.45.550 is amended to read:

27 Sec. 15.45.550. BASES OF DENIAL OF CERTIFICATION. The director
28 [LIEUTENANT GOVERNOR] shall deny certification if he determines that (1)
29 the application is not substantially in the required form, (2) the

1 application was filed during the first 120 days of the term of office of
2 the official subject to recall or within less than 180 days of the
3 termination of the term of office of any official subject to recall, (3)
4 the person named in the application is not subject to recall, or (4)
5 there is an insufficient number of qualified subscribers.

6 * Sec. 175. AS 15.45.560 is amended to read:

7 Sec. 15.45.560. PREPARATION OF PETITION. If the director [LIEU-
8 TENANT GOVERNOR] certifies the application, he shall prescribe the form
9 of, and prepare, a petition containing (1) the name and office of the
10 person to be recalled, (2) the statement of the grounds for recall
11 included in the application, (3) the statement of warning required in
12 AS 15.45.570, (4) sufficient space for signatures and addresses, and (5)
13 other specifications prescribed by the director [LIEUTENANT GOVERNOR] to
14 assure proper handling and control. Petitions, for purposes of circu-
15 lation, shall be prepared by the director [LIEUTENANT GOVERNOR] in a
16 number reasonably calculated to allow full circulation throughout the
17 state or throughout the senate or election district of the official
18 sought to be recalled. The director [LIEUTENANT GOVERNOR] shall number
19 each petition and shall keep a record of the petitions delivered to each
20 sponsor.

21 * Sec. 176. AS 15.45.570 is amended to read:

22 Sec. 15.45.570. STATEMENT OF WARNING. Each petition and duplicate
23 copy shall include a statement of warning that a person who signs a name
24 other than his own to the petition, or who knowingly signs his name more
25 than once for the same proposition at one election, or who signs the
26 petition knowing he is not a qualified voter, upon conviction is punish-
27 able by a fine of not more than \$5,000, [\$1,000] or by imprisonment for
28 not more than one year, or by both.

29 * Sec. 177. AS 15.45.590 is amended to read:

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

6 * Sec. 178. AS 15.45.600 is amended to read:

7 Sec. 15.45.600. CERTIFICATION OF SPONSOR. Before being filed,
8 each petition shall be certified by an affidavit by the sponsor who
9 personally circulated the petition. The affidavit shall state in sub-
10 stance that (1) the person signing the affidavit is a sponsor, (2) the
11 person is the only circulator of that petition or copy, (3) the signa-
12 tures were made in his actual presence, and (4) to the best of his
13 knowledge, the signatures are those of the persons whose names they
14 purport to be. In determining the sufficiency of the petition, the
15 director [LIEUTENANT GOVERNOR] shall not count subscriptions on peti-
16 tions not properly certified.

17 * Sec. 179. AS 15.45.620 is amended to read:

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

22 * Sec. 180. AS 15.45.630 is amended to read:

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

29 * Sec. 181. AS 15.45.650 is amended to read:

1 Sec. 15.45.650. CALLING SPECIAL ELECTION. If the director [LIEU-
2 TENANT GOVERNOR] determines the petition is properly filed and if the
3 office is not vacant, he shall prepare the ballot and shall call a
4 special election to be held on a date not less than 60, nor more than
5 90, days after the date that notification is given that the petition was
6 properly filed. If a primary or general election is to be held not less
7 than 60, nor more than 90, days after the date that notification is
8 given that the petition was properly filed, the special election shall
9 be held on the date of the primary or general election.

10 * Sec. 182. AS 15.45.670 is amended to read:

11 Sec. 15.45.670. CONDUCT OF SPECIAL ELECTION. Unless specifically
12 provided otherwise, all provisions regarding the conduct of a general
13 election shall govern the conduct of a special election for the recall
14 of a state public official, including but not limited to, provisions
15 concerning voter qualification; provisions regarding duties, powers,
16 rights and obligations of the director [LIEUTENANT GOVERNOR], of other
17 election officials, and of cities and organized boroughs; provision for
18 notification of the election; provision for the payment of election
19 expenses; provisions regarding employees being allowed time from work to
20 vote; provisions for counting, canvassing, and certification of returns;
21 provision for the determination of votes and of recount contests and
22 court appeal; and provisions for absentee voting [AND THE USE OF VOTING
23 MACHINES].

24 * Sec. 183. AS 15.45.680 is amended to read:

25 Sec. 15.45.680. DISPLAY OF BASES FOR AND AGAINST RECALL. The
26 director [LIEUTENANT GOVERNOR] shall provide each election board in the
27 state or in the senate or election district of the person subject to
28 recall with 10 copies of the statement of the grounds for recall in-
29 cluded in the application and 10 copies of the statement of not more

1 than 200 words made by the official subject to recall in justification
2 of his conduct in office. The person subject to recall may provide the
3 director [LIEUTENANT GOVERNOR] with his statement within 10 days after
4 the date the director [LIEUTENANT GOVERNOR] gave notification that the
5 petition was properly filed. The election board shall post three copies
6 of the statements for and against recall in three conspicuous places in
7 the polling place.

8 * Sec. 184. AS 15.45.690 is amended to read:

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

13 * Sec. 185. AS 15.45.720 is amended to read:

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

19 * Sec. 186. AS 15.50.025 is amended to read:

20 Sec. 15.50.025. OBJECTION TO PROPOSED BALLOT TITLE AND PROPOSI-
21 TION. A qualified voter, or the Legislature of the State of Alaska
22 acting directly, or through the Legislative Council, who believes that
23 the proposed ballot title and proposition prepared by the lieutenant
24 governor under AS 15.50.010 does not provide a true and impartial sum-
25 mary of the amendment proposed may, within 15 days of the date of
26 mailing of the proposed ballot title and proposition to the members of
27 the legislature, submit to the lieutenant governor a statement of ob-
28 jection to the proposed ballot title and proposition, giving his reasons
29 for objection, and suggesting alternative language revising the wording

1 of the title or proposition. The lieutenant governor shall consider any
2 objection received before directing that the ballot containing the propo-
3 sition be prepared by the director [ORDERING PREPARATION AND PRINTING
4 OF THE BALLOTS]. Not more than 10 days after the deadline for receipt
5 of objections, he shall advise any person who submitted a statement of
6 objection to the proposed ballot title and proposition of his final
7 decision.

8 * Sec. 187. AS 15.50.030 is amended to read:

9 Sec. 15.50.030. PLACING PROPOSITION ON BALLOT. The lieutenant
10 governor shall direct the director to place the ballot title and propo-
11 sition on the ballot for the next statewide general, primary, or special
12 election held after the amendment proposed by the legislature or held
13 120 days after the amendment proposed by a constitutional convention.
14 If there is insufficient time to permit the proposition to be placed on
15 the regular ballot by the director [LIEUTENANT GOVERNOR], the lieutenant
16 governor shall direct the director [ELECTION OFFICIALS] to prepare
17 a separate [THE] ballot for the proposition.

18 * Sec. 188. AS 15.50.040 is amended to read:

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

25 * Sec. 189. AS 15.50.070 is amended to read:

26 Sec. 15.50.070. PLACING QUESTION OF CONSTITUTIONAL CONVENTION ON
27 BALLOT. If during any 10-year period a constitutional convention has
28 not yet been held, and the question of holding a constitutional con-
29 vention has not been placed before the voters, the lieutenant governor

1 shall direct the director to place the question on the ballot for the
2 next regular statewide general or primary election.

3 * Sec. 190. AS 15.50 is amended by adding a new section to read:

4 ARTICLE 3. DELEGATION BY LIEUTENANT GOVERNOR.

5 Sec. 15.50.110. DELEGATION BY LIEUTENANT GOVERNOR. The lieutenant
6 governor may delegate the duties imposed on him by AS 15.50.010 - 15.50.-
7 100 to the director.

8 * Sec. 191. AS 15 is amended by adding a new chapter to read:

9 CHAPTER 56. ELECTION OFFENSES, CORRUPT

10 PRACTICES, AND PENALTIES.

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

14 (1) knowingly prints or circulates, or has written, printed
15 or circulated, a letter, circular, bill, placard, poster or other pub-
16 lication relating to an election or to a candidate at an election or to
17 an election proposition or question, without the name and address of the
18 author, printer and publisher appearing on its face; or

19 (2) knowingly writes or prints and circulates, or has writ-
20 ten, printed and circulated, a letter, circular, bill, placard, poster
21 or advertisement in a newspaper, on radio or television

22 (A) containing false factual information relating to a
23 candidate for an election;

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

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

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

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

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

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

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

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

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

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

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

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

29 (3) solicits, accepts, or agrees to accept money or other

1 valuable thing with the intent to vote for or refrain from voting for a
2 candidate at an election or for an election proposition or question.

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

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

6 Sec. 15.56.036. UNLAWFUL INTERFERENCE WITH VOTING IN THE SECOND
7 DEGREE. (a) A person commits the crime of unlawful interference with
8 voting in the second degree if he

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

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

15 (3) knowingly solicits or encourages, directly or indirectly,
16 a registered voter who is no longer qualified to vote under AS 15.05.-
17 010, to vote in an election; or

18 (4) as a registration official

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

21 (B) accepts a fee from an applicant applying for regis-
22 tration.

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

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

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

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

1
2 (2) votes or attempts to vote more than once at the same
election with the intent that his vote be counted more than once;

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

6 (4) knowingly votes or solicits a person to vote after the
7 polls are closed with the intent that his vote be counted.

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

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

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

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

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

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

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

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

23 (2) intentionally changes, attempts to change, or causes to
24 be changed an official election document including ballots, tallies and
25 returns;

26 (3) intentionally delays, attempts to delay, or causes to be
27 delayed the sending of the certificate, register, ballots, or other
28 materials whether original or duplicate, required to be sent by AS 15.-
29 15.370; or

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

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

6 (B) prints or reproduces or has printed or reproduced
7 official ballots in a form or with a content other than that pre-
8 scribed by law or as directed by the director.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (b) Improper subscription to petition is a class A misdemeanor.

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

23 (b) An employee who has two consecutive hours in which to vote,
24 either between the opening of the polls and the beginning of his regular
25 working shift, or between the end of his regular working shift and the
26 close of the polls, is considered to have sufficient time outside of his
27 working hours within which to vote.

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

29 Sec. 15.56.111. EFFECT OF CERTAIN CONVICTIONS. The conviction of

1 a person who has been nominated or elected to a state or local office
2 for a felony or misdemeanor described in this chapter as a corrupt
3 practice creates a vacancy in the nomination or office.

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

7 * Sec. 192. AS 15 is amended by adding a new chapter to read:

8 CHAPTER 58. ELECTION PAMPHLET.

9 Sec. 15.58.010. ELECTION PAMPHLET. Before each state general
10 election, the lieutenant governor shall prepare, publish and mail an
11 election pamphlet to every registered voter. The pamphlets shall be
12 prepared on a regional basis as determined by the lieutenant governor.

13 Sec. 15.58.020. CONTENTS OF PAMPHLET. Each election pamphlet
14 shall contain

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

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

19 (3) a map of the election district or districts of the re-
20 gion;

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

22 (5) an absentee ballot application;

23 (6) for each ballot proposition submitted to the voters by
24 initiative or referendum petition or by the legislature;

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

27 (B) an impartial summary of the proposition prepared by
28 the director;

29 (C) statements submitted which advocate voter approval

1 or rejection of the proposition not to exceed 500 words;

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

4 (8) a maximum of two pages of material submitted by each
5 political party;

6 (9) additional information on voting procedures that the
7 lieutenant governor considers necessary.

8 Sec. 15.58.030. MATERIAL TO BE FILED BY CANDIDATE. (a) No later
9 than 75 days before the state general election, candidates for the
10 offices of the United States President and Vice President may file with
11 the lieutenant governor photographs and statements advocating their
12 candidacy.

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

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

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

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

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

29 Sec. 15.58.040. MATERIAL TO BE FILED BY POLITICAL PARTIES. (a)

1 No later than 75 days before the state general election, a political
2 party may file with the lieutenant governor a maximum of two pages of
3 material.

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

7 Sec. 15.58.050. INFORMATION AND RECOMMENDATIONS ON JUDICIAL OFFI-
8 CERS. No later than 75 days before the state general election, the
9 judicial council shall file with the lieutenant governor a statement
10 including information about each supreme court justice, superior court
11 judge, and district court judge who will be subject to a retention
12 election. The statement shall reflect the evaluation of each justice or
13 judge conducted by the judicial council according to law. A statement
14 may not exceed 600 words.

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

18 (1) President or Vice President of the United States, United
19 States senator, United States representative, governor, lieutenant
20 governor, supreme court justice, \$150 each;

21 (2) superior court judge, district court judge, \$75 each;

22 (3) state senator, and state representative, \$50 each.

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

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

29 Sec. 15.58.070. ORGANIZATION OF MATERIAL. Material in the elec-

1 tion pamphlet shall be organized to the extent possible in the same
2 manner and form in which it will appear on the ballot. The decision of
3 the lieutenant governor on the form of material is final.

4 Sec. 15.58.080. DISTRIBUTION. (a) Not less than 30 days before
5 the general election, the lieutenant governor shall mail to every
6 registered voter one copy of the pamphlet prepared for the region in
7 which the voter resides. Additional pamphlets may be obtained from the
8 director, the office of the lieutenant governor, and area election
9 offices.

10 (b) The state library shall make a recording of the appropriate
11 regional pamphlet available to a blind voter without cost. The lieu-
12 tenant governor shall assist with the preparation of recording each
13 regional pamphlet.

14 Sec. 15.58.090. DELEGATION BY LIEUTENANT GOVERNOR. The lieutenant
15 governor may delegate the duties imposed on him by this chapter to the
16 director.

17 * Sec. 193. AS 15.60.010 is repealed and re-enacted to read:

18 Sec. 15.60.010. DEFINITIONS. In this title, unless the context
19 otherwise requires,

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

22 (2) "ballot" means a hand-mark ballot and a punch-card bal-
23 lot;

24 (3) "director" means the director of elections who is the
25 chief elections officer of the state appointed in accordance with AS 15.-
26 10.105(a);

27 (4) "election" includes a general or special election;

28 (5) "election board" means the local precinct board composed
29 of the three election judges;

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

(7) "election official" means election judges, clerks, counters, members of canvass boards, employees of the division of elections and absentee voting officials;

(8) "federal election" means a general, special, or primary election held solely or in part for the purpose of selecting, nominating or electing a candidate for the office of President, Vice-President, Presidential elector, United States senator or United States representative;

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

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

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

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

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

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

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

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

1
2 (17) "official registration list" means the list of all voters
3 qualified to vote at a particular election compiled in accordance with
4 AS 15.07.125;

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

8 (19) "political group" means a group of organized voters which
9 represents a political program and which does not qualify as a political
10 party;

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

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

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

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

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

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

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

(27) "registration official" includes an employee of the

1 division of elections when performing the task of voter registration and
2 a person appointed to serve as a registration official in accordance
3 with AS 15.07.081 or 15.07.100;

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

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

10 (30) "special election" means an election held at a time other
11 than when the general or party primary election is held and an election
12 called to be held with, and at the time of, the general or party primary
13 election;

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

16 (32) "vacancy" exists in an office when the person elected or
17 appointed to the office resigns, retires, dies, is recalled, is rejected
18 by majority vote on the question at an election, is convicted of a
19 corrupt practice, is removed by impeachment, or is expelled;

20 (33) "voter" means a person who presents himself for the
21 purpose of voting either in person or by absentee ballot.

22 * Sec. 194. AS 15 is amended by adding a new chapter to read:

23 CHAPTER 03. ADMINISTRATION OF ELECTIONS.

24 ARTICLE 1. STATE ELECTION BOARD.

25 Sec. 15.03.010. STATE ELECTION BOARD. There is created at the
26 head of the division of elections the State Election Board consisting of
27 the lieutenant governor who is the chairman of the board and four mem-
28 bers appointed by the governor.

29 Sec. 15.03.020. APPOINTMENT OF MEMBERS. The governor shall appoint

1
2 one member of the State Election Board from each political party. The
3 appointee from each political party shall be chosen from a list of four
4 names submitted to the governor by the central committee of the politi-
5 cal party. The governor shall appoint the remaining members of the
6 board without regard to political affiliation. Each member appointed by
7 the governor must be confirmed by a majority of the members of the
8 legislature in joint session.

9 Sec. 15.03.030. TERM OF OFFICE. The term of an appointed member
10 of the State Election Board is four years. The term of a member begins
11 on March 1 of the year of appointment.

12 Sec. 15.03.040. VACANCIES. A vacancy on the State Election Board
13 is filled in the same manner as the original appointment. A member
14 appointed to fill a vacancy serves for the unexpired term.

15 Sec. 15.03.050. MEETINGS. Meetings of the State Election Board
16 shall be held at the call of the chairman or two members. Three members
17 constitute a quorum. The affirmative vote of three members is necessary
18 for any action to be taken by the board. Minutes shall be kept of all
19 meetings of the board and a record kept of the vote of each member on
20 all questions coming before the board.

21 Sec. 15.03.060. DUTIES OF THE STATE ELECTION BOARD. The State
22 Election Board shall

23 (1) appoint, subject to the approval of the governor, and
24 remove, in its sole discretion, the director of elections;

25 (2) periodically review the procedures and practices of the
26 division of elections;

27 (3) adopt regulations under the Administrative Procedure Act
28 (AS 44.62) necessary for the administration of elections;

29 (4) investigate the administration of election laws and
frauds or irregularities in elections;

1 (5) report apparent violations of election laws to the appro-
2 priate agencies for further investigation and prosecution;

3 (6) make recommendations to the legislature for changes in
4 election laws;

5 (7) approve the budget of the division of elections for
6 submission to the governor;

7 (8) perform other duties assigned to it by law.

8 Sec. 15.03.070. COMPENSATION AND STAFF. The members of the State
9 Election Board serve without compensation but are entitled to travel
10 expenses and per diem prescribed for other state boards and commissions.
11 The board may use the staff of the lieutenant governor as necessary to
12 carry out its duties.

13 ARTICLE 2. DIRECTOR OF ELECTIONS.

14 Sec. 15.03.080. DIRECTOR OF ELECTIONS. (a) The director of
15 elections is the principal executive officer of the division of elec-
16 tions.

17 (b) The director shall

18 (1) prepare an annual budget for the division of elections,
19 subject to the approval of the State Election Board;

20 (2) prepare reports concerning procedures and practices of
21 the division of elections as requested by the State Election Board.

22 * Sec. 195. AS 15.07.070(a) is amended to read:

23 (a) The State Election Board [DIRECTOR] may adopt regulations
24 under the Administrative Procedure Act (AS 44.62) consistent with the
25 provisions of this section to enable voters to register.

26 * Sec. 196. AS 15.07.070(b) is amended to read:

27 (b) To register by mail the director or the area election super-
28 visor shall furnish, upon request, and at no cost to the voter, forms
29 prepared by the director on which the registration information required

1 under AS 15.07.060 shall be inserted by the voter, or by a person on
2 behalf of the voter if he is physically incapacitated. The forms shall
3 be executed before an election judge, a notary public, a commissioned
4 officer of the armed forces including the National Guard, a district
5 judge or magistrate, a United States postal official, or other person
6 qualified to administer oaths. The director may require proof of
7 identification of the applicant as required by regulations adopted by
8 the State Election Board [DIRECTOR] under the Administrative Procedure
9 Act (AS 44.62). Upon receipt and approval of the completed registration
10 forms the director or the election supervisor shall forward to the voter
11 an acknowledgment in the form of a registration card, and his name shall
12 immediately be placed on the master register located in the office of
13 the director and on the district register located in the office of the
14 election supervisor. If the registration is denied, the voter shall
15 immediately be informed in writing by certified or registered letter
16 that registration was denied and the reason for denial.

17 * Sec. 197. AS 15.10.020 is amended to read:

18 Sec. 15.10.020. PRECINCT BOUNDARIES AND POLLING PLACES MODIFIED BY
19 STATE ELECTION BOARD [DIRECTOR]. The State Election Board [DIRECTOR]
20 shall have the exclusive power to modify the boundary of a precinct and
21 to establish or abolish a precinct and polling place in the state by
22 regulations adopted under the Administrative Procedure Act (AS 44.62).

23 * Sec. 198. AS 15.10.030 is amended to read:

24 Sc. 15.10.030. UNIFORM PRECINCT BOUNDARIES REQUIRED FOR STATE AND
25 LOCAL ELECTIONS. The precinct boundaries established by the State Elec-
26 tion Board [DIRECTOR] shall be the boundaries for both state and local
27 elections. The State Election Board [DIRECTOR] by regulation pursuant
28 to the provisions of the Administrative Procedure Act (AS 44.62) may
29 authorize the combining, consolidation, or altering of precinct boun-

1 daries for local elections.

2 * Sec. 199. AS 15.10.050 is amended to read:

3 Sec. 15.10.050. GENERAL DUTY AND STANDARD FOR PRECINCT BOUNDARY
4 MODIFICATION. The State Election Board [DIRECTOR] shall modify the
5 boundary of a precinct, and shall establish or abolish a precinct if the
6 action serves the convenience of the voters and assures the efficient
7 administration of election laws.

8 * Sec. 200. AS 15.10.080 is amended to read:

9 Sec. 15.10.080. DATES FOR DESIGNATING PRECINCT BOUNDARY. The
10 State Election Board [DIRECTOR] shall designate boundaries of an elec-
11 tion precinct which has been established or modified, not later than 40
12 days before an election.

13 * Sec. 201. AS 15.10.090 is amended to read:

14 Sec. 15.10.090. NOTICE OF PRECINCT BOUNDARY DESIGNATION AND MODI-
15 FICATION. The State Election Board [DIRECTOR] shall give full public
16 notice when precinct boundaries are designated and when the boundaries
17 of a precinct are modified or when a precinct is established or
18 abolished. Public notice shall include, but is not limited to, the
19 publication on three different days in a daily newspaper of general
20 circulation, if such a newspaper is published in the election district
21 where the precinct is located, by posting written notice in three con-
22 spicuous places in the designated precinct, and by notification to
23 appropriate municipal clerks.

24 * Sec. 202. AS 15.10.100 is amended to read:

25 Sec. 15.10.100. JUDICIAL REVIEW OF PRECINCT BOUNDARY. Any person
26 aggrieved by a determination of precinct boundaries by the State Elec-
27 tion Board [DIRECTOR] may bring a civil action to have the determination
28 reviewed in the superior court. If the action receives final deter-
29 mination within 15 days before the election, the State Election Board

1 [DIRECTOR] shall not make the required modification in precinct boun-
2 daries until immediately after the election.

3 * Sec. 203. AS 15.10.105(a) is amended to read:

4 (a) [THE LIEUTENANT GOVERNOR SHALL CONTROL AND SUPERVISE THE DIVI-
5 SION OF ELECTIONS. THE LIEUTENANT GOVERNOR SHALL APPOINT A DIRECTOR OF
6 ELECTIONS.] The director shall supervise the [ACT FOR HIM IN THE SUPER-
7 VISION OF] central and regional election offices, the employment and
8 training of election personnel, and the administration of all state
9 elections as well as those municipal elections which the state is re-
10 quired to conduct. The director serves at the pleasure of the State
11 Election Board [LIEUTENANT GOVERNOR].

12 * Sec. 204. AS 15.10.170 is amended to read:

13 Sec. 15.10.170. APPOINTMENT AND PRIVILEGES OF WATCHERS. The
14 precinct party committee, where an organized precinct committee exists,
15 or the district party committee where no organized precinct committee
16 exists, or the state party chairman where neither precinct nor district
17 committee exists, may appoint one or more persons as watchers in each
18 precinct and counting center for any election. Each candidate not
19 representing a political party may appoint one or more watchers for each
20 precinct or counting center in his respective district or the state for
21 any election. Any organization or organized group that sponsors or
22 opposes an initiative, referendum or recall may have one or more persons
23 as watchers at the polls and counting centers after first obtaining
24 authorization from the director. No state party chairman, no precinct
25 party committee, no district committee or candidate not representing a
26 political party or organization or organized group may have more than
27 one watcher on duty at a time in any precinct or counting center. The
28 watcher may be present at a position inside the place of voting or
29 counting which affords a full view of all action of the election board

1 and other counters taken from the time the polls are opened until the
2 ballots are finally counted and the results certified by the election
3 board or the Data Processing Review Board. The election board or the
4 Data Processing Review Board may require each watcher to present written
5 proof showing that he is the watcher appointed by the precinct party
6 committee, the district party committee, the organization or organized
7 group or the candidate he represents which is signed by the chairman of
8 the precinct party committee, the district party committee, the state
9 party chairman, the organization or organized group or the candidate
10 representing no party. The State Election Board [DIRECTOR] may pre-
11 scribe regulations under the Administrative Procedure Act (AS 44.62),
12 governing the conduct of watchers to assure the privileges of the
13 watchers and the proper conduct of the election.

14 * Sec. 205. AS 15.15.361 is amended to read:

15 Sec. 15.15.361. STICKERS. The State Election Board [DIRECTOR] may
16 adopt regulations under the Administrative Procedure Act (AS 44.62),
17 governing the size, thickness, color and other characteristics of
18 stickers and their use in elections.

19 * Sec. 206. AS 15.15.480 is amended to read:

20 Sec. 15.15.480. SECURITY OF BALLOTS. All official ballots in the
21 possession of election officials, whether marked or unmarked, shall be
22 kept in a secure manner until destroyed in accordance with law. The
23 State Election Board [DIRECTOR] shall adopt regulations which provide
24 for the security of ballots during transportation and storage.

25 * Sec. 207. AS 15.20.045(b) is amended to read:

26 (b) The State Election Board [DIRECTOR] may designate by regu-
27 lation adopted under the Administrative Procedure Act (AS 44.62) loca-
28 tions at which absentee voting stations will be operated on election day
29 and on other dates and at times to be designated by the director. The

1 director shall supply absentee voting stations with ballots for all
2 election districts in the state and shall designate absentee voting
3 officials to serve at absentee voting stations.

4 * Sec. 208. AS 15.20.081(f) is amended to read:

5 (f) The director may require a voter casting an absentee ballot by
6 mail to provide proof of identification or other information to aid in
7 the establishment of his identity as prescribed by regulations of the
8 State Election Board adopted under the Administrative Procedure Act
9 (AS 44.62).

10 * Sec. 209. AS 15.25.050(b) is amended to read:

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

15 * Sec. 210. AS 15.60.010(3) is amended to read:

16 (3) "director" means the director of elections who is the
17 chief elections officer of the state appointed in accordance with
18 AS 15.03.060 [AS 15.10.105(a)];

19 * Sec. 211. AS 15.60.010 is amended by adding a new paragraph to read:

20 (34) "State Election Board" means the board created by AS 15.-
21 03.010 which oversees state elections;

22 * Sec. 212. The following laws are repealed: AS 15.07.020, 15.07.065,
23 15.07.090(d), 15.07.160(c); AS 15.15.190, 15.15.210, 15.15.215(b); AS 15.20.-
24 060, 15.20.062, 15.20.065, 15.20.070 - 15.20.150, 15.20.210, 15.20.220, 15.-
25 20.230 - 15.20.420; AS 15.25.080; AS 15.55; AS 15.57; and AS 15.65.

26 * Sec. 213. AS 44.19.030(1) is repealed.

27 * Sec. 214. The terms of the initial members of the State Election Board
28 appointed under AS 15.03.020 shall be one, two, three, and four years, re-
29 spectively. The governor shall specify the term of office for each member in

1 accordance with this section.

2 * Sec. 215. Sections 1 - 193, 212, and 215 of this Act take effect im-
3 mediately in accordance with AS 01.10.070(c). Sections 194 - 211 and 213 -
4 214 of this Act take effect on the effective date of an amendment to the
5 state constitution providing for the establishment of a board at the head of
6 a division of state government.

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