

Introduced: 3/18/81
Referred: State Affairs and
Judiciary

1 IN THE SENATE

BY KELLY

2 SENATE BILL NO. 299

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to elections."

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

8 * Section 1. AS 15.07.070(c) is amended to read:

9 (c) The names of persons submitting completed registration forms
10 by mail which are dated [POSTMARKED] at least 30 days before the next
11 election shall be placed on the official registration list for that
12 election. The name of a person submitting a completed registration form
13 by mail which was not dated [POSTMARKED] before the 30-day requirement
14 shall not be placed on the official registration list for the next
15 election but shall be placed on the master register after that election.

16 * Sec. 2. AS 15.07.070(f) is amended to read:

17 (f) Incomplete or inaccurate registration forms may not be ac-
18 cepted and shall be reexecuted. The date of registration shall be the
19 date of reexecution [BEFORE A REGISTRATION OFFICIAL OR THE POSTMARK
20 DATE IF THE APPLICATION FOR REGISTRATION IS BY MAIL].

21 * Sec. 3. AS 15.07.135 is amended to read:

22 Sec. 15.07.135. SUSPENSION OF REGISTRATION OF CONVICTED PERSONS.
23 The director shall make reasonable efforts to obtain the names of
24 persons convicted of a felony involving moral turpitude. The director
25 shall also make reasonable efforts to obtain the names of persons
26 unconditionally discharged from custody. The director shall withdraw
27 [SUSPEND] the registration of a person convicted of a felony involving
28 moral turpitude until the person is unconditionally discharged from
29 custody.

1 * Sec. 4. AS 15.07.140 is amended to read:

2 Sec. 15.07.140. GENERAL ADMINISTRATIVE SUPERVISION BY DIRECTOR.

3 The director shall provide general administrative supervision over the
4 registration and reregistration of voters. The director shall, no
5 later than 40 days before any election, arrange to have the list of
6 registered voters of the precinct publicly displayed. The director
7 shall instruct election [REGISTRATION] officials to post the list of
8 registered voters in a number of locations calculated to obtain maximum
9 recognition. Upon request by the mayor or manager of a municipality
10 the director shall furnish registration information for all precincts
11 all or part of which are within the boundaries of the local government
12 unit.

13 * Sec. 5. AS 15.10.180 is amended to read:

14 Sec. 15.10.180. APPOINTMENT OF PARTY REPRESENTATIVES FOR STATE
15 BALLOT COUNTING REVIEW [CANVASS]. The director shall appoint two
16 persons from each political party to participate in the state ballot
17 counting review [CANVASSING OF THE VOTE]. Each person who is appointed
18 and serves is entitled to compensation as provided in AS 15.15.380.
19 Each political party may present to the director a list of three or
20 more names from which he shall select the persons to represent the
21 party. The list of names may be submitted in writing at least 30 days
22 before the date of the election. The persons to represent the party on
23 the state ballot counting review [CANVASSING] board may be selected by
24 the state party central committee or in any other manner prescribed by
25 the bylaws of the party. The list of names shall be certified by the
26 chairman of the state central committee of the party or by the person
27 authorized by the party bylaws to act in the absence of the chairman.

28 * Sec. 6. AS 15.15.140(a) is amended to read:

29 (a) If the election board receives an insufficient number of

1 official paper ballots, official punch-card ballots, or official elec-
2 tion materials, it shall provide and the voters may use unmarked sub-
3 stitute ballots or other election materials to indicate their intent
4 [THE INTENT OF THE VOTER].

5 * Sec. 7. AS 15.15.195 is amended to read:

6 Sec. 15.15.195. VOTERS ON OFFICIAL REGISTRATION LIST. An election
7 judge in a precinct shall allow a voter whose name appears on the
8 official registration list to vote in the precinct unless the voter is
9 questioned in accordance with AS 15.15.210.

10 * Sec. 8. AS 15.15 is amended by adding a new section to read:

11 Sec. 15.15.210. QUESTIONING OF VOTERS OF SUSPECT QUALIFICATION.
12 Every election judge and election clerk shall question, and every
13 watcher and other person qualified to vote in the precinct may question
14 a person attempting to vote if the questioner has good reason to suspect
15 that the questioned person is not qualified to vote. All questions
16 regarding a person's qualifications to vote shall be made in writing
17 setting out the reason the person has been questioned. A questioned
18 person before voting shall subscribe to an oath and affidavit provided
19 by the director attesting to the fact that in each particular the
20 person meets all the qualifications of a voter, that he is not dis-
21 qualified, and that he has not voted at the same election. He shall
22 also state the place from which he came immediately before living in
23 the precinct in which he now offers to vote and the length of time of
24 his residence in the former place. After the questioned person has
25 taken the oath and signed the affidavit, the person may vote. If the
26 questioned person refuses to take the oath or sign the affidavit, the
27 person may not vote.

28 * Sec. 9. AS 15.15.215 is amended to read:

29 Sec. 15.15.215. DISPOSITION OF QUESTIONED VOTES. A voter who

1 casts a questioned ballot shall vote his ballot in the same manner as
2 prescribed for other voters. After the election judge removes the
3 numbered stub from the ballot, the voter shall insert the ballot into a
4 small envelope and put the small envelope into a larger envelope on
5 which the statement he previously signed is located. These larger
6 envelopes shall be sealed and deposited in the ballot box. When the
7 ballot box is opened, these envelopes shall be segregated, counted,
8 compared to the voting list, and delivered to the official or body
9 supervising the election. The merits of the question shall be deter-
10 mined by the district questioned ballot counting board [THIS OFFICIAL
11 OR BODY] in accordance with the procedure prescribed for questioned
12 votes in AS 15.20.207.

13 * Sec. 10. AS 15.15.240 is amended to read:

14 Sec. 15.15.240. ASSISTANCE TO [ASSISTING] VOTER [BY JUDGE]. A
15 qualified voter who cannot read, mark the ballot, or sign his name may
16 request an election official [JUDGE], or a person [, OR NOT MORE THAN
17 TWO PERSONS] of his choice to assist him. If the election official
18 [JUDGE] is requested, he shall assist the voter. If any other person is
19 requested, the person shall state upon oath before the election judge
20 that he will not divulge the vote cast by the person whom he assists.

21 * Sec. 11. AS 15.15.260 is amended to read:

22 Sec. 15.15.260. PLACING BALLOT IN BALLOT BOX BY VOTER. When the
23 voter has marked his ballot, he shall inform the election official
24 [JUDGE]. The director may require that the voter return the ballot to
25 the election official [JUDGE] temporarily so that any stub which may be
26 part of the ballot may be removed by the election official [JUDGE].
27 Any such requirement shall protect the secrecy of the ballot. In all
28 cases the ballot shall be deposited in the ballot box by the voter
29 himself in the presence of the election official [JUDGE] unless the

1 voter requests the election official [JUDGE] to deposit the ballot on
2 his behalf. Separate ballot boxes may be used for separate ballots.

3 * Sec. 12. AS 15.15.300 is amended to read:

4 Sec. 15.15.300. [PROHIBITING THE COUNT OF] EXHIBITED BALLOTS. No
5 election official may allow a ballot to be placed in the ballot box
6 which he knows to have been unlawfully exhibited by the voter. A
7 ballot unlawfully exhibited shall be recorded as a spoiled ballot and
8 destroyed and a replacement ballot may not be given to the voter.

9 * Sec. 13. AS 15.15.330 is amended to read:

10 Sec. 15.15.330. COMMENCEMENT OF BALLOT COUNT. When the polls are
11 closed and the last vote has been cast, the election board and clerks
12 or counters shall [IMMEDIATELY] proceed to open the ballot box and to
13 count the votes cast. In all cases the election board shall cause the
14 count to be continued without adjournment until the count is complete.

15 * Sec. 14. AS 15.15.360(c) is amended to read:

16 (c) The rules set out in this section apply to hand-marked punch-
17 card sample ballots and to hand-marked punch-card ballots if punch-card
18 machines are not available in a precinct.

19 * Sec. 15. AS 15.15.420 is amended to read:

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

24 * Sec. 16. AS 15.15.430(a) is amended to read:

25 (a) The review of the results of the ballot counting by the
26 director shall include only

27 (1) a review and comparison of the tallies of hand-marked
28 ballots in the election poll books with the precinct election certifi-
29 cates to correct any mathematical error in the count of hand-marked

1 ballots₁ [,]

2 (2) a review of the tallies of write-in votes and a review
3 of election certificates as provided by law from precincts using punch-
4 card ballots₁ [,]

5 (3) a review of absentee and questioned ballots as prescribed
6 by law.

7 * Sec. 17. AS 15.20.071(c) is amended to read:

8 (c) The personal representative shall deliver the absentee ballot
9 to the voter as soon as practicable. Upon receipt of an absentee
10 ballot through a personal representative, the voter shall proceed to
11 mark the ballot in secret, to place the ballot in the small envelope,
12 to place the small envelope in the larger envelope, and to sign the
13 voter's certificate on the back of the envelope in the presence of the
14 personal representative who shall sign as attesting witness and date
15 his signature. The voter shall then return the absentee ballot to his
16 personal representative who shall deliver the ballot to the election
17 official who provided the ballot. The absentee ballot may not be
18 counted unless it is [MUST BE] returned to the election official within
19 three days from the date it is obtained or by [BUT NOT LATER THAN] 8:00
20 p.m. on election day, whichever occurs first. An absentee ballot that
21 is not returned to the election official under this section [BY THE
22 CLOSE OF BUSINESS ON THE THIRD DAY FROM THE DAY IT IS OBTAINED] may not
23 be counted but the voter may vote in the election.

24 * Sec. 18. AS 15.20.190(a) is amended to read:

25 (a) Thirty days before [PRIOR TO] the date of an election, the
26 election supervisors shall appoint, in the same manner provided for the
27 appointment of election judges prescribed in AS 15.10.150, district
28 absentee ballot counting boards and district questioned ballot counting
29 boards, each composed of four members, two from each political party.

1 The district boards shall assist the election supervisors in counting
2 the absentee and questioned ballots and shall receive the [SAME]
3 compensation set by the director [PAID ELECTION JUDGES] under AS 15.15.-
4 380.

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

6 Sec. 15.20.220. PROCEDURE FOR STATE REVIEW. (a) When the direc-
7 tor and appointed party representatives have completed the review of
8 ballots cast at the voting precincts, they shall proceed to review the
9 absentee and questioned ballot votes certified by the district counting
10 boards. The review of the absentee and questioned ballot vote certi-
11 fied by the district counting boards shall be accomplished by reviewing
12 the tallies of the recorded vote to check for mathematical error and by
13 comparing the totals with the election certificate of results.

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

20 * Sec. 20. AS 15.60.010(4) is amended to read:

21 (4) "election board" means the local precinct board composed
22 of the [THREE] election judges and clerks appointed under AS 15.10.150;

23 * Sec. 21. AS 15.60.010(6) is amended to read:

24 (6) "election official" means election judges, clerks,
25 counters, members of counting or review boards, employees of the
26 division of elections, [AND] absentee voting officials, and registra-
27 tion officials;

28 * Sec. 22. AS 15.60.010(10) is amended to read:

29 (10) "hand-marked ballot means a ballot [DESIGNATED TO BE]

marked by hand with a pen or pencil;

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