

Original sponsor: Kelly

Offered: 5/12/81
Referred: Judiciary

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 299 (State Affairs)

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 15.07.060(a)(1) is amended to read:

9 (1) name [AND SEX];

10 * Sec. 2. AS 15.07.070(c) is amended to read:

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

18 * Sec. 3. AS 15.07.070(f) is amended to read:

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

23 * Sec. 4. AS 15.07.135 is amended to read:

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

1 moral turpitude until the person is unconditionally discharged from
2 custody.

3 * Sec. 5. AS 15.07.140 is amended to read:

4 Sec. 15.07.140. GENERAL ADMINISTRATIVE SUPERVISION BY DIRECTOR.

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

15 * Sec. 6. AS 15.10.180 is amended to read:

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

1 * Sec. 7. AS 15.15.140(a) is amended to read:

2 (a) If the election board receives an insufficient number of
3 official paper ballots, official punch-card ballots, or official elec-
4 tion materials, it shall provide and the voters may use unmarked sub-
5 stitute ballots or other election materials to indicate their intent
6 [THE INTENT OF THE VOTER].

7 * Sec. 8. AS 15.15.195 is amended to read:

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

12 * Sec. 9. AS 15.15 is amended by adding a new section to read:

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

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

2 Sec. 15.15.215. DISPOSITION OF QUESTIONED VOTES. A voter who
3 casts a questioned ballot shall vote his ballot in the same manner as
4 prescribed for other voters. After the election judge removes the
5 numbered stub from the ballot, the voter shall insert the ballot into a
6 small envelope and put the small envelope into a larger envelope on
7 which the statement he previously signed is located. These larger
8 envelopes shall be sealed and deposited in the ballot box. When the
9 ballot box is opened, these envelopes shall be segregated, counted,
10 compared to the voting list, and delivered to the official or body
11 supervising the election. The merits of the question shall be deter-
12 mined by the district questioned ballot counting board [THIS OFFICIAL
13 OR BODY] in accordance with the procedure prescribed for questioned
14 votes in AS 15.20.207.

15 * Sec. 11. AS 15.15.240 is amended to read:

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

24 * Sec. 12. AS 15.15.260 is amended to read:

25 Sec. 15.15.260. PLACING BALLOT IN BALLOT BOX BY VOTER. When the
26 voter has marked his ballot, he shall inform the election official
27 [JUDGE]. The director may require that the voter return the ballot to
28 the election official [JUDGE] temporarily so that any stub which may be
29 part of the ballot may be removed by the election official [JUDGE].

1 Any such requirement shall protect the secrecy of the ballot. In all
2 cases the ballot shall be deposited in the ballot box by the voter
3 himself in the presence of the election official [JUDGE] unless the
4 voter requests the election official [JUDGE] to deposit the ballot on
5 his behalf. Separate ballot boxes may be used for separate ballots.

6 * Sec. 13. AS 15.15.300 is amended to read:

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

12 * Sec. 14. AS 15.15.330 is amended to read:

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

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

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

22 * Sec. 16. AS 15.15.420 is amended to read:

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

27 * Sec. 17. AS 15.15.430(a) is amended to read:

28 (a) The review of the results of the ballot counting by the
29 director shall include only

1 (1) a review and comparison of the tallies of hand-marked
2 ballots in the election poll books with the precinct election certifi-
3 cates to correct any mathematical error in the count of hand-marked
4 ballots; [,]

5 (2) a review of the tallies of write-in votes and a review
6 of election certificates as provided by law from precincts using
7 punch-card ballots; [,]

8 (3) a review of absentee and questioned ballots as prescribed
9 by law.

10 * Sec. 18. AS 15.20.071(c) is amended to read:

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

27 * Sec. 19. AS 15.20.190(a) is amended to read:

28 (a) Thirty days before [PRIOR TO] the date of an election, the
29 election supervisors shall appoint, in the same manner provided for the

1 appointment of election judges prescribed in AS 15.10.150, district
2 absentee ballot counting boards and district questioned ballot counting
3 boards, each composed of four members, two from each political party.
4 The district boards shall assist the election supervisors in counting
5 the absentee and questioned ballots and shall receive the [SAME]
6 compensation set by the director [PAID ELECTION JUDGES] under AS 15.15.-
7 380.

8 * Sec. 20. AS 15.20 is amended by adding a new section to read:

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

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

23 * Sec. 21. AS 15.25.020 is amended to read:

24 Sec. 15.25.020. DATE OF PRIMARY. The primary election is held on
25 the first [FOURTH] Tuesday in September [AUGUST] of every even numbered
26 year.

27 * Sec. 22. AS 15.25.040(a) is repealed and reenacted to read:

28 (a) The declaration is filed by the actual physical delivery of
29 the declaration as required by AS 15.25.030(a) at or before 5:00 p.m.,

1 prevailing time, July 15 of a year in which a general election is held
2 for the office.

3 * Sec. 23. AS 15.25.040(b) is repealed and reenacted to read:

4 (b) If July 15 is a Sunday or holiday, the deadline for receipt
5 of the declaration is extended 24 hours.

6 * Sec. 24. AS 15.25.056(a) is repealed and reenacted to read:

7 (a) The death, disqualification, withdrawal, or certification of
8 incapacity of an unopposed incumbent candidate after July 15 of the
9 year in which a general election is held for the office does not affect
10 the counting and review of the ballots. If the result of the counting
11 and review indicates that the unopposed incumbent candidate was nomi-
12 nated, the candidate shall be declared nominated and the vacancy shall
13 be filled by party petition under AS 15.25.110 - 15.25.130.

14 * Sec. 25. AS 15.25.150 is repealed and reenacted to read:

15 Sec. 15.25.150. DATE OF FILING PETITION. The petition is filed
16 by the actual physical delivery of the petition as required by AS 15.-
17 25.180 at or before 5:00 p.m., prevailing time, July 15 in the year in
18 which a general election is held for the office. If July 15 is a
19 Sunday or holiday, the deadline for receipt of the petition is extended
20 24 hours.

21 * Sec. 26. AS 15.56.130 is amended to read:

22 Sec. 15.56.130. TIME LIMITATION. A prosecution for an offense
23 described in AS 15.05 - AS 15.10 and AS 15.15 - AS 15.60 [THE ALASKA
24 ELECTION CODE (AS 15.05 - 15.60)] may not be maintained unless it is
25 begun with one year after the date of the election in connection with
26 which the offense is alleged to have been committed.

27 * Sec. 27. AS 15.60.010(4) is amended to read:

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

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* Sec. 28. AS 15.60.010(6) is amended to read:

(6) "election official" means election judges, clerks, counters, members of counting or review boards, employees of the division of elections, [AND] absentee voting officials, and registration officials;

* Sec. 29. AS 15.60.010(10) is amended to read:

(10) "hand-marked ballot means a ballot [DESIGNATED TO BE] marked by hand with a pen or pencil;

* Sec. 30. AS 15.25.040(d) is repealed.