Introduced: 1/9/89
Referred: State Affairs and Judiciary

6-0279A

1 IN THE SENATE BY POURCHOT

2 SENATE BILL NO. 43

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to conduct and administration of
7 elections by the director of elections; and providing
8 for an effective date."

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

10 * Section 1. AS 15.07.090(a) is amended to read:

11 (a) A voter whose name is changed by marriage or court order may
12 vote under the previous name, but a [IF THE] voter who desires to use
13 a [THE] new name shall vote a questioned ballot [, THE VOTER SHALL
14 NOTIFY THE DIRECTOR NOT LATER THAN 30 DAYS PRECEDING AN ELECTION SO
15 THAT THE REGISTRATION MAY BE AMENDED TO REFLECT THE CHANGE].

16 * Sec. 2. AS 15.10.020 is amended by adding a new subsection to read:

17 (b) Whenever possible, the director shall send written notice of
18 any change in a precinct boundary or polling place to each affected
19 registered voter in the precinct.

20 * Sec. 3. AS 15.15.030(10) is amended to read:

21 (10) A [SEPARATE] nonpartisan [JUDICIAL] ballot shall be
22 designed for each judicial district in which a justice or judge is
23 seeking retention in office. The ballot shall be divided into four
24 parts and each part must [SHALL] bear a heading indicating the court
25 to which the candidate is seeking approval. Within each part the
26 question of whether the justice or judge shall be approved or rejected
27 shall be set out in substantially the following manner: (A) "Shall . .
28 . . . . . be retained as justice of the supreme court for 10 years?";
29 (B) "Shall . . . . . be retained as judge of the court of

appeals for eight years?"; (C) "Shall . . . . . be retained as judge of the superior court for six years?"; or (D) "Shall . . . . . be retained as judge of the district court for four years?" Provision shall be made for marking each question "Yes" or "No."

* Sec. 4. AS 15.20.071(d) is amended to read:

(d) Each election official shall keep a record of the name and signature of each personal representative requesting an absentee ballot and the name of the person on whose behalf the ballot is requested. The election official shall record the date [AND TIME] the absentee ballot is provided and the date [TIME] the ballot is returned to the election official.

* Sec. 5. AS 15.20.081(b) is amended to read:

(b) An application for an absentee ballot by mail must be received by the division of elections [POSTMARKED] not less than four [TEN] days before the election for which the absentee ballot is sought. The absentee ballot application must [SHALL] permit the person to register to vote under AS 15.07.070 and to request an absentee ballot for each state election held within that calendar year for which the voter is eligible to vote.

* Sec. 6. AS 15.20.081(e) is amended to read:

(e) An absentee ballot must be marked on or before the date of the election. Except as provided in (h) of this section, a voter who returns the ballot by mail shall use a mail service at least equal to first class and mail the ballot not later than the day of the election to the election supervisor for the election district in which the voter seeks to vote. Except as provided in AS 15.20.480, the [THE] ballot may not be counted unless it is received by the close of business on the 10th day after the election. If the ballot is postmarked, it must be postmarked on or before election day. After the day of the

1 election, no ballots shall be accepted unless received by mail.
2 * Sec. 7. AS 15.20.081(h) is amended to read:
3 (h) Except as provided in AS 15.20.480, an [AN] absentee ballot
4 returned by mail from outside the United States or from a military APO
5 or FPO address that has been marked and mailed not later than election
6 day may not be counted unless the ballot is received by the election
7 supervisor not later than the close of business on the 15th day fol-
8 lowing the election.
9 * Sec. 8. AS 15.20.220(b) is amended to read:
10 (b) The state review board shall review and count absentee
11 ballots under AS 15.20.081(e) and (h) and questioned ballots that have
12 been forwarded to the director and that have not been reviewed or
13 counted by a district counting board. [ABSENTEE AND QUESTIONED BALLOTS
14 NOT RECEIVED IN THE OFFICE OF THE DIRECTOR BY 4:00 P.M. ON THE 15TH
15 DAY FOLLOWING THE ELECTION MAY NOT BE COUNTED IN THE REVIEW.]
16 * Sec. 9. AS 15.20.480 is amended to read:
17 Sec. 15.20.480. PROCEDURE FOR RECOUNT. In conducting the re-
18 count, the director shall review all ballots whether the ballots were
19 counted at the precinct or by computer or by the district absentee
20 counting board or the questioned ballot counting board to determine
21 which ballots, or part of ballots, were properly marked and which
22 ballots are to be counted in the recount, and shall check the accuracy
23 of the original count, the precinct certificate and the review. The
24 director shall check the number of ballots and questioned ballots cast
25 in a precinct against the registers and shall check absentee ballots
26 voted against absentee ballots distributed. The director shall count
27 absentee ballots received [AFTER CLOSE OF BUSINESS ON THE 15TH DAY
28 FOLLOWING THE ELECTION AND] before the completion of the recount. For
29 administrative purposes, the director may join and include two or more

1 applications in a single review and count of votes. The rules in
2 AS 15.15.360 governing the counting of hand-marked ballots and the
3 rules in AS 15.20.730 governing the counting of punch-card ballots
4 shall be followed in the recount. The ballots and other election
5 material must [SHALL] remain in the custody of the director during the
6 recount and the highest degree of care shall be exercised to protect
7 the ballots against alteration or mutilation. The recount shall be
8 completed within 10 days. The director may employ additional
9 personnel necessary to assist in the recount.
10 * Sec. 10. AS 15.20.730(b) is amended to read:
11 (b) The computer shall be programmed to count ballots as fol-
12 lows:
13 (1) a vote may be counted only if the punch is clearly
14 spaced in the square [DESIGNATED BY A PLUS SIGN] following the name of
15 the candidate the voter desires to select;
16 (2) if there is only one [PLUS-MARKED] square marked for a
17 team whose names are on separate lines, such as president and vice-
18 president or governor and lieutenant governor, a punch in the square
19 or elsewhere in the rectangle following the names shall be counted for
20 that team;
21 (3) a failure to properly punch a ballot card as to one or
22 more candidates does not itself invalidate the entire ballot;
23 (4) if a voter punches fewer names than there are persons
24 to be elected to the office, a vote shall be counted for each candi-
25 date properly marked;
26 (5) if a voter punches more names than there are persons to
27 be elected to the office, the votes for candidates to that office may
28 not be counted;
29 (6) improper marks on the ballots may not be counted and do

1 not invalidate punches for candidates properly made;

2 (7) an erasure or correction invalidates only that section

3 of the ballot in which it appears;

4 (8) a vote marked for the candidate for President of the

5 United States is considered and counted as a vote for the election of

6 presidential electors.

7 * Sec. 11. 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 must appear on the primary election ballot unless notice

10 of the withdrawal from the primary is received by the director at

11 least 54 [40] days before the date of the primary election.

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

13 (a) If an unopposed incumbent candidate for renomination dies,

14 becomes disqualified from holding the office the candidate is seeking,

15 or is certified as being incapacitated between June 1 of the election

16 year and that date which is more than 54 [45] days before the date of

17 the primary election, the candidate's place on the ballot may be

18 filled by party petition. The petition shall state that the political

19 party requests the name of the proposed candidate replace that of the

20 incumbent on the primary election ballot and shall be accompanied by a

21 declaration of candidacy from the person named in the petition. The

22 petition must be received by the director no later than 14 days after

23 the death, disqualification or certification of incapacity of the

24 incumbent or 54 [40] days before the primary election date, whichever

25 time is earlier.

26 * Sec. 13. AS 15.25.056(c) is amended to read:

27 (c) The death, disqualification or certification of incapacity

28 of the incumbent within 54 [40] days before or on the primary election

29 date does not affect the counting and review of the ballots. If the

1 result of the counting and review discloses that the candidate, if the
2 candidate had lived, would have been nominated, the candidate shall be
3 declared nominated. The vacancy may be filled by party petition as
4 provided in AS 15.25.110 - 15.25.130.
5 * Sec. 14. AS 15.25.110 is amended to read:
6 Sec. 15.25.110. FILLING VACANCIES BY PARTY PETITION. If a
7 candidate nominated at the primary election dies, withdraws, resigns,
8 becomes disqualified from holding the office for which the candidate
9 is nominated, or is certified as being incapacitated in the manner
10 prescribed by this section after the primary election and 54 [40] days
11 or more before the general election, the vacancy may be filled by
12 party petition. The central committee of any political party or any
13 party district committee may certify as being incapacitated any candi-
14 date nominated by their respective party by presenting to the director
15 a sworn statement made by a panel of three licensed physicians, not
16 more than two of whom may [SHALL] be of the same political party, that
17 the candidate is physically or mentally incapacitated to an extent
18 that would in the panel's judgment prevent the candidate from active
19 service during the term of office if elected. The director shall
20 place the name of the person nominated by party petition on the gen-
21 eral election ballot. The name of a candidate disqualified under this
22 section may not appear on the general election ballot.
23 * Sec. 15. AS 15.25.120 is amended to read:
24 Sec. 15.25.120. REQUIREMENTS FOR PARTY PETITION. Party peti-
25 tions for the nomination of candidates shall state in substance that
26 the political party desires and intends to support the named candidate
27 for the named office and requests that the name of the proposed candi-
28 date be placed on the general election ballot. The petition may be
29 filed no later than 54 [40] days before the date of the general

1 election.

2 * Sec. 16. AS 15.25.200 is amended to read:

3 Sec. 15.25.200. WITHDRAWAL OF CANDIDATE'S NAME. If a candidate
4 nominated by petition dies or withdraws after the petition has been
5 filed and at least 54 days before the date of the general election
6 [BEFORE SEPTEMBER 1 OF THE ELECTION YEAR], the director may not place
7 the name of the candidate on the general election ballot.

8 * Sec. 17. AS 15.35.050 is amended to read:

9 Sec. 15.35.050. PLACING NAME OF SUPREME COURT JUSTICE ON BALLOT.
10 The director shall place the name of a supreme court justice who has
11 properly filed a declaration of candidacy for retention on the [JUDI-
12 CIAL] ballot in each judicial district of the state for the general
13 election at which approval is sought.

14 * Sec. 18. AS 15.35.059 is amended to read:

15 Sec. 15.35.059. PLACING NAME OF JUDGE OF THE COURT OF APPEALS ON
16 BALLOT. The director shall place the name of a judge of the court of
17 appeals who has properly filed a declaration of candidacy for reten-
18 tion on the [JUDICIAL] ballot in each judicial district of the state
19 for the general election at which approval is sought.

20 * Sec. 19. AS 15.35.090 is amended to read:

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

26 * Sec. 20. AS 15.35.130 is amended to read:

27 Sec. 15.35.130. PLACING NAME OF DISTRICT JUDGE ON BALLOT. The
28 director shall place the name of a district judge who has properly
29 filed a declaration of candidacy for retention on the [JUDICIAL]

1 ballot in the judicial district designated in the declaration of
2 candidacy for the general election at which approval is sought.
3 * Sec. 21. This Act takes effect immediately under AS 01.10.070(c).