

Original sponsor: Pourchot

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR SENATE BILL NO. 43 (State Affairs)
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."

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

9 * Section 1. AS 15.07.060(a) is amended to read:

10 (a) Each applicant who requests registration or reregistration
11 shall supply the following information under oath:

12 (1) name and sex;

13 (2) address and other necessary information establishing
14 residence, including the term of residence in the state and in the
15 district, if requested;

16 (3) [REPEALED

17 (4) TERM OF RESIDENCE IN STATE AND IN ELECTION DISTRICT;
18 AND] whether the applicant has previously been registered to vote in
19 another jurisdiction, and, if so, the jurisdiction and the address of
20 the previous registration;

21 (4) [(5)] a declaration that the registrant will be 18
22 years of age or older within 90 days of the date of registration;

23 (5) [(6)] a declaration that the registrant is a citizen of
24 the United States;

25 (6) [(7)] date of application;

26 (7) [(8)] signature or mark.

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

28 (c) The names of persons submitting completed registration forms
29 by mail that are received by the director or election supervisor

1 [WHICH ARE POSTMARKED] at least 30 days before the next election shall
2 be placed on the official registration list for that election. The
3 name of a person submitting a completed registration form by mail that
4 was not received by the director or election supervisor [WHICH WAS NOT
5 POSTMARKED] before the 30-day requirement may not be placed on the
6 official registration list for the next election but shall be placed
7 on the master register after that election.

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

9 (f) Incomplete or inaccurate registration forms may not be
10 accepted and shall be reexecuted. The date of registration shall be
11 the date of reexecution before a registration official or the [POST-
12 MARK] date the application is received by the director or election
13 supervisor if the application for registration is by mail.

14 * Sec. 4. AS 15.07.090(a) is amended to read:

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

20 * Sec. 5. AS 15.10.020 is amended by adding a new subsection to read:

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

24 * Sec. 6. AS 15.15.030(10) is amended to read:

25 (10) A [SEPARATE] nonpartisan [JUDICIAL] ballot shall be
26 designed for each judicial district in which a justice or judge is
27 seeking retention in office. The ballot shall be divided into four
28 parts and each part must [SHALL] bear a heading indicating the court
29 to which the candidate is seeking approval. Within each part the

1 question of whether the justice or judge shall be approved or rejected
2 shall be set out in substantially the following manner: (A) "Shall . .
3 be retained as justice of the supreme court for 10 years?";
4 (B) "Shall be retained as judge of the court of
5 appeals for eight years?"; (C) "Shall be retained as
6 judge of the superior court for six years?"; or (D) "Shall
7 . . be retained as judge of the district court for four years?" Pro-
8 vision shall be made for marking each question "Yes" or "No."

9 * Sec. 7. AS 15.20.071(d) is amended to read:

10 (d) Each election official shall keep a record of the name and
11 signature of each personal representative requesting an absentee
12 ballot and the name of the person on whose behalf the ballot is re-
13 quested. The election official shall record the date [AND TIME] the
14 absentee ballot is provided and the date [TIME] the ballot is returned
15 to the election official.

16 * Sec. 8. AS 15.20.081(b) is amended to read:

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

24 * Sec. 9. AS 15.20.081(e) is amended to read:

25 (e) An absentee ballot must be marked on or before the date of
26 the election. Except as provided in (h) of this section, a voter who
27 returns the ballot by mail shall use a mail service at least equal to
28 first class and mail the ballot not later than the day of the election
29 to the election supervisor for the election district in which the

1 voter seeks to vote. Except as provided in AS 15.20.480, the [THE]
2 ballot may not be counted unless it is received by the close of busi-
3 ness on the 10th day after the election. If the ballot is postmarked,
4 it must be postmarked on or before election day. After the day of the
5 election, no ballots shall be accepted unless received by mail.

6 * Sec. 10. AS 15.20.081(h) is amended to read:

7 (h) Except as provided in AS 15.20.480, an [AN] absentee ballot
8 returned by mail from outside the United States or from a military APO
9 or FPO address that has been marked and mailed not later than election
10 day may not be counted unless the ballot is received by the election
11 supervisor not later than the close of business on the 15th day fol-
12 lowing the election.

13 * Sec. 11. AS 15.20.220(b) is amended to read:

14 (b) The state review board shall review and count absentee
15 ballots under AS 15.20.081(e) and (h) and questioned ballots that have
16 been forwarded to the director and that have not been reviewed or
17 counted by a district counting board. [ABSENTEE AND QUESTIONED
18 BALLOTS NOT RECEIVED IN THE OFFICE OF THE DIRECTOR BY 4:00 P.M. ON THE
19 15TH DAY FOLLOWING THE ELECTION MAY NOT BE COUNTED IN THE REVIEW.]

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

21 Sec. 15.20.480. PROCEDURE FOR RECOUNT. In conducting the re-
22 count, the director shall review all ballots whether the ballots were
23 counted at the precinct or by computer or by the district absentee
24 counting board or the questioned ballot counting board to determine
25 which ballots, or part of ballots, were properly marked and which
26 ballots are to be counted in the recount, and shall check the accuracy
27 of the original count, the precinct certificate and the review. The
28 director shall check the number of ballots and questioned ballots cast
29 in a precinct against the registers and shall check absentee ballots

1 voted against absentee ballots distributed. The director shall count
2 absentee ballots received [AFTER CLOSE OF BUSINESS ON THE 15TH DAY
3 FOLLOWING THE ELECTION AND] before the completion of the recount. For
4 administrative purposes, the director may join and include two or more
5 applications in a single review and count of votes. The rules in
6 AS 15.15.360 governing the counting of hand-marked ballots and the
7 rules in AS 15.20.730 governing the counting of punch-card ballots
8 shall be followed in the recount. The ballots and other election
9 material must [SHALL] remain in the custody of the director during the
10 recount and the highest degree of care shall be exercised to protect
11 the ballots against alteration or mutilation. The recount shall be
12 completed within 10 days. The director may employ additional person-
13 nel necessary to assist in the recount.

14 * Sec. 13. AS 15.20.730(b) is amended to read:

15 (b) The computer shall be programmed to count ballots as fol-
16 lows:

17 (1) a vote may be counted only if the punch is clearly
18 spaced in the square [DESIGNATED BY A PLUS SIGN] following the name of
19 the candidate the voter desires to select;

20 (2) if there is only one [PLUS-MARKED] square marked for a
21 team whose names are on separate lines, such as president and vice-
22 president or governor and lieutenant governor, a punch in the square
23 or elsewhere in the rectangle following the names shall be counted for
24 that team;

25 (3) a failure to properly punch a ballot card as to one or
26 more candidates does not itself invalidate the entire ballot;

27 (4) if a voter punches fewer names than there are persons
28 to be elected to the office, a vote shall be counted for each candi-
29 date properly marked;

1 (5) if a voter punches more names than there are persons to
2 be elected to the office, the votes for candidates to that office may
3 not be counted;

4 (6) improper marks on the ballots may not be counted and do
5 not invalidate punches for candidates properly made;

6 (7) an erasure or correction invalidates only that section
7 of the ballot in which it appears;

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

11 * Sec. 14. AS 15.25.030 is amended to read:

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

17 (1) the full name of the candidate;

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

19 (3) if the candidacy is for the office of state senator or
20 state representative, the election or senate district of which the
21 candidate is a resident;

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

23 (5) the name of the political party of which the person is
24 a candidate for nomination;

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

26 (7) the date of the primary election at which the candidate
27 seeks nomination;

28 (8) the length of residency in the state and in the dis-
29 trict of [THAT] the candidate [WILL MEET THE SPECIFIC RESIDENCY

1 REQUIREMENTS OF THE OFFICE FOR WHICH THE PERSON IS A CANDIDATE];
2 (9) that the candidate will meet the specific citizenship
3 requirements of the office for which the person is a candidate;
4 (10) that the candidate is a qualified voter as required by
5 law;
6 (11) that the candidate will meet the specific age require-
7 ments of the office for which the person is a candidate;
8 (12) that the candidate requests that the candidate's name
9 be placed on the primary election ballot;
10 (13) that the required fee accompanies the declaration;
11 (14) that the person is not a candidate for any other office
12 to be voted on at the primary or general election [AND THAT THE PERSON
13 HAS NOT FILED ANOTHER DECLARATION OF CANDIDACY OR NOMINATING PETITION
14 FOR THE OFFICE FOR WHICH THIS DECLARATION IS FILED];
15 (15) the manner in which the candidate wishes the candi-
16 date's name to appear on the ballot; and
17 (16) that the candidate is registered to vote as a member of
18 the political party whose nomination is being sought.
19 (b) A person filing a declaration of candidacy under this sec-
20 tion shall on the same date [SIMULTANEOUSLY] file a statement of
21 income sources and business interests that [WHICH] complies with the
22 requirements of AS 39.50.
23 * Sec. 15. AS 15.25.055 is amended to read:
24 Sec. 15.25.055. REMOVAL OF NAME FROM PRIMARY BALLOT. A candi-
25 date's name must appear on the primary election ballot unless notice
26 of the withdrawal from the primary is received by the director at
27 least 48 [40] days before the date of the primary election.
28 * Sec. 16. AS 15.25.056(a) is amended to read:
29 (a) If an unopposed incumbent candidate for renomination dies,

1 becomes disqualified from holding the office the candidate is seeking,
2 or is certified as being incapacitated between June 1 of the election
3 year and that date which is more than 50 [45] days before the date of
4 the primary election, the candidate's place on the ballot may be
5 filled by party petition. The petition shall state that the political
6 party requests the name of the proposed candidate replace that of the
7 incumbent on the primary election ballot and shall be accompanied by a
8 declaration of candidacy from the person named in the petition. The
9 petition must be received by the director no later than 14 days after
10 the death, disqualification or certification of incapacity of the
11 incumbent or 48 [40] days before the primary election date, whichever
12 time is earlier.

13 * Sec. 17. AS 15.25.056(c) is amended to read:

14 (c) The death, disqualification or certification of incapacity
15 of the incumbent within 48 [40] days before or on the primary election
16 date does not affect the counting and review of the ballots. If the
17 result of the counting and review discloses that the candidate, if the
18 candidate had lived, would have been nominated, the candidate shall be
19 declared nominated. The vacancy may be filled by party petition as
20 provided in AS 15.25.110 - 15.25.130.

21 * Sec. 18. AS 15.25.110 is amended to read:

22 Sec. 15.25.110. FILLING VACANCIES BY PARTY PETITION. If a
23 candidate nominated at the primary election dies, withdraws, resigns,
24 becomes disqualified from holding the office for which the candidate
25 is nominated, or is certified as being incapacitated in the manner
26 prescribed by this section after the primary election and 48 [40] days
27 or more before the general election, the vacancy may be filled by
28 party petition. The central committee of any political party or any
29 party district committee may certify as being incapacitated any

1 candidate nominated by their respective party by presenting to the
2 director a sworn statement made by a panel of three licensed physi-
3 cians, not more than two of whom may [SHALL] be of the same political
4 party, that the candidate is physically or mentally incapacitated to
5 an extent that would in the panel's judgment prevent the candidate
6 from active service during the term of office if elected. The direc-
7 tor shall place the name of the person nominated by party petition on
8 the general election ballot. The name of a candidate disqualified
9 under this section may not appear on the general election ballot.

10 * Sec. 19. AS 15.25.120 is amended to read:

11 Sec. 15.25.120. REQUIREMENTS FOR PARTY PETITION. Party peti-
12 tions for the nomination of candidates shall state in substance that
13 the political party desires and intends to support the named candidate
14 for the named office and requests that the name of the proposed candi-
15 date be placed on the general election ballot. The petition may be
16 filed no later than 48 [40] days before the date of the general
17 election.

18 * Sec. 20. AS 15.25.150 is amended to read:

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

1 receipt of the petition shall be extended 24 hours in each instance.

2 * Sec. 21. AS 15.25.180 is amended to read:

3 Sec. 15.25.180. REQUIREMENTS FOR PETITION. The petition shall
4 state in substance

5 (1) the full name of the candidate;

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

7 (3) the full mailing address of the candidate;

8 (4) the name of the political group supporting the candi-
9 date;

10 (5) if the candidacy is for the office of state senator or
11 state representative, the election or senate district of which the
12 candidate is a resident;

13 (6) the office for which the candidate is nominated;

14 (7) the date of the election at which the candidate seeks
15 election;

16 (8) the length of residency in the state and in the dis-
17 trict of [THAT] the candidate [MEETS, OR WILL MEET, AS REQUIRED BY
18 LAW, THE SPECIFIC REQUIREMENTS OF THE OFFICE THE CANDIDATE IS SEEK-
19 ING];

20 (9) that the subscribers are qualified voters of the state
21 or election or senate district in which the candidate resides;

22 (10) [REPEALED

23 (11)] that the subscribers request that the candidate's name
24 be placed on the ballot;

25 (11) [(12)] that the proposed candidate accepts the nomina-
26 tion and will serve if elected, with the statement signed by the
27 proposed candidate;

28 (12) [(13)] if the candidacy is for the office of the gover-
29 nor, the name of the candidate for lieutenant governor running jointly

1 with the candidate for governor;

2 (13) [(14)] the name of the candidate as the candidate
3 wishes it to appear on the ballot; and

4 (14) [(15)] that the candidate is not a candidate for any
5 other office to be voted on at the primary or general election [AND
6 THAT THE CANDIDATE HAS NOT FILED ANOTHER NOMINATING PETITION OR DECLARATION OF CANDIDACY FOR THE OFFICE FOR WHICH THIS PETITION IS FILED].

7
8 * Sec. 22. AS 15.25.200 is amended to read:

9 Sec. 15.25.200. WITHDRAWAL OF CANDIDATE'S NAME. If a candidate
10 nominated by petition dies or withdraws after the petition has been
11 filed and at least 48 days before the date of the general election
12 [BEFORE SEPTEMBER 1 OF THE ELECTION YEAR], the director may not place
13 the name of the candidate on the general election ballot.

14 * Sec. 23. AS 15.35.050 is amended to read:

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

20 * Sec. 24. AS 15.35.059 is amended to read:

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

26 * Sec. 25. AS 15.35.090 is amended to read:

27 Sec. 15.35.090. PLACING NAME OF SUPERIOR COURT JUDGE ON BALLOT.
28 The director shall place the name of a superior court judge who has
29 properly filed a declaration of candidacy for retention on the

1 [JUDICIAL] ballot in the judicial district designated in the declara-
2 tion of candidacy for the general election at which approval is
3 sought.

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

5 Sec. 15.35.130. PLACING NAME OF DISTRICT JUDGE ON BALLOT. The
6 director shall place the name of a district judge who has properly
7 filed a declaration of candidacy for retention on the [JUDICIAL]
8 ballot in the judicial district designated in the declaration of
9 candidacy for the general election at which approval is sought.