

HB

284

Alaska State Legislature

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MEMBER
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Representative H. A. "Red" Boucher

MEMORANDUM

To: All Members
Senate State Affairs Committee

From: Representative H.A. "Red" Boucher
Sponsor, HB 284

Date: May 5, 1986

Subject: Overview, HB 284, "An Act Relating to Elections"

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The statutes governing the activities of the Division of Elections have gradually gotten out of step with changes in the needs of the voters, particularly with regards to absentee ballots and the counting of ballots. Consequently, the Division asked me to submit on their behalf a bill which would provide some housekeeping changes to allow them to operate more efficiently and effectively in these critical areas.

Other legislators have also felt this need apparently, because as the bill has progressed through the House, numerous friendly amendments were added onto the bill. Further, primarily because of a decision to distribute election pamphlets to households instead of to each individual voter, the bill is one of the few pieces of legislation introduced that actually has a negative fiscal note, of \$81,100. As a result, this bill received bi-partisan support and passed the House on April 24 on a reconsideration vote of 31 yeas, 4 nays, and 5 absent.

The bill at present covers a lot of different specific areas of election activity, but still primarily focused on absentee and counting problems. The Division, which is fully supportive of these changes, has prepared an updated sectional analysis of the bill as passed by the House, and also an overview guide to the major provisions of the bill. Both of these documents are attached for your consideration.

I would very much appreciate it if you would take the time to read over this material, and if you have any questions or concerns at all prior to the Committee hearings on the matter, could you please contact me on them as soon as possible. This bill is important in that it provides a lot of needed changes in the current election statutes, and I would be happy to talk to you about them in detail if you wish.

SECTIONAL ANALYSIS OF CSHB 284
(AS PASSED BY THE HOUSE)

Submitted By:

Division of Elections
May 1, 1986

The following is an analysis of the recommended changes to Title 15 of the Alaska Statutes proposed by CSHB 284 (RULES):

Section 1 and 2

These sections of the proposed bill relate to the provisions of Title 15 in place to ensure that persons convicted of felonies involving moral turpitude are prevented from voting prior to their unconditional discharge. Under current law upon release of the convicted felon from the authority of the court, voting rights are automatically restored with no action required by the individual. The intent of these sections is to cancel the voter registration of convicted felons, and require them to reregister upon unconditional discharge.

Section 3

AS 15.07.160(a) provides that it is unlawful for a registration official to refuse to register a qualified individual. The proposed amendment stipulates an exception in cases of otherwise qualified individuals who are not yet unconditionally discharged from custody of the court.

Section 4

This amendment to AS 15.07.160(b) which provides that it is unlawful for an individual to register who knowingly lacks the qualifications of a voter, changes the reference citation from AS 15.05.010 (1)-(4), Voter Qualifications, to AS 15.07.030, Who May Register.

Section 5

AS 15.10.180 relates to the appointment of party representatives for participation on state canvassing boards. By specifying the participation of 2 persons from

each political party, the current statute limits the size and composition of the board. The proposed amendment gives the director discretion as to the number of teams that may serve, and stipulates that each team must have members from at least 2 political parties. The flexibility offered by the amendment allows the director to accommodate fair party representation for all parties, as the number of recognized parties fluctuates. As the State has grown, and registration rolls have increased, voter turnout has also dramatically increased. The certification process is becoming more difficult to complete in a reasonable amount of time. It is estimated that certification requires the review of nearly 65,000 mathematical calculations over 442 precincts statewide. This proposed amendment would allow the director to appoint additional teams as needed to assure that the process can continue to be completed in a reasonable amount of time, while guaranteeing fair party representation in the process.

Section 6

This section amends AS 15.13.120 relating specifically to campaign contributions and expenditures. AS 15.13 provisions do not relate to the Division administration of elections. Rather, this chapter concerns the functions of the Alaska Public Offices Commission. The Division, therefore, offers no comment on this amendment.

Section 7

This section concerns the posting of public notices in conspicuous places in each precinct. Present law provides that the posters contain the legal boundary description of the precinct. Having legal descriptions preprinted on the posters would be a very expensive process as there are only 2 for each precinct required by law. Therefore, Divisional staff must clip and paste each legal description on 884 individual posters by hand. Additionally, legal boundary descriptions are often confusing, hard to read, and difficult to understand and therefore are of questionable benefit to the voters as used in this application. The division has better methods in place by which to notify of their proper precinct and polling place. Each voter is sent a polling place card before major elections that indicates the precinct in which he or she should vote and where the polling place is located. The list of polling places for all precincts are published in the Official Election Pamphlet. Therefore, it is proposed that legal boundary description requirement be deleted from AS 15.15.070(c).

Section 8

This section provides that if a voter's name does not appear on the precinct register in which he or she seeks to vote, the election worker must affirmatively advise the voter of the right to vote a questioned ballot.

Section 9 (Also see Section 14, 15, 17, 18 and 22)

This section seeks to make a housekeeping change in the start date for state canvass board review, from the 8th day after the election to the 11th day. This amendment relates to the tightening of the deadline for receipt of absentee ballots as proposed in Section 12 of this bill, which provides that the last day to receive military and foreign by mail ballots would be the 10th day. Under the existing statute the state review board is required to begin its canvass before counting of absentee ballots is completed at the regional level because of the extended absentee deadline beyond the 8th day. Regional Boards have been required to submit incomplete precinct data to Juneau. This has resulted in additional counting of ballots received after the 8th day being concluded at the director's level, after the state canvass has begun. The amendment allows time for all counting to be completed at the regional level in accordance with the proposed 10 day receipt deadline, and before the state canvass would begin its audit.

Section 14, 15, 17 and 18 of this bill propose similar housekeeping changes to dates related to the review and counting of absentee and question ballots, and the forwarding of precinct records to the directors office for inclusion in the state review, pursuant to the amended deadline for receipt of absentee ballots.

Section 10

This section relates to absentee by personal representative voting and eliminates the requirement that the disabled voter's ballot must be returned within 3 days of its being picked up by the personal representative. The amendment allows the voted ballot to be returned any time prior to 8:00 p.m. election day.

Section 11

This amendment changes the last day to postmark an absentee application from 6 days to 14 days prior to the election. It also allows a voter register and apply for absentee ballots for all elections within a calendar year, with a single application. Current statutes provide that application may not be made earlier than 6 months before the election.

Section 12

Presently, all absentee by mail ballots may be accepted up to 15 days after the elections. This proposed amendment would require that absentee by mail ballots be received no later than the tenth day after the election for ballots mailed from within the United States.

Concern has been expressed that since current statutes mandate, that "if the ballot is postmarked, it must be postmarked on or before election day", there is a potential for fraudulent or unethical use of the system. Specifically, this part of the statute requires the postal stamp on or before election only if the ballot is indeed postmarked, but does not require a postmark on all ballots. Research shows that requiring postmarks on all ballots is not feasible because of irregularities in the postal systems worldwide. Because of postal inconsistencies candidates or campaign workers could respond to election night returns by soliciting absentee voters who have not mailed in their ballots to do so in the few days right after the election. Because no postmark is required for counting, these ballots cast after the election, but received within the 15 day period, could be included in the totals. In close races, these late votes could impact the outcome. Research shows that 98% of mailed ballots take fewer than 6 days for delivery.

Shortening the deadline for receipt of absentee ballots would enhance the faster announcement of election results. Candidates, particularly in close races, would know the outcome more quickly as certification of election results could be completed sooner.

Section 13

This amendment extends the deadline for receipt of absentee ballots mailed from overseas or any APO or FPO address to the 10th day after the election. Research of such ballots indicates that 98.5% of these ballots are delivered in fewer than 10 days.

Section 14, 15, 17 and 18 (Also see Section 9)

These sections are additional housekeeping amendments making changes to specified days on which regional boards begin and complete review and counting of absentee and questioned ballots and forward materials to the directors office for inclusion in the state review. These changes related to the proposed deadline for receipt of absentee ballots.

Section 16

This amendment to AS 15.20.203(b) eliminates failure of an absentee voter to place the ballot in a secrecy envelope as sole grounds for not counting the ballot, if the ballot is otherwise properly cast.

Section 19

This section eliminates failure of a questioned voter to place the ballot in a secrecy envelope as sole grounds for not counting the ballot if the ballot is otherwise properly cast.

Section 20

Under current statutes, a candidate requesting a recount may select representatives to observe and participate in the recount process. Often candidates choose to represent themselves. These observers and candidates are currently paid for this participation at the same rate as the counting team members. In essence, the candidates pay the nominal fee and are then repaid for participating. The proposed amendment removes the provision for paying recount representatives.

Section 21

The cost to the State for conducting recounts are approximately \$1700 per District. This proposed amendment would increase the fees required of candidates for recounts. Additionally, the amendment raises the difference between the number of votes cast between candidates from 10 votes to 20, as a basis for determining if a recount is to be completed free of charge.

Section 22

This section deletes language allowing late absentee ballots received after the deadline for receipt from being included in recounts.

Section 23

The addition of this section formalizes the authority of the Director to supervise punch-card voting and counting procedures as necessary. This formal placement of final authority is critical, especially under emergency situations which sometimes occur during election night counting. As an example, during the failure of the mainframe computer in Anchorage during the 1984 primary election, the decision to

go to the backup system had to be made quickly. This addition clarifies the role of the Director in making such decisions while coordinating the work of the Data Processing Review Board as responsible for testing and implementing the actual computer counting of ballots. Timely and responsive decisions by a single authority is required to ensure the counting process continues to proceed as smoothly and efficiently as possible.

Section 24

This amendment alters the method by which a random sampling of ballots is selected to be manually counted and checked against the computer tabulation during the data vote counting. Under current statute, an individual race is manually counted in 6 precincts. The amendment provides that all races are checked in at least one precinct selected at random based on a statistical sampling. Based on recommendation from programmers who have accomplished data vote computations, the Division endorses this amendment.

Section 25

This section provides new language which allows the Director to conduct special elections held at any time other than dates of primaries, general or municipal elections entirely by mail. Registered voters who are eligible to vote in the special election would automatically receive a ballot in the mail and would return it by mail. The purpose of this amendment is to save costs while increasing turnout in special elections.

Section 26

This amendment represents new sections clarifying the role of the Director in reviewing evidence related to eligibility of a candidate, most specifically in terms of claimed residence. The Director is authorized to determine eligibility based on a preponderance of evidence. It also clarifies the rules for determining residence.

Section 27

This proposed amendment seeks to make the filing fees paid by candidates non-refundable. In addition it deletes the provision that these fees be paid to the central committee of the political party of that candidate subject to legislative appropriation.

Section 28, 29, 30, 31, 36, 37, 38, 39 and 46

The proposed amendments to these sections are in response to an Alaska Supreme Court decision in Vogler vs. Miller, 651, P.2d 1 (Alaska 1982), and Vogler vs. Miller, 660 P2d 1191 (Alaska 1983).

In particular, the court held that AS 15.25.160 and 15.60.010(20) are unconstitutional as being unduly restrictive of ballots access and as to other consequences of "political party" status. AS 15.25.160 requires that a petition for nomination of candidates for the office of governor, lieutenant governor, United States senator and representative be signed by qualified voters equal in number to at least three percent of the number of votes cast in the preceding general election. AS 15.60.010(20) defines "political party" as a group of organized voters that represent a political program and that nominates a candidate for governor who received at least 10 percent of the vote cast at the preceding general election for governor.

This bill amends those two sections to reduce the required percentages to one percent and three percent, respectively. The bill also amends other sections to similarly reduce the required percentages in light of the Vogler decision.

Sections 32, 33, 34, 35, 41, 42, 43, 44, and 45

These sections make changes in the deadlines for submission of materials from political parties, candidates, judicial retention candidates and the judicial council, for inclusion in the official election pamphlet. Conforming Amendments are also made to the filing deadlines for judges and justice. These amendments ease the constricted timeframes which currently make publication of the Official Election Pamphlet nearly impossible to accomplish in time to meet the statutory deadline for mailing them to the voters. Under the current submission deadlines the Division is effectively allowed little more than 2 weeks to prepare 5, 150 page booklets for printing. Until the deadline has been reached, the Division cannot even adequately determine the exact number of pages which will be required.

The amendments to these deadlines are very important for efficient preparation of the Official Election Pamphlet. Under current statute, the critically tight time frame has resulted in several unfortunate circumstances. First of all strategic planning and budgeting is seriously hampered. Secondly, the strict time constraints eliminate adequate opportunity to assure quality control and proper proofreading. Thirdly, we have experienced costly overtime changes above and beyond contract award fees to accommodate last minute submissions and required revisions. In 1984 these excess changes were \$17,000. With serious budget cuts and shortfall facing State government, we can no longer absorb such increases. The deadline changes offer us greater control in assuring that these additional charges kept at an absolute minimum.

Offered: 4/21/86
Referred: Rules

Original sponsors: Boucher, Hurley
and Navarre

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 284 (Rules) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to elections; and providing for an
7 effective date."

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

9 * Section 1. AS 15.05.030 is amended to read:

10 Sec. 15.05.030. LOSS AND RESTORATION OF VOTING RIGHTS. (a) A
11 person convicted of a crime that constitutes a felony involving moral
12 turpitude under state law may not vote in a state or a municipal
13 election from the date of the conviction through the date of the
14 [RESTORATION OF VOTING RIGHTS UNDER THIS SECTION. THE RIGHT TO VOTE
15 WITHDRAWN UNDER THIS SECTION IS AUTOMATICALLY RESTORED UPON THE]
16 unconditional discharge of the person. Upon the unconditional dis-
17 charge, the person may register under AS 15.07.

18 (b) The commissioner of corrections shall establish procedures
19 by which a person unconditionally discharged is advised of the voter
20 registration requirements and procedures [RESTORATION OF VOTING RIGHTS
21 WITHDRAWN BY A CONVICTION].

22 * Sec. 2. AS 15.07.135 is amended to read:

23 Sec. 15.07.135. CANCELLATION [SUSPENSION] OF REGISTRATION OF
24 CONVICTED PERSONS. The director shall make reasonable efforts to ob-
25 tain the names of persons convicted of a felony involving moral turpi-
26 tude. [THE DIRECTOR SHALL ALSO MAKE REASONABLE EFFORTS TO OBTAIN THE
27 NAMES OF PERSONS UNCONDITIONALLY DISCHARGED FROM CUSTODY.] The direc-
28 tor shall cancel [SUSPEND] the registration of a person convicted of a
29 felony involving moral turpitude. Upon presenting proof that [UNTIL]
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1 the person is unconditionally discharged from custody, the person may
2 register. The director shall make reasonable efforts to verify the
3 unconditional discharge of persons applying for registration under
4 this section.

5 * Sec. 3. AS 15.07.160(a) is amended to read:

6 (a) Except as provided in AS 15.07.135, it [IT] is unlawful for
7 a registration official to refuse to register a person who is qual-
8 ified to vote under provisions of AS 15.05.010(1) - (4).

9 * Sec. 4. AS 15.07.160(b) is repealed and reenacted to read:

10 (b) It is unlawful for a person knowingly lacking the qualifica-
11 tions of a voter to register under AS 15.07.030 to vote.

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

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

29 * Sec. 6. AS 15.13.120(a) is amended to read:
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1 (a) A person who violates a provision of this chapter is guilty
2 of a misdemeanor and, upon conviction, is punishable by imprisonment
3 for not more than one year or by a fine of not more than \$5,000. A
4 violation includes but is not limited to any of the following acts or
5 omissions:

6 (1) failing to make a statement or report required to be
7 made under this chapter, or failing to make a statement or report at
8 the time the statement or report is required to be made under this
9 chapter;

10 (2) making a campaign contribution or expenditure which
11 exceeds the limitations of AS 15.13.070 [AS 15.13.070(f)];

12 (3) making a false statement or report under this chapter;

13 (4) giving or furnishing money to another person or group
14 for the purpose of making a contribution or expenditure anonymously,
15 in a fictitious name, or in the name of another, or contributing in
16 violation of AS 15.13.090;

17 (5) making a communication to support or defeat a candidate
18 without identification of sponsorship, in violation of AS 15.13.090;
19 [.]

20 (6) knowingly accepting a contribution in violation of
21 AS 15.13.070_ [;]

22 * Sec. 7. AS 15.15.070(c) is amended to read:

23 (c) Public notice shall also be given by posting notices in two
24 or more conspicuous places in each election precinct. The posted
25 notice shall specifically include but is not limited to the date of
26 election, [THE BOUNDARY OF THE PRECINCT,] the location of the polling
27 place, the hours between which the polling places will be open, the
28 offices to which candidates are to be nominated or elected, and the
29 subject of the propositions and questions which are to be voted on.
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1 * Sec. 8. AS 15.15.198(a) is amended to read:

2 (a) If a voter's name does not appear on the official registra-
3 tion list in the precinct in which the voter [HE] seeks to vote, the
4 election judge shall affirmatively advise the voter that the voter may
5 cast a questioned ballot and the voter [HE] shall be allowed to vote a
6 questioned ballot.

7 * Sec. 9. AS 15.15.440 is amended to read:

8 Sec. 15.15.440. DATES FOR OPENING AND CLOSING STATE BALLOT
9 COUNTING REVIEW. The state ballot counting review shall begin no
10 later than 11 [EIGHT] days after the election and be continued daily
11 until completed. The director may designate the hours each day during
12 which the state ballot counting review board is to conduct its ballot
13 counting review. The director shall close the review when the direc-
14 tor [HE] is satisfied that no missing precinct certificate of election
15 would, if received, change the result of the election. If no election
16 certificate has been received from a precinct, the director may secure
17 from the election supervisors and may count a certified copy of the
18 duplicate election certificate of the precinct. If no election mate-
19 rials have been received, but election results have been received by
20 telephone, telegram or radio, the director shall count the election
21 results so received. If the director has reason to believe that a
22 missing precinct certificate, if received, would affect the result of
23 the election, the director shall await the receipt of the certificate
24 until the close of business on [FOUR O'CLOCK IN THE AFTERNOON OF] the
25 15th day after the date of election. A certificate not actually
26 delivered to the director by the close of business [FOUR O'CLOCK] on
27 the 15th day after the election may [SHALL] not be counted at the
28 state ballot counting review.

29 * Sec. 10. AS 15.20.071(c) is amended to read:
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1 (c) The personal representative shall deliver the absentee
2 ballot to the voter as soon as practicable. Upon receipt of an absen-
3 tee ballot through a personal representative, the voter shall proceed
4 to mark the ballot in secret, to place the ballot in the small enve-
5 lope, to place the small envelope in the larger envelope, and to sign
6 the voter's certificate on [THE BACK OF] the envelope in the presence
7 of the personal representative who shall witness and date the signa-
8 ture of the voter. The voter must mark the ballot and sign the vot-
9 er's certification not later than election day [SIGN AS ATTESTING
10 WITNESS AND DATE HIS SIGNATURE]. The voter shall then return the
11 absentee ballot to the [HIS] personal representative who shall deliver
12 the ballot to the election official who provided the ballot. The
13 absentee ballot must be returned to the election official [WITHIN
14 THREE DAYS FROM THE DATE IT IS OBTAINED BUT] not later than 8:00 p.m.
15 on election day. [AN ABSENTEE BALLOT THAT IS NOT RETURNED TO THE
16 ELECTION OFFICIAL BY THE CLOSE OF BUSINESS ON THE THIRD DAY FROM THE
17 DAY IT IS OBTAINED MAY NOT BE COUNTED BUT THE VOTER MAY VOTE IN THE
18 ELECTION.]

19 * Sec. 11. AS 15.20.081(b) is amended to read:

20 (b) An application for an absentee ballot by mail must be
21 postmarked not [MORE THAN SIX MONTHS NOR] less than 14 [SEVEN] days
22 before the election for which the absentee ballot is sought. The
23 absentee ballot application shall permit the person to register to
24 vote under AS 15.07.070 and to request an absentee ballot for each
25 state election held within that calendar year for which the voter is
26 eligible to vote.

27 * Sec. 12. AS 15.20.081(e) is amended to read:

28 (e) An absentee ballot must be marked [AND ATTESTED] on or
29 before the date of the election. Except as provided in (h) of this
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1 section, a [IF THE] voter who returns the ballot by mail [, HE] shall
2 use a mail service at least equal to first class [THE MOST EXPEDITIOUS
3 MAIL SERVICE] and mail the ballot not later than the day of the
4 election to the election supervisor for the [IN HIS] election district
5 in which the voter seeks to vote. The ballot may not be counted
6 unless it is received by the close of business on the 10th day after
7 the election. If the ballot is postmarked, it must be postmarked on
8 or before election day. After the day of the election, no ballots
9 shall be accepted unless received by mail.

10 * Sec. 13. AS 15.20.081 is amended by adding a new subsection to read:

11 (h) An absentee ballot returned by mail from outside the United
12 States or from a military APO or FPO address that has been marked and
13 mailed not later than election day may not be counted unless the
14 ballot is received by the election supervisor not later than the close
15 of business on the 10th day following the election.

16 * Sec. 14. AS 15.20.201(a) is amended to read:

17 (a) No less than seven days [ON THE SEVENTH DAY] preceding the
18 day of election, the election supervisor [OR HIS DESIGNEE], in the
19 presence and with the assistance of the district absentee ballot
20 counting board, shall review all voter certificates of absentee bal-
21 lots received by that date. The review of absentee ballots shall
22 continue at times designated by the election supervisor until complet-
23 ed [AND SHALL INCLUDE ALL ABSENTEE BALLOTS RECEIVED IN THE OFFICE OF
24 THE ELECTION SUPERVISOR BY 4:00 P.M. ON THE SEVENTH DAY FOLLOWING THE
25 DAY OF THE ELECTION].

26 * Sec. 15. AS 15.20.201(c) is amended to read:

27 (c) On the 10th [EIGHTH] day following the day of the election,
28 the district absentee ballot counting board shall certify the absentee
29 ballot review.
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1 * Sec. 16. AS 15.20.203(b) is amended to read:

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

3 (1) the voter has failed to properly execute the certifi-
4 cate;

5 (2) an official or the witnesses authorized by law to
6 attest the voter's certificate fail to execute the certificate;

7 (3) [THE VOTER FAILS TO ENCLOSE THE MARKED BALLOT INSIDE
8 THE SMALL ENVELOPE;

9 (4)] the ballot is not attested on or before the date of
10 the election; [OR]

11 (4) [(5)] the ballot, if postmarked, is not postmarked on
12 or before the date of the election; or [.]

13 (5) after the day of election, the ballot was delivered by
14 a means other than mail.

15 * Sec. 17. AS 15.20.203(g) is amended to read:

16 (g) Upon completion of the absentee ballot review, the election
17 supervisor shall prepare an election certificate for execution by the
18 district absentee ballot counting board and shall forward the original
19 certificate and other returns to the director no later than the 11th
20 [NINTH] day following the election.

21 * Sec. 18. AS 15.20.205(c) is amended to read:

22 (c) The district questioned ballot counting board shall certify
23 the questioned ballot totals as soon as the count is completed but no
24 later than the 10th [EIGHTH] day following the election.

25 * Sec. 19. AS 15.20.207(b) is amended to read:

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

27 (1) the voter has failed to properly execute the certifi-
28 cate; or

29 (2) an official or the witnesses authorized by law to
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1 attest the voter's certificate fail to execute the certificate [; OR

2 (3) THE VOTER DID NOT ENCLOSE THE MARKED BALLOT INSIDE THE
3 SMALL ENVELOPE].

4 * Sec. 20. AS 15.20.440(a) is amended to read:

5 (a) The application shall state in substance the basis of the
6 belief that a mistake has been made, the particular election precinct
7 or election district for which the recount is to be held, the particu-
8 lar office, proposition, or question for which the recount is to be
9 held, and that the person making the application is a candidate or
10 that the 10 persons making the application are qualified voters. The
11 candidate or persons making the application shall designate by full
12 name and mailing address two persons who shall represent the applicant
13 and be present and assist during the recount. Any person may be named
14 representative, including the candidate [HIMSELF] or any person sign-
15 ing the application [, AND THE REPRESENTATIVES SHALL BE PAID IN THE
16 SAME AMOUNT AND MANNER AS ELECTION JUDGES]. Applications by 10 qual-
17 ified voters shall also include the designation of one of the number
18 as chair [CHAIRMAN]. The candidate or persons making the application
19 shall sign the application and shall print or type their full name and
20 mailing address.

21 * Sec. 21. AS 15.20.450 is amended to read:

22 Sec. 15.20.450. REQUIREMENT OF DEPOSIT. The application shall
23 include a deposit in cash, by certified check, or by bond with a
24 surety approved by the director. The amount of the deposit is \$300
25 [\$50] for each precinct, \$750 [\$250] for each election district, and
26 \$10,000 [\$2,000] for the entire state. If [HOWEVER, IF] the recount
27 includes an office for which candidates received a tie vote, or the
28 difference between the number of votes cast was 20 [10] or less or was
29 less than .5 percent of the total number of votes cast for the two
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1 candidates for the contested office, or a question or proposition for
2 which there was a tie vote on the issue, or the difference between the
3 number of votes cast in favor of or opposed to the issue was 20 [10]
4 or less or was less than .5 percent of the total votes cast in favor
5 of or opposed to the issue, the application need not include a deposit
6 and the state shall bear the cost of the recount. If, on the recount,
7 a candidate other than the candidate who received the original elec-
8 tion certificate is declared elected, or if the vote on recount is
9 determined to be four percent or more in excess of the vote reported
10 by the state review for the candidate applying for the recount or in
11 favor or opposed to the question or proposition as stated in the
12 application, the entire deposit shall be refunded. If the entire
13 deposit is not refunded, the director shall refund any money remaining
14 after the cost of the recount has been paid from the deposit.

15 * Sec 22. AS 15.20.480 is amended to read:

16 Sec. 15.20.480. PROCEDURE FOR RECOUNT. In conducting the re-
17 count, the director [OR HIS APPOINTED REPRESENTATIVE] shall review all
18 ballots whether the ballots were counted at the precinct or by comput-
19 er or by the district absentee counting board or the questioned ballot
20 counting board to determine which ballots, or part of ballots, were
21 properly marked and which ballots are to be counted in the recount,
22 and shall check the accuracy of the original count, the precinct
23 certificate and the review. The director shall check the number of
24 ballots and questioned ballots cast in a precinct against the regis-
25 ters and shall check absentee ballots voted against absentee ballots
26 distributed. [THE DIRECTOR SHALL COUNT ABSENTEE BALLOTS RECEIVED AF-
27 TER 4:00 P.M. ON THE 15TH DAY FOLLOWING THE ELECTION AND BEFORE THE
28 COMPLETION OF THE RECOUNT.] For administrative purposes, the director
29 may join and include two or more applications in a single review and
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1 count of votes. The rules in AS 15.15.360 governing the counting of
2 hand-marked ballots and the rules in AS 15.20.730 governing the count-
3 ing of punch-card ballots shall be followed in the recount. The
4 ballots and other election material shall remain in the custody of the
5 director during the recount and the highest degree of care shall be
6 exercised to protect the ballots against alteration or mutilation.
7 The recount shall be completed within 10 days. The director may
8 employ additional personnel necessary to assist in the recount.

9 * Sec. 23. AS 15.20 is amended by adding a new section to article 5 to
10 read:

11 Sec. 15.20.580. SUPERVISION OF PUNCH-CARD VOTING. In accordance
12 with AS 15.15.010, the director shall supervise punch-card voting
13 procedures and the counting of punch-card ballots.

14 * Sec. 24. AS 15.20.620(d) is repealed and reenacted to read:

15 (d) During the tabulation by computer at main computer counting
16 sites, a manual count shall be made of a statistical sample of ballots
17 for all races in at least one precinct picked at random for each
18 election district counted at the site, under regulations adopted by
19 the director. The director shall check the results of the manual
20 count against those of the system.

21 * Sec. 25. AS 15.20 is amended by adding a new section to read:

22 ARTICLE 6. VOTING BY MAIL.

23 Sec. 15.20.750. VOTING BY MAIL. (a) The director may conduct
24 an election by mail if it is held at a time other than when the gen-
25 eral, party primary, or municipal election is held.

26 (b) If the director conducts an election under (a) of this
27 section by mail, the director shall send a ballot for each election
28 described in (a) of this section to each person whose name appears on
29 the official registration list prepared under AS 15.07.125 for that
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1 election. The ballot shall be sent to the address stated on the
2 official registration list unless the voter has notified the director
3 or an election supervisor of a different address to which the ballot
4 should be sent. The director shall send ballots by first class,
5 nonforwardable mail.

6 (c) If the director conducts an election under (a) of this
7 section by mail, the director shall mail ballots under this section on
8 on or before the 22nd day before the election.

9 (d) The voter may cast the ballot under AS 15.20.081(d) - (e).

10 (e) The director shall review ballots voted under this section
11 under procedures established for the review of absentee ballots under
12 AS 15.20.201 and 15.20.203.

13 * Sec. 26. AS 15.25 is amended by adding new sections to read:

14 Sec. 15.25.042. ELIGIBILITY OF A CANDIDATE. (a) If the direc-
15 tor receives a complaint regarding the eligibility of a candidate for
16 a particular office, the director shall determine eligibility under
17 regulations adopted by the director. The director shall determine the
18 eligibility of the candidate within 30 days of the receipt of the
19 complaint.

20 (b) Except as provided in (c) of this section, the director
21 shall determine the eligibility of the candidate by a preponderance of
22 the evidence.

23 (c) If a candidate for the legislature has been registered to
24 vote at any time during the 12 months preceding the filing of the
25 declaration of candidacy in a district other than the district in
26 which the declaration of candidacy has been filed, the director may
27 not determine that a candidate is eligible except under a standard of
28 clear and convincing evidence.

29 (d) A person may not be a resident of two districts at the same
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1 time.

2 Sec. 15.25.043. DETERMINATION OF RESIDENCY OF A CANDIDATE. In
3 determining the residence within an election district of a qualified
4 voter for the purposes of compliance with art. II, sec. 2 of the
5 Alaska Constitution, the director shall apply the rules established in
6 AS 15.05.020 together with the following rules:

7 (1) a person establishes residence within an election
8 district

9 (A) by actual physical presence at a specific location
10 within the district; and

11 (B) by maintaining a habitation at the specific
12 location;

13 (2) a person may maintain a place of residence at a specif-
14 ic location within a district while away from the location for pur-
15 poses of employment, education, military service, or vacation if the
16 person does not establish residency at another location; and

17 (3) a qualified voter loses residence by voting in another
18 election district or in another state's elections.

19 * Sec. 27. AS 15.25.050(a) is amended to read:

20 (a) At the time the declaration is filed, each candidate shall
21 pay a nonrefundable filing fee to the director. The filing fee for
22 candidates for office of governor, lieutenant governor, United States
23 senator, and United States representative is \$100. The filing fee for
24 candidates for office of state senator and state representative is
25 \$30. [SUBJECT TO LEGISLATIVE APPROPRIATION, THE DIRECTOR SHALL PAY
26 THE FILING FEE COLLECTED FROM A CANDIDATE UNDER THIS SECTION TO THE
27 CENTRAL COMMITTEE OF THE POLITICAL PARTY OF THAT CANDIDATE.]

28 * Sec. 28. AS 15.25.160 is amended to read:

29 Sec. 15.25.160. REQUIRED NUMBER OF SIGNATURES FOR STATEWIDE
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1 OFFICE. Petitions for the nomination of candidates for the office of
2 governor, lieutenant governor, United States senator and United States
3 representative shall be signed by qualified voters of the state equal
4 in number to at least one [THREE] percent of the number of voters who
5 cast ballots [VOTES CAST] in the preceding general election. Candi-
6 dates for the office of governor and lieutenant governor shall file
7 jointly.

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

9 Sec. 15.25.170. REQUIRED NUMBER OF SIGNATURES FOR DISTRICT-WIDE
10 OFFICE. Petitions for the nomination of candidates for the office of
11 state senator or state representative shall be signed by qualified
12 voters of the election or senate district in which the proposed nomi-
13 nee desires to be a candidate equal in number to at least one [THREE]
14 percent of the number of voters who cast ballots [VOTES CAST] in the
15 proposed nominee's [HIS] respective election or senate district in the
16 preceding general election. A [, PROVIDED THAT NO] nominating peti-
17 tion [NEED CONTAIN MORE THAN 200 SIGNATURES NOR] may not [IT] contain
18 less than 50 signatures for any district.

19 * Sec. 30. AS 15.30.025(a) is amended to read:

20 (a) A limited political party may be organized for the purpose
21 of selecting candidates for electors of President and Vice President
22 of the United States by filing [A PETITION] with the director at least
23 90 days before a presidential general election a petition signed by
24 qualified voters of the [THIS] state equaling in number at least one
25 [THREE] percent of the number of voters who cast ballots [ALASKA'S
26 TOTAL VOTE] for President at the last presidential election. The
27 petition shall state that the signers intend to organize a limited
28 political party, that they intend to select candidates for electors of
29 President and Vice-President of the United States at the next
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1 succeeding presidential election, and the name of the limited politi-
2 cal party.

3 * Sec. 31. AS 15.30.025(c) is amended to read:

4 (c) A limited political party organized under this section
5 ceases [SHALL CEASE] to be a limited political party if [WHENEVER] its
6 presidential candidate fails to receive at least three [10] percent of
7 the number of voters who cast ballots [TOTAL ALASKAN VOTE CAST] for
8 the office of President at a presidential election.

9 * Sec. 32. AS 15.35.040 is amended to read:

10 Sec. 15.35.040. FILING DECLARATION BY SUPREME COURT JUSTICE.
11 Each justice seeking retention in office shall file with the director
12 a declaration of candidacy for retention no later than August 1 before
13 [NOT LESS THAN 90 DAYS BEFORE THE DATE OF] the general election at
14 which approval or rejection is requisite.

15 * Sec. 33. AS 15.35.055 is amended to read:

16 Sec. 15.35.055. FILING DECLARATION BY JUDGE OF THE COURT OF
17 APPEALS. Each judge of the court of appeals seeking retention in
18 office shall file with the director a declaration of candidacy for
19 retention no later than August 1 before [NOT LESS THAN 90 DAYS BEFORE
20 THE DATE OF] the general election at which approval or rejection is
21 requisite.

22 * Sec. 34. AS 15.35.070 is amended to read:

23 Sec. 15.35.070. FILING DECLARATION BY SUPERIOR COURT JUDGE.
24 Each judge seeking retention in office shall file with the director a
25 declaration of candidacy for retention no later than August 1 before
26 [NOT LESS THAN 90 DAYS BEFORE THE DATE FIXED FOR] the general election
27 at which approval or rejection is requisite.

28 * Sec. 35. AS 15.35.110 is amended to read:

29 Sec. 15.35.110. FILING DECLARATION BY DISTRICT JUDGE. Each
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1 district judge seeking retention in office shall file with the direc-
2 tor a declaration of candidacy for retention no later than August 1
3 before [NOT LESS THAN 90 DAYS BEFORE THE DATE FIXED FOR] the general
4 election at which approval or rejection is requisite.

5 * Sec. 36. AS 15.40.100 is amended to read:

6 Sec. 15.40.100. REQUIREMENTS OF PETITION FOR NO-PARTY CANDI-
7 DATES. Petitions for the nomination of candidates not representing a
8 political party shall be signed by qualified voters of the state equal
9 in number to at least one [THREE] percent of the number of voters who
10 cast ballots [NUMBERS OF VOTES CAST] in the preceding general elec-
11 tion, and shall state in substance that which is required in petitions
12 for nomination for general elections provided in AS 15.25.180.

13 * Sec. 37. AS 15.40.190 is amended to read:

14 Sec. 15.40.190. REQUIREMENTS OF PETITION FOR [OF] NO-PARTY
15 CANDIDATES. Petitions for the nomination of candidates not represent-
16 ing a political party shall be signed by qualified voters of the state
17 equal in number to at least one [THREE] percent of the number of
18 voters who cast ballots [VOTES CAST] in the preceding general election
19 and shall state in substance that which is required for nomination
20 petitions by AS 15.25.180.

21 * Sec. 38. AS 15.40.280 is amended to read:

22 Sec. 15.40.280. REQUIREMENTS OF PETITION FOR [OF] NO-PARTY
23 CANDIDATES. Petitions for the nomination of candidates not represent-
24 ing a political party shall be signed by qualified voters of the state
25 equal in number to at least one [THREE] percent of the number of
26 voters who cast ballots [VOTES CAST] in the preceding general elec-
27 tion, shall include nominees for the office of governor and lieutenant
28 governor, and shall state in substance that which is required for
29 nomination petitions by AS 15.25.180.
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1 * Sec. 39. AS 15.40.440 is amended to read:

2 Sec. 15.40.440. REQUIREMENTS OF PETITION FOR NO-PARTY CANDI-
3 DATES. Petitions for the nomination of candidates not representing a
4 political party shall be signed by qualified voters equal in number to
5 at least one [THREE] percent of the number of voters who cast ballots
6 [VOTES CAST] in the proposed nominee's [HIS] respective election or
7 senate district in the preceding general election. A [, PROVIDED THAT
8 NO] nominating petition [NEED CONTAIN MORE THAN 200 SIGNATURES NOR]
9 may not [IT] contain less than 50 signatures for any district, and
10 shall state in substance that which is required in petitions for
11 nomination for general elections provided in AS 15.25.180.

12 * Sec. 40. AS 15.58.010 is amended to read:

13 Sec. 15.58.010. ELECTION PAMPHLET. Before each state general
14 election, the lieutenant governor shall prepare, publish and mail at
15 least one [AN] election pamphlet to each household identified from the
16 official registration list [EVERY REGISTERED VOTER]. The pamphlet
17 shall be prepared on a regional basis as determined by the lieutenant
18 governor.

19 * Sec. 41. AS 15.58.030(a) is amended to read:

20 (a) No later than July 15 of a presidential election year [75
21 DAYS BEFORE THE STATE GENERAL ELECTION], candidates for the offices of
22 the United States President and Vice-President may file with the
23 lieutenant governor photographs and statements advocating their candi-
24 dacy.

25 * Sec. 42. AS 15.58.030(b) is amended to read:

26 (b) No later than July 15 of a year in which a [75 DAYS BEFORE
27 THE] state general election will be held, a candidate for the office
28 of United States senator, United States representative, governor,
29 lieutenant governor, [JUSTICE OR JUDGE,] state senator, or state
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1 representative may file with the lieutenant governor a photograph and
2 a statement advocating the [HIS] candidacy.

3 * Sec. 43. AS 15.58.030 is amended by adding a new subsection to read:

4 (g) No later than August 7 of the year in which the state gener-
5 al election will be held, a person seeking retention in office as a
6 justice or judge may file with the lieutenant governor a photograph
7 and a statement advocating the candidacy.

8 * Sec. 44. AS 15.58.040(a) is amended to read:

9 (a) No later than July 15 of a year in which a [75 DAYS BEFORE
10 THE] state general election will be held, a political party may file
11 with the lieutenant governor a maximum of two pages of material.

12 * Sec. 45. AS 15.58.050 is amended to read:

13 Sec. 15.58.050. INFORMATION AND RECOMMENDATIONS ON JUDICIAL
14 OFFICERS. No later than August 7 of the year in which [75 DAYS BE-
15 FORE] the state general election will be held, the judicial council
16 shall file with the lieutenant governor a statement including informa-
17 tion about each supreme court justice, court of appeals judge, superi-
18 or court judge, and district court judge who will be subject to a
19 retention election. The statement shall reflect the evaluation of
20 each justice or judge conducted by the judicial council according to
21 law. A statement may not exceed 600 words.

22 * Sec. 46. AS 15.60.010(20) is amended to read:

23 (20) "political party" means an organized [A] group of
24 [ORGANIZED] voters that [WHICH] represents a political program and
25 that [WHICH] nominated a candidate for governor who received at least
26 three [10] percent of the total votes [VOTE] cast at the preceding
27 general election for governor;

28 * Sec. 47. AS 43.23.015 is amended by adding a new subsection to read:

29 (i) The commissioner shall design the application form prepared
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1 in conformity with (b) of this section so that an individual applying
2 for a permanent fund dividend may register to vote, update an existing
3 voter registration, and request the cancellation of a voter registra-
4 tion in another state. The commissioner shall promptly provide the
5 director of elections with the information obtained under this sub-
6 section. The commissioner may not use information obtained under this
7 subsection for any purpose except to assist a resident of the state to
8 complete or update voter registration.

9 * Sec. 48. AS 15.13.070(f) and (g); AS 15.20.201(d), 15.20.220(b); and
10 AS 15.25.180(10) are repealed.

11 * Sec. 49. Sections 1 - 24, 26 - 31, 36 - 42, 44 and 46 - 48 of this
12 Act take effect immediately in accordance with AS 01.10.070(c).

13 * Sec. 50. Sections 25, 32 - 35, 43 and 45 of this Act take effect
14 January 1, 1987.