

CSHB

293

SENATE COMMITTEE REPORT

FURTHER

5/3/88

DATE TURNED INTO OFFICE 5/1/88

Mr. President:

Finance Committee considered CSHB 293 (RLS) am  
conduct and administration of elections by the director of elections;efd

and recommended

replace with 5 CS CSHB 293 (Fin)  same title  
 or adopt CS  new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

letter of intent adopted \_\_\_\_\_

Committee  attached or  adopted fiscal note(s)

new  updated or  previous

zero  fiscal impact

MEMBERS SIGNING DO PASS

Rich Hall  
Paul Gray  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OTHER RECOMMENDATIONS

John [unclear] No Res  
[unclear] No Res  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Rich Hall do pass  
Chairman signature and recommendation

Committee Backup attached

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: SCSCSHB 293(Fi.  
PUBLISH DATE: \_\_\_\_\_

REQUEST:

FISCAL NOTE

Revision Date: \_\_\_\_\_  
Title: An Act relating to elections

Agency Affected: Office of the Governor  
BRU: Elections

Sponsor: Pourchot & Ulmer  
Requestor: House Judiciary Committee

Components: II - Primary & General  
Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	0	(*)	0	(*)	0	(*)
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	(*)	0	(*)	0	(*)

CAPITAL						
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REVENUE	0	(*)	0	(*)	0	(*)
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	(*)	0	(*)	0	(*)
FEDERAL FUNDS						
OTHER						
TOTAL	0	(*)	0	(*)	0	(*)

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Linda Edgeworth  
Division: Division of Elections

Phone: 465-4611  
Date: 1/22/88

Approved by Commissioner: \_\_\_\_\_  
Agency: Office of the Governor

Date: 1/26/88

Distribution (by preparer):

- ✓ Legislative Finance
- ✓ Legislative Sponsor
- ✓ Requestor
- ✓ Office of Management and Budget OMB
- Impacted Agency(ies)

1/26/88

Maw

CONTINUATION FISCAL NOTE  
CSHB 293

Division of Elections

This bill will result in an additional cost to the Division of Elections in only one of its provisions. That provision relates to the increase in the number of sites which will have to have materials for personal representative voting on election day. There will be 238 additional precincts in which materials for this type of voting will be necessary. The estimated cost for these materials will be about \$1,000 for envelopes, accountability reports and applications.

The rest of this bill will result in a savings to the Division of Elections in fiscal years during which their primary and general elections. However, the savings to be realized will fluctuate from year to year.

Most of the cost savings relate to the provision which eliminates the requirement that judicial retention candidates be printed on a separate ballot card, and elimination of language requiring a plus sign in the voting squares on punch card ballots. Often there is adequate space on the other cards to be printed to accommodate the judicial candidates. However, the number of house districts in which this is the case depends on the number of candidates and offices appearing on the ballot, as well as the number of judges up for retention, and the number of total ballots needed to cover the number of voters in the given districts.

The average cost saving related to the elimination of the extra judicial card is about \$115.00 per thousand. Elimination of the plus sign would save approximately \$2,000 per election. With that in mind, a review of the cost savings for the 1984 and 1986, statewide elections, had this bill been in effect would have been as follows:

- 1984 (14.8)
- 1986 (18.1)

The Division of Elections anticipates that the amendment requiring the mailing of official notice of precinct boundary or polling place change to each impacted voter would add to the overall costs of elections. However, in view of the fact that the existing bill generates an overall savings in the costs of ballot printing, it is not expected that the costs related to the amendment will cause the fiscal note to require an increase in funding. However, the savings in ballot printing would be generally offset by the increased costs relative to implementation to the amendment. It should be remembered that the actual savings/costs ratio would fluctuate from year to year.

Costs anticipated should the amendment pass would include printing of computer self-mailers and 1st class postage.

Based on the prior bid awards the printing of similar forms, printing would come to \$0.069 per unit. Postage is figured at \$0.22.

In 1986, 65 polling places were changed, impacting 44,070 voters.

At 28.9 cents per item, the cost of mailing these notices would have been \$12,736.

Original sponsors: Pourchot, Ulmer  
and Boucher

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 293 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND 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 [, HE OR SHE 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 [TO SUCCEED HIMSELF]. The ballot shall be  
24 divided into four parts and each part shall bear a heading indicating  
25 the court to which the candidate is seeking approval. Within each  
26 part the question of whether the justice or judge shall be approved or  
27 rejected shall be set out in substantially the following manner: (A)  
28 "Shall . . . . . be retained as justice of the supreme court for  
29 10 years?"; (B) "Shall . . . . . be retained as judge of the

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

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

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

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

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

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

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

1 it must be postmarked on or before election day. After the day of the  
2 election, no ballots shall be accepted unless received by mail.

3 \* Sec. 7. AS 15.20.081(h) is amended to read:

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

10 \* Sec. 8. AS 15.20.220(b) is amended to read:

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

17 \* Sec. 9. AS 15.20.480 is amended to read:

18 Sec. 15.20.480. PROCEDURE FOR RECOUNT. In conducting the re-  
19 count, the director shall review all ballots whether the ballots were  
20 counted at the precinct or by computer or by the district absentee  
21 counting board or the questioned ballot counting board to determine  
22 which ballots, or part of ballots, were properly marked and which  
23 ballots are to be counted in the recount, and shall check the accuracy  
24 of the original count, the precinct certificate and the review. The  
25 director shall check the number of ballots and questioned ballots cast  
26 in a precinct against the registers and shall check absentee ballots  
27 voted against absentee ballots distributed. The director shall count  
28 absentee ballots received [AFTER CLOSE OF BUSINESS ON THE 15TH DAY  
29 FOLLOWING THE ELECTION AND] before the completion of the recount. For

1 administrative purposes, the director may join and include two or more  
2 applications in a single review and count of votes. The rules in  
3 AS 15.15.360 governing the counting of hand- marked ballots and the  
4 rules in AS 15.20.730 governing the counting of punch-card ballots  
5 shall be followed in the recount. The ballots and other election  
6 material shall remain in the custody of the director during the re-  
7 count and the highest degree of care shall be exercised to protect the  
8 ballots against alteration or mutilation. The recount shall be com-  
9 pleted within 10 days. The director may employ additional personnel  
10 necessary to assist in the recount.

11 \* Sec. 10. AS 15.20.730(b) is amended to read:

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

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

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

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

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

27 (5) if a voter punches more names than there are persons to  
28 be elected to the office, the votes for candidates to that office  
29 shall not be counted;

1 (6) improper marks on the ballots shall not be counted and  
2 shall not invalidate punches for candidates properly made;

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

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

8 \* Sec. 11. AS 15.25.055 is amended to read:

9 Sec. 15.25.055. REMOVAL OF NAME FROM PRIMARY BALLOT. A candi-  
10 date's name will appear on the primary election ballot unless notice  
11 of the [HIS] withdrawal from the primary is received by the director  
12 at least 54 [40] days before the date of the primary election.

13 \* Sec. 12. AS 15.25.110 is amended to read:

14 Sec. 15.25.110. FILLING VACANCIES BY PARTY PETITION. If a  
15 candidate nominated at the primary election dies, withdraws, resigns,  
16 becomes disqualified from holding the office for which the candidate  
17 [HE] is nominated, or is certified as being incapacitated in the  
18 manner prescribed by this section after the primary election and 54  
19 [40] days or more before the general election, the vacancy may be  
20 filled by party petition. The central committee of any political  
21 party or any party district committee may certify as being incapaci-  
22 tated any candidate nominated by their respective party by presenting  
23 to the director a sworn statement made by a panel of three licensed  
24 physicians, not more than two of whom may [SHALL] be of the same  
25 political party, that the candidate is physically or mentally in-  
26 capacitated to an extent that would [IN HIS JUDGMENT] prevent the  
27 candidate from active service during the term of office if elected.  
28 The director shall place the name of the person nominated by party  
29 petition on the general election ballot. The name of a candidate

1 disqualified under this section may [SHALL] not appear on the general  
2 election ballot.

3 \* Sec. 13. AS 15.25.200 is amended to read:

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

9 \* Sec. 14. AS 15.35.050 is amended to read:

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

15 \* Sec. 15. AS 15.35.059 is amended to read:

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

21 \* Sec. 16. AS 15.35.090 is amended to read:

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

28 \* Sec. 17. AS 15.35.130 is amended to read:

29 Sec. 15.35.130. PLACING NAME OF DISTRICT JUDGE ON BALLOT. The  
SCS CSHB 293(Fin)

1 director shall place the name of a district judge who has properly  
2 filed a declaration of candidacy for retention on the [JUDICIAL]  
3 ballot in the judicial district designated in the [HIS] declaration of  
4 candidacy for the general election at which approval is sought.

5 \* Sec. 18. This Act takes effect immediately under AS 01.10.070(c).  
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*RU-3* 5/7/88  
Adopted 5-0762Ta.  
Bradley

*(Subsequently incorporated  
within SCS CSHB 293 (Fin))*

A M E N D M E N T

Offered in the SENATE

By Uehling

TO: SCS CSHB 293(State Affairs)

Page 2, after line 20:

Insert new bill sections to read:

"\* 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 election, no ballots shall be accepted unless received by mail.

\* Sec. 7. AS 15.20.081(h) is amended to read:

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

Re-number remaining bill sections accordingly.

Page 3, lines 9 - 10:

Delete "[THE DIRECTOR SHALL COUNT ABSENTEE BALLOTS RECEIVED AFTER"

Insert "The director shall count absentee ballots received [AFTER"

Page 3, line 11:

Delete "AND BEFORE THE COMPLETION OF THE RECOUNT.]"

Insert "AND] before the completion of the recount."

Original sponsors: Pourchot, Ulmer  
and Boucher

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE  
2 SENATE CS FOR CS FOR HOUSE BILL NO. 293 (State Affairs)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL  
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1 recount, the director shall review all ballots whether the ballots  
2 were counted at the precinct or by computer or by the district absen-  
3 tee counting board or the questioned ballot counting board to deter-  
4 mine which ballots, or part of ballots, were properly marked and which  
5 ballots are to be counted in the recount, and shall check the accuracy  
6 of the original count, the precinct certificate and the review. The  
7 director shall check the number of ballots and questioned ballots cast  
8 in a precinct against the registers and shall check absentee ballots  
9 voted against absentee ballots distributed. [THE DIRECTOR SHALL COUNT  
10 ABSENTEE BALLOTS RECEIVED AFTER CLOSE OF BUSINESS ON THE 15TH DAY  
11 FOLLOWING THE ELECTION AND BEFORE THE COMPLETION OF THE RECOUNT.] For  
12 administrative purposes, the director may join and include two or more  
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14 AS 15.15.360 governing the counting of hand- marked ballots and the  
15 rules in AS 15.20.730 governing the counting of punch-card ballots  
16 shall be followed in the recount. The ballots and other election  
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27 the candidate the voter desires to select;

28 (2) if there is only one [PLUS-MARKED] square marked for a  
29 team whose names are on separate lines, such as president and vice-

1 president or governor and lieutenant governor, a punch in the square  
2 or elsewhere in the rectangle following the names shall be counted for  
3 that team;

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

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

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10 be elected to the office, the votes for candidates to that office  
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17 United States is considered and counted as a vote for the election of  
18 presidential electors.

19 \* Sec. 9. AS 15.25.055 is amended to read:

20 Sec. 15.25.055. REMOVAL OF NAME FROM PRIMARY BALLOT. A candi-  
21 date's name will appear on the primary election ballot unless notice  
22 of the [HIS] withdrawal from the primary is received by the director  
23 at least 54 [40] days before the date of the primary election.

24 \* Sec. 10. AS 15.25.110 is amended to read:

25 Sec. 15.25.110. FILLING VACANCIES BY PARTY PETITION. If a  
26 candidate nominated at the primary election dies, withdraws, resigns,  
27 becomes disqualified from holding the office for which the candidate  
28 [HE] is nominated, or is certified as being incapacitated in the  
29 manner prescribed by this section after the primary election and 54

1 [40] days or more before the general election, the vacancy may be  
2 filled by party petition. The central committee of any political  
3 party or any party district committee may certify as being incapaci-  
4 tated any candidate nominated by their respective party by presenting  
5 to the director a sworn statement made by a panel of three licensed  
6 physicians, not more than two of whom may [SHALL] be of the same  
7 political party, that the candidate is physically or mentally in-  
8 capacitated to an extent that would [IN HIS JUDGMENT] prevent the  
9 candidate from active service during the term of office if elected.  
10 The director shall place the name of the person nominated by party  
11 petition on the general election ballot. The name of a candidate  
12 disqualified under this section may [SHALL] not appear on the general  
13 election ballot.

14 \* Sec. 11. AS 15.25.200 is amended to read:

15        ~~Sec.~~ 15.25.200. WITHDRAWAL OF CANDIDATE'S NAME. If a candidate  
16 nominated by petition dies or withdraws after the petition has been  
17 filed and at least 54 days before the date of the general election  
18 [BEFORE SEPTEMBER 1 OF THE ELECTION YEAR], the director shall not  
19 place the name of the candidate on the general election ballot.

20 \* Sec. 12. AS 15.35.050 is amended to read:

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

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29 appeals who has properly filed a declaration of candidacy for

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10 \* Sec. 15. AS 15.35.130 is amended to read:

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14 ballot in the judicial district designated in the [HIS] declaration of  
15 candidacy for the general election at which approval is sought.

16 \* Sec. 16. This Act takes effect immediately under AS 01.10.070(c).

Original sponsors: Pourchot, Ulmer  
and Boucher

1 IN THE HOUSE BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 293 (Rules) am  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FIFTEENTH LEGISLATURE - SECOND 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 [, HE OR SHE 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 [TO SUCCEED HIMSELF]. The ballot shall be  
24 divided into four parts and each part shall bear a heading indicating  
25 the court to which the candidate is seeking approval. Within each  
26 part the question of whether the justice or judge shall be approved or  
27 rejected shall be set out in substantially the following manner: (A)  
28 "Shall . . . . . be retained as justice of the supreme court for  
29 10 years?"; (B) "Shall . . . . . be retained as judge of the

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

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

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

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

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

21 \* Sec. 6. AS 15.20.220(b) is amended to read:

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

28 \* Sec. 7. AS 15.20.480 is amended to read:

29 Sec. 15.20.480. PROCEDURE FOR RECOUNT. In conducting the

1 recount, the director shall review all ballots whether the ballots  
2 were counted at the precinct or by computer or by the district absen-  
3 tee counting board or the questioned ballot counting board to deter-  
4 mine which ballots, or part of ballots, were properly marked and which  
5 ballots are to be counted in the recount, and shall check the accuracy  
6 of the original count, the precinct certificate and the review. The  
7 director shall check the number of ballots and questioned ballots cast  
8 in a precinct against the registers and shall check absentee ballots  
9 voted against absentee ballots distributed. [THE DIRECTOR SHALL COUNT  
10 ABSENTEE BALLOTS RECEIVED AFTER CLOSE OF BUSINESS ON THE 15TH DAY  
11 FOLLOWING THE ELECTION AND BEFORE THE COMPLETION OF THE RECOUNT.] For  
12 administrative purposes, the director may join and include two or more  
13 applications in a single review and count of votes. The rules in  
14 AS 15.15.360 governing the counting of hand-marked ballots and the  
15 rules in AS 15.20.730 governing the counting of punch-card ballots  
16 shall be followed in the recount. The ballots and other election  
17 material shall remain in the custody of the director during the re-  
18 count and the highest degree of care shall be exercised to protect the  
19 ballots against alteration or mutilation. The recount shall be com-  
20 pleted within 10 days. The director may employ additional personnel  
21 necessary to assist in the recount.

22 \* Sec. 8. AS 15.20.730(b) is amended to read:

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

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

28 (2) if there is only one [PLUS-MARKED] square marked for a  
29 team whose names are on separate lines, such as president and vice-

1 president or governor and lieutenant governor, a punch in the square  
2 or elsewhere in the rectangle following the names shall be counted for  
3 that team;

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

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

9 (5) if a voter punches more names than there are persons to  
10 be elected to the office, the votes for candidates to that office  
11 shall not be counted;

12 (6) improper marks on the ballots shall not be counted and  
13 shall not invalidate punches for candidates properly made;

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

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

19 \* Sec. 9. AS 15.25.055 is amended to read:

20 Sec. 15.25.055. REMOVAL OF NAME FROM PRIMARY BALLOT. A candi-  
21 date's name will appear on the primary election ballot unless notice  
22 of the [HIS] withdrawal from the primary is received by the director  
23 at least 54 [40] days before the date of the primary election.

24 \* Sec. 10. AS 15.25.110 is amended to read:

25 Sec. 15.25.110. FILLING VACANCIES BY PARTY PETITION. If a  
26 candidate nominated at the primary election dies, withdraws, resigns,  
27 becomes disqualified from holding the office for which the candidate  
28 [HE] is nominated, or is certified as being incapacitated in the  
29 manner prescribed by this section after the primary election and 54

1 [40] days or more before the general election, the vacancy may be  
2 filled by party petition. The central committee of any political  
3 party or any party district committee may certify as being incapacitated  
4 any candidate nominated by their respective party by presenting  
5 to the director a sworn statement made by a panel of three licensed  
6 physicians, not more than two of whom may [SHALL] be of the same  
7 political party, that the candidate is physically or mentally incapacitated  
8 to an extent that would [IN HIS JUDGMENT] prevent the  
9 candidate from active service during the term of office if elected.  
10 The director shall place the name of the person nominated by party  
11 petition on the general election ballot. The name of a candidate  
12 disqualified under this section may [SHALL] not appear on the general  
13 election ballot.

14 \* Sec. 11. AS 15.25.150. is amended to read:

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

28 \* Sec. 12. AS 15.25.200 is amended to read:

29 Sec. 15.25.200. WITHDRAWAL OF CANDIDATE'S NAME. If a candidate

1 nominated by petition dies or withdraws after the petition has been  
2 filed and at least 54 days before the date of the general election  
3 [BEFORE SEPTEMBER 1 OF THE ELECTION YEAR], the director shall not  
4 place the name of the candidate on the general election ballot.

5 \* Sec. 13. AS 15.35.050 is amended to read:

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

11 \* Sec. 14. AS 15.35.059 is amended to read:

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

17 \* Sec. 15. AS 15.35.090 is amended to read:

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

24 \* Sec. 16. AS 15.35.130 is amended to read:

25 Sec. 15.35.130. PLACING NAME OF DISTRICT JUDGE ON BALLOT. The  
26 director shall place the name of a district judge who has properly  
27 filed a declaration of candidacy for retention on the [JUDICIAL]  
28 ballot in the judicial district designated in the [HIS] declaration of  
29 candidacy for the general election at which approval is sought.

1 \* Sec. 17. This Act takes effect immediately under AS 01.10.070(c).

SENATE COMMITTEE REPORT

Rec'd 4/28

FURTHER

FINANCE

4/28/88

DATE TURNED INTO OFFICE \_\_\_\_\_

Mr. President:

Judiciary

Committee considered

CSHB 293 (RULES) ar

conduct and administration of elections by the director of elections;efd

and recommended *the SA, SCS be adopted & may depend*

replace with 3 CS CSHB 293 (SA)  same title  
 or adopt \_\_\_\_\_ CS \_\_\_\_\_  new title

attached amendment(s) and ~~\_\_\_\_\_~~

*Maury*  
 do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

letter of intent adopted \_\_\_\_\_

Committee  attached or  adopted fiscal note(s)  
 new  updated or  previous  
 zero  fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

*Joe Joseph*  
*Charles Sturges*  
*Robert Bales*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*W. Kuttel* *Do pass*  
Chairman signature and recommendation

Committee Backup attached

SENATE COMMITTEE REPORT

FURTHER

JUDICIARY  
FINANCE

DATE TURNED INTO OFFICE 4-28-88

3/15/88  
Mr. President:

STATE AFFAIRS Committee considered CSHB 293 (RULES) am

conduct and administration of elections by the director of elections; efd

and recommended

replace with 5 CS CSHB 293 (SA)  same title  
 or adopt CS  new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

letter of intent adopted \_\_\_\_\_

Committee  attached or  adopted fiscal note(s)  
 new  updated or  previous  
 zero  fiscal impact

MEMBERS SIGNING DO PASS  
Richard [unclear] DO PASS  
Ken [unclear] DO PASS

OTHER RECOMMENDATIONS  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature]  
Chairman signature and recommendation

Committee Backup attached