

HB

163

ALASKA STATE LEGISLATURE

REPRESENTATIVE
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House of Representatives
House District 34

Sponsor Statement for HB 163 Changes to Election Law

House Bill 163 is primarily a housekeeping bill that will update current election law to conform with the optical scanning ballot tabulation system.

The goal of House Bill 163 is to make the electoral process more efficient while continuing to maintain the integrity of the process.

In addition to housekeeping measures which are outlined in an accompanying sectional analysis, House Bill 163 contains three policy changes which will help make the election process more efficient for both the electorate and the Division of Elections.

- ***Write-in Candidates***

It became apparent after the 1998 gubernatorial election that the state needs clear procedures for the qualification of write-in candidates and for the counting of votes. House Bill 163 will prohibit the use of stickers by write-in candidates. Write-in stickers cannot be used with the state's optical scan ballot tabulation system. The Division has been advised by the manufacturer, Global Elections Systems, that stickers could damage the Accu-Vote machines.

- ***Revision of Absentee by Personal Representative Process***

The current statutory process is too cumbersome and the resulting mistakes by people attempting to assist other voters have resulted in the disqualification of many ballots. Current law requires the personal representative to deliver an application to the voter, return the application to an election official, pick up the ballot and voting material, deliver the material to the voter and then return the voted ballot and material to an election official, and multiple signatures on a complex form. The new process would allow the personal representative to deliver an application and voting material at one time and then return the voted ballot and material to an election official. The same checks and balances remain in place to protect the integrity of the electoral process.

♦ *Change to the Absentee In-Person Voting Process*

Early voting would apply to absentee voting in the regional election office absentee voting stations. Voters registered in a house district in which the regional election office has jurisdiction would no longer be required to complete an absentee oath and affidavit envelope. This will significantly reduce the number of absentee ballots requiring review by the division of elections. If a voter's residence address information is different from that which appears on the division's records at the time of voting, the voter will be required to complete an oath and affidavit envelope.

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: March 26, 1999

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 2/8/00

The STATE AFFAIRS Committee considered:

HB 163

HOUSE BILL NO. 163

DIVISION OF ELECTIONS

"An Act relating to qualifications of voters; relating to the registration of voters; relating to election districts and officials; relating to election procedures and ballots; relating to special procedures for elections; relating to nomination of candidates; relating to national elections; relating to special elections and appointments; relating to constitutional amendments; relating to election offenses and corrupt practices; relating to election pamphlets; relating to the deferral of jury service for certain election officials; relating to an exemption from the State Procurement Code regarding election ballots; relating to the provision and use of mailing addresses on permanent fund dividend applications for election purposes; relating to the inclusion of voter registration forms with permanent fund dividend applications; making conforming amendments in references to 'election district' and 'chairman'; and providing for an effective date."

recommends it be replaced the same title
with the following committee substitute CSHB 163(S+A) a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) Elections

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Jeannette James</i>	✓			
<i>J. Hall Smolles</i>	✓			
<i>Beth Herttala</i>	✓			
<i>Bill Hudson</i>			✓	
<i>M. A. [Signature]</i>	✓			

CHAIR'S SIGNATURE *Jeannette James*

1-LS0769\N
Kurtz
2/2/00

*Rep James
Att
Rishere
02/02/00*

CS passed.

CS FOR HOUSE BILL NO. 163()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - SECOND SESSION**

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE JAMES

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to qualifications of voters; relating to the registration of voters;
2 relating to election districts and officials; relating to election procedures and
3 ballots; relating to special procedures for elections; relating to nomination of
4 candidates; relating to national elections; relating to special elections and
5 appointments; relating to constitutional amendments; relating to election offenses
6 and corrupt practices; relating to election pamphlets; relating to the deferral of
7 jury service for certain election officials; relating to an exemption from the State
8 Procurement Code regarding election ballots; relating to the provision and use of
9 mailing addresses on permanent fund dividend applications for election purposes;
10 relating to the inclusion of voter registration forms with permanent fund dividend
11 applications; relating to financial statements by public officials and candidates for
12 public office; making conforming amendments in references to 'election district,'

1 'chairman,' and similar terms; and providing for an effective date."

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

3 * Section 1. AS 09.20.035 is amended to read:

4 Sec. 09.20.035. Deferral of jury service. A person may have jury service
5 deferred if the person shows that jury service at the time for which the person is
6 summoned will cause hardship to that person or another, [OR] that transportation
7 problems make it temporarily impossible for the person to serve, or that the person
8 summoned is employed as a full-time or temporary election official and the jury
9 service is during the month in which a primary or general election is held. Jury
10 service may be deferred under this section only if the person seeking the deferment
11 agrees to a deferred date. Jury service may not be deferred for more than 10 months
12 from the date the initial jury service was to begin.

13 * Sec. 2. AS 15.07.010 is amended to read:

14 Sec. 15.07.010. Registration of voters. The precinct election officials
15 [JUDGES] at any election shall allow a person to vote whose name is on the official
16 registration list for that precinct and who is qualified under AS 15.05. A person whose
17 name is not on the official registration list shall be allowed to vote a questioned ballot.

18 * Sec. 3. AS 15.07.064(e) is amended to read:

19 (e) The director shall review the information contained within an application
20 by a voter for registration. The director may not reject an application of a voter who
21 qualifies under (d) of this section because the voter provided information in excess of
22 that required to establish qualifications, including excess information qualifying as a
23 mailing address. The director may consider an application for registration within a
24 municipality or established village described in (d) of this section to comply with law
25 based on other information contained in the application, including evidence that

26 (1) the application was made in person before a voting registrar,
27 election official [JUDGE], or absentee voting official appointed to serve in the
28 municipality or established village;

29 (2) the application of a voter registering by mail was postmarked by
30 the postal official in the municipality or established village; and

1 (3) other information contained in the application does not negate the
2 presumption of residency provided under (a) of this section.

3 * Sec. 4. AS 15.07.064 is amended by adding a new subsection to read:

4 (h) Notwithstanding (a) - (g) of this section, the director may substitute a
5 mailing address provided by the voter for the permanent fund dividend program under
6 AS 43.23 as the mailing address for the voter on the registration records of the director
7 under procedures specified in regulations of the director if necessary to maintain
8 accuracy of voting registration records.

9 * Sec. 5. AS 15.07.081 is amended to read:

10 **Sec. 15.07.081. Registration officials.** The director shall appoint one or more
11 registration officials to serve in each precinct polling place in all elections during the
12 hours the polling places are open. An election official [CLERK OR ELECTION
13 JUDGE] appointed under AS 15.10 may also serve as a registration official. [IF
14 MORE THAN ONE REGISTRATION OFFICIAL IS APPOINTED TO SERVE IN A
15 POLLING PLACE, EACH POLITICAL PARTY SHALL BE REPRESENTED.]

16 * Sec. 6. AS 15.07.100(a) is amended to read:

17 (a) A [THE DIRECTOR SHALL APPOINT ONE OR MORE
18 REGISTRATION OFFICIALS IN EACH PRECINCT. WHEN MORE THAN ONE
19 REGISTRATION OFFICIAL IS APPOINTED TO SERVE IN A PRECINCT, EACH
20 POLITICAL PARTY SHALL BE REPRESENTED. HOWEVER, ANY PRECINCT
21 CONTAINING MORE THAN 250 VOTERS MUST HAVE AT LEAST TWO
22 REGISTRATION OFFICIALS, ONE FROM EACH POLITICAL PARTY. THE]
23 registration official shall be a qualified state voter and shall take an oath to honestly,
24 faithfully, and promptly perform the duties of the office.

25 * Sec. 7. AS 15.07.140 is amended to read:

26 **Sec. 15.07.140. General administrative supervision by director.** The
27 director shall provide general administrative supervision over the registration and
28 reregistration of voters. The director shall, no later than 120 [40] days before any
29 general election, arrange to have the list of registered voters in a usable electronic
30 format provided free of charge to each political party [OF THE PRECINCT
31 PUBLICLY DISPLAYED. THE DIRECTOR SHALL INSTRUCT REGISTRATION

1 OFFICIALS TO POST THE LIST OF REGISTERED VOTERS IN A NUMBER OF
2 LOCATIONS CALCULATED TO OBTAIN MAXIMUM RECOGNITION]. Upon
3 request by the mayor or manager of a municipality, the director shall furnish
4 registration information for all precincts all or part of which are within the boundaries
5 of the local government unit.

6 * Sec. 8. AS 15.10.107 is amended to read:

7 **Sec. 15.10.107. Staff training.** The director shall, before each primary
8 election in even-numbered years, provide for a comprehensive training program for
9 election officials, both the full-time members of the staff of the division of elections
10 and those who are appointed as members of election boards [BOARD JUDGES,
11 CLERKS, AND COUNTERS] under AS 15.10.120 - 15.10.140 [AS 15.10.120 -
12 15.10.150] and other temporary election employees. The director shall annually
13 prepare and, not later than January 10, file with the lieutenant governor a plan that
14 describes the comprehensive training program for election officials to be provided to
15 those officials during that calendar year.

16 * Sec. 9. AS 15.10.120 is repealed and reenacted to read:

17 **Sec. 15.10.120. Appointment of election board.** (a) An election supervisor
18 shall appoint in each precinct within the election supervisor's district an election board
19 composed of at least three qualified voters registered to vote in that precinct.

20 (b) On or before April 15 in each regular election year, or at least 60 days
21 before a special election, a party district committee or state party central committee of
22 each political party may nominate two candidates for each election board.
23 Nominations shall be presented in writing to the election supervisor for the district in
24 which the precinct is located.

25 (c) An election supervisor shall appoint one nominee of the political party of
26 which the governor is a member and one nominee of the political party that received
27 the second largest number of votes statewide in the preceding gubernatorial election.
28 The election supervisor shall appoint at least one additional qualified individual
29 registered to vote in the precinct. If a party district committee or state party central
30 committee of the party of which the governor is a member or the party that received
31 the second largest number of votes statewide in the preceding gubernatorial election

1 fails to present the names prescribed by (b) of this section by April 15 of a regular
2 election year or at least 60 days before a special election, the election supervisor may
3 appoint any qualified individual registered to vote in that precinct.

4 (d) An election supervisor shall appoint a chairperson for each election board
5 within the election supervisor's district.

6 (e) When appointments to the election board have been accepted by the
7 respective appointees, the election supervisor shall notify the director of the names and
8 mailing addresses of the designated chairperson and other election board officials.

9 (f) Election boards for municipal elections shall be appointed by the
10 appropriate municipality.

11 * Sec. 10. AS 15.10.170 is amended to read:

12 **Sec. 15.10.170. Appointment and privileges of watchers.** The precinct party
13 committee, where an organized precinct committee exists, or the party district
14 [PARTY] committee where no organized precinct committee exists, or the state party
15 chairperson [CHAIRMAN] where neither a precinct nor a party district committee
16 exists, may appoint one or more persons as watchers in each precinct and counting
17 center for any election. Each candidate not representing a political party may appoint
18 one or more watchers for each precinct or counting center in the candidate's respective
19 district or the state for any election. Any organization or organized group that
20 sponsors or opposes an initiative, referendum or recall may have one or more persons
21 as watchers at the polls and counting centers after first obtaining authorization from
22 the director. A [NO] state party chairperson, a [CHAIRMAN, NO] precinct party
23 committee, a party [NO] district committee, or a candidate not representing a political
24 party or organization or organized group may not have more than one watcher on duty
25 at a time in any precinct or counting center. The watcher may be present at a position
26 inside the place of voting or counting that [WHICH] affords a full view of all action
27 of the election officials [BOARD AND OTHER COUNTERS] taken from the time the
28 polls are opened until the ballots are finally counted and the results certified by the
29 election board or the data processing review board. The election board or the data
30 processing review board may require each watcher to present written proof showing
31 appointment by the precinct party committee, the party district [DISTRICT PARTY]

1 committee, the organization or organized group, or the candidate the watcher
2 represents that [WHICH] is signed by the chairperson [CHAIRMAN] of the precinct
3 party committee, the party district [DISTRICT PARTY] committee, the state party
4 chairperson [CHAIRMAN], the organization or organized group, or the candidate
5 representing no party.

6 * Sec. 11. AS 15.10.180 is amended to read:

7 **Sec. 15.10.180. Appointment of [PARTY REPRESENTATIVES FOR] state**
8 **ballot counting review board.** The director shall appoint two persons from the
9 political party of which the governor is a member and two persons from the
10 political party that received the second largest number of votes statewide in the
11 preceding gubernatorial election [EACH POLITICAL PARTY] to participate in the
12 state ballot counting review. The director may appoint additional individuals to
13 participate in the state ballot counting review. [EACH PERSON WHO IS
14 APPOINTED AND SERVES IS ENTITLED TO COMPENSATION AS PROVIDED
15 IN AS 15.15.380.] Each political party may present to the director a list of three or
16 more names from which the director shall select the persons to represent the party.
17 The list of names may be submitted in writing at least 30 days before the date of the
18 election. [THE PERSONS TO REPRESENT THE PARTY ON THE STATE
19 BALLOT COUNTING REVIEW BOARD MAY BE SELECTED BY THE STATE
20 PARTY CENTRAL COMMITTEE OR IN ANY OTHER MANNER PRESCRIBED
21 BY THE BYLAWS OF THE PARTY.] The list of names shall be certified by the
22 state chairperson [CHAIRMAN] of the political [STATE CENTRAL COMMITTEE
23 OF THE] party or by the person authorized by the party bylaws to act in the absence
24 of the chairperson [CHAIRMAN].

25 * Sec. 12. AS 15.15.030(8) is amended to read:

26 (8) The general or special election ballot shall be designed with the title
27 and proposition for any initiative, referendum, or constitutional amendment formulated
28 as prescribed by law and placed on the ballot in the manner prescribed by the director.
29 When placed on the ballot, a state ballot proposition or ballot question shall carry the
30 number that [WHICH] was assigned to the petition for the proposition or question.
31 Provision shall be made for marking the proposition "Yes" ["FOR"] or "No."

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["AGAINST."]

* Sec. 13. AS 15.15.030(11) is amended to read:

(11) When the legislature by law authorizes a state debt for capital improvements, the director shall place the question of whether the specific authorization shall be ratified by placing the ballot title and question on the next general election ballot, or on the special election ballot if a special election is held for the purpose of ratifying the state debt for capital improvements before the time of the next general election. Unless specifically provided otherwise in the Act authorizing the debt, the ballot title shall, by the use of a few words in a succinct manner, indicate the general subject of the Act. The question shall, by the use of a few sentences in a succinct manner, give a true and impartial summary of the Act authorizing the state debt. The question of whether state debt shall be contracted shall be assigned a letter of the alphabet on the ballot. Provision shall be made for marking the question substantially as follows:

"Bonds. Yes" or "Bonds No,"

followed by an appropriate oval [SQUARE].

* Sec. 14. AS 15.15.070(b) is amended to read:

(b) The notice shall be given by publication at least twice in one or more newspapers of general circulation in each of the four judicial [MAJOR ELECTION] districts. The printed notice must [SHALL] specifically include [BUT IS NOT LIMITED TO] the date of election, the hours between which the polling places will be open, the offices to which candidates are to be nominated or elected, and the subject of the propositions and questions that [WHICH] are to be voted on.

* Sec. 15. AS 15.15.070(c) is amended to read:

(c) Public notice shall also be given by posting notices in those communities that do not have newspapers of general circulation where posting of notice is considered necessary by the director [TWO OR MORE CONSPICUOUS PLACES IN EACH ELECTION PRECINCT]. The posted notice must [SHALL] specifically include [BUT IS NOT LIMITED TO] the date of election, the location of the polling places [PLACE], the hours between which the polling places will be open, the offices to which candidates are to be nominated or elected, [AND] the subject of the

1 propositions and questions that [WHICH] are to be voted on, and other information
2 considered necessary by the director.

3 * Sec. 16. AS 15.15.070(h) is amended to read:

4 (h) An abbreviated form of the notice published under (b) of this section shall
5 be broadcast on one or more radio or television stations in each of the four judicial
6 districts. The broadcast notice must include at a minimum the date of the election, the
7 hours between which the polling places will be open, and the address and phone
8 number of the election supervisor or supervisors for the judicial district in which
9 the notice is broadcast [THE NAMES OF THE NEWSPAPERS IN WHICH THE
10 NOTICE IS PUBLISHED, AND THE DATES OF PUBLICATION IN THE
11 NEWSPAPERS].

12 * Sec. 17. AS 15.15.110 is amended to read:

13 **Sec. 15.15.110. General duties and oath of election board [AND CLERKS].**
14 The election board shall supervise the election in the precinct. Before entering upon
15 the duties of office, each election official [JUDGE AND CLERK] shall take an oath
16 to honestly, faithfully, and promptly perform the duties of office. Any appointed
17 election official, including an appointed election official who has [JUDGE,
18 WHETHER OR] not [HAVING] personally subscribed to the oath, may administer the
19 oath to another election official [JUDGE]. The chairperson [CHAIRMAN] of the
20 election board shall rotate the time at which election officials [JUDGES AND
21 CLERKS] may be relieved for meals.

22 * Sec. 18. AS 15.15.120 is amended to read:

23 **Sec. 15.15.120. Filling vacancies in election board.** If an appointed election
24 board member [JUDGE OR CLERK] fails to appear and subscribe to the oath on
25 election day or becomes incapacitated during the time of the election or the counting
26 of the ballots, the election board members present shall elect, by a majority voice vote,
27 a qualified voter to fill the vacancy. The qualified voter elected to fill the vacancy
28 shall be of the same political party as the person for whom the substitution is made
29 unless, after reasonable effort, the election board members determine that a qualified
30 voter of the same political party is not available.

31 * Sec. 19. AS 15.15.130 is amended to read:

1 **Sec. 15.15.130. Majority decision of election board.** The decision of the
2 majority of election board members [JUDGES] determines the action that the election
3 board shall take regarding any question that [WHICH] arises during the course of the
4 election.

5 * **Sec. 20.** AS 15.15.140(c) is amended to read:

6 (c) On disclosure that unofficial ballots have been used without the
7 certification required under (b) of this section, the director shall notify the chairperson
8 [CHAIRMAN] of the election board by telephone or electronic transmission
9 [TELEGRAM] of the failure to certify the ballots properly.

10 * **Sec. 21.** AS 15.15.140(d) is amended to read:

11 (d) The director may accept a certificate made by electronic transmission
12 [TELEGRAM] and count the ballots if the certificate is proper and actually received
13 by the director within 10 days after [OF] the date that the chairperson [CHAIRMAN]
14 of the election board was notified under (c) of this section.

15 * **Sec. 22.** AS 15.15.160 is amended to read:

16 **Sec. 15.15.160. Prohibition of political discussion by election board.** During
17 the hours that the polls are open, an election board member [A JUDGE OR CLERK]
18 may not discuss any political party, candidate, or issue while on duty.

19 * **Sec. 23.** AS 15.15.170 is amended to read:

20 **Sec. 15.15.170. Prohibition of political persuasion near election polls.**
21 During the hours the polls are open, a person who is in the polling place or within 200
22 feet of any entrance to the polling place may not attempt to persuade a person to vote
23 for or against a candidate, proposition, or question. The election officials [JUDGES]
24 shall post warning notices at the required distance in the form and manner prescribed
25 by the director.

26 * **Sec. 24.** AS 15.15.180 is amended to read:

27 **Sec. 15.15.180. Keeping of register.** The election officials [JUDGES] shall
28 keep a register or registers in which each voter before receiving a ballot shall sign the
29 voter's name and give both a residence [RESIDENT] and mailing address. A record
30 shall be kept in the registration book in space provided of the names [NAME] of
31 persons who offer to vote but who actually do not vote, and a brief statement of

1 explanation. The signing of the register constitutes a declaration by the voter that the
2 voter is qualified to vote.

3 * Sec. 25. AS 15.15.195 is amended to read:

4 **Sec. 15.15.195. Voters on official registration list.** An election official
5 [JUDGE] in a precinct shall allow a voter on the official registration list to vote in the
6 precinct unless the voter is questioned in accordance with AS 15.15.210.

7 * Sec. 26. AS 15.15.198 is amended to read:

8 **Sec. 15.15.198. Voters not on official registration list.** (a) If a voter's name
9 does not appear on the official registration list in the precinct in which the voter seeks
10 to vote, the election official [JUDGE] shall affirmatively advise the voter that the voter
11 may cast a questioned ballot, and the voter shall be allowed to vote a questioned
12 ballot.

13 (b) A person whose registration is inactive under AS 15.07.130(b) and who
14 votes a questioned or absentee ballot shall have the ballot counted if

15 (1) the person was registered to vote in the last four calendar years
16 [FOR EITHER OF THE TWO MOST RECENT GENERAL ELECTIONS];

17 (2) the person signs a statement to that effect; and

18 (3) the earlier registration is verified by the director.

19 * Sec. 27. AS 15.15.210 is amended to read:

20 **Sec. 15.15.210. Questioning of voters of suspect qualification.** Every
21 election official [JUDGE AND ELECTION CLERK] shall question, and every watcher
22 and any other person qualified to vote in the precinct may question, a person
23 attempting to vote if the questioner has good reason to suspect that the questioned
24 person is not qualified under AS 15.05 [TO VOTE]. All questions regarding a
25 person's qualifications to vote shall be made in writing setting out the reason the
26 person has been questioned. A questioned person shall, before voting, [SHALL]
27 subscribe to a declaration in a form provided by the director attesting to the fact that
28 in each particular the person meets all the qualifications of a voter, is not disqualified,
29 and has not voted at the same election, and certifying that the person understands that
30 a false statement on the declaration may subject the person to prosecution for a
31 misdemeanor under this title or AS 11. [THE QUESTIONED PERSON SHALL

1 ALSO STATE THE PLACE FROM WHICH THAT PERSON CAME
2 IMMEDIATELY BEFORE LIVING IN THE PRECINCT WHERE OFFERING TO
3 VOTE AND THE LENGTH OF TIME OF RESIDENCE IN THE FORMER PLACE.]

4 After the questioned person has executed the declaration, the person may vote. If the
5 questioned person refuses to execute the declaration, the person may not vote.

6 * **Sec. 28.** AS 15.15.215(a) is amended to read:

7 (a) A voter who casts a questioned ballot shall vote the ballot in the same
8 manner as prescribed for other voters. The voter shall insert the ballot into a secrecy
9 sleeve and [, THE ELECTION JUDGE SHALL REMOVE THE NUMBERED STUB
10 FROM THE BALLOT, AND THE VOTER SHALL] put the secrecy sleeve into an
11 envelope on which the statement the voter previously signed is located. The envelope
12 shall be sealed and deposited in the ballot box. When the ballot box is opened, the
13 envelopes shall be segregated, counted, compared to the voting list, and delivered to
14 the official or body supervising the election. The merits of the question shall be
15 determined by this official or body in accordance with the procedure prescribed for
16 questioned votes in AS 15.20.207.

17 * **Sec. 29.** AS 15.15.220 is amended to read:

18 **Sec. 15.15.220. Administration of oaths.** Any election official [JUDGE] may
19 administer to a voter any oath that is necessary in the administration of the election.

20 * **Sec. 30.** AS 15.15.225(a) is amended to read:

21 (a) Before being allowed to vote, each voter shall exhibit to an election official
22 [JUDGE] one form of identification, including [BUT NOT LIMITED TO] an official
23 voter registration card, driver's license, birth certificate, passport, [OR] hunting or
24 fishing license, or other form of identification as prescribed by regulation.

25 * **Sec. 31.** AS 15.15.225(b) is amended to read:

26 (b) An election official [JUDGE] may waive the identification requirement if
27 the election official [JUDGE] knows the identity of the voter.

28 * **Sec. 32.** AS 15.15.230 is amended to read:

29 **Sec. 15.15.230. Providing ballot to voter.** When the voter has qualified to
30 vote, the election official [JUDGE] shall give the voter an official ballot. The voter
31 shall retire to a booth or private place to mark the ballot.

1 * Sec. 33. AS 15.15.240 is amended to read:

2 Sec. 15.15.240. Voter assistance [ASSISTING VOTER BY JUDGE]. A
3 qualified voter needing assistance in voting [WHO CANNOT READ, MARK THE
4 BALLOT, OR SIGN THE VOTER'S NAME] may request an election official
5 [JUDGE], a person, or not more than two persons of the voter's choice to assist. If the
6 election official [JUDGE] is requested, the election official [JUDGE] shall assist the
7 voter. If any other person is requested, the person shall state upon oath before the
8 election official [JUDGE] that the person will not divulge the vote cast by the person
9 assisted.

10 * Sec. 34. AS 15.15.250 is amended to read:

11 Sec. 15.15.250. Disposition of spoiled [IMPROPERLY MARKED] ballot.
12 If a voter improperly marks, [OR OTHERWISE] damages, or otherwise spoils a
13 ballot, the voter may request and the election board shall provide another ballot, with
14 a maximum of three. The [, AND THE] board shall record on the precinct register
15 that there was a spoiled [THE NUMBER OF THE IMPROPERLY MARKED OR
16 DAMAGED] ballot and destroy the spoiled ballot [IT] immediately without
17 examining it.

18 * Sec. 35. AS 15.15.260 is amended to read:

19 Sec. 15.15.260. Placing ballot in ballot box by voter. When the voter has
20 marked a ballot, the voter shall inform the election official [JUDGE]. The
21 [DIRECTOR MAY REQUIRE THAT THE VOTER RETURN THE BALLOT TO
22 THE ELECTION JUDGE TEMPORARILY SO THAT ANY STUB WHICH MAY BE
23 PART OF THE BALLOT MAY BE REMOVED BY THE ELECTION JUDGE. ANY
24 SUCH REQUIREMENT SHALL PROTECT THE SECRECY OF THE BALLOT. IN
25 ALL CASES THE] ballot shall be deposited in the ballot box by the voter in the
26 presence of the election official [JUDGE] unless the voter requests the election official
27 [JUDGE] to deposit the ballot on the voter's behalf. Separate ballot boxes may be
28 used for separate ballots.

29 * Sec. 36. AS 15.15.330 is amended to read:

30 Sec. 15.15.330. Commencement of ballot count. When the polls are closed
31 and the last vote has been cast in a hand-count precinct, the election board [AND

1 CLERKS OR COUNTERS] shall immediately proceed to open the ballot box and to
2 count the votes cast. In all cases, the election board shall cause the count to be
3 continued without adjournment until the count is complete.

4 * Sec. 37. AS 15.15.340 is amended to read:

5 **Sec. 15.15.340. Report, oath, and vacancies of additional election officials**
6 **[COUNTERS]. Additional election officials [COUNTERS] shall report to the**
7 **election board at the polls at the time designated by the election supervisor or the**
8 **chairperson [CHAIRMAN] of the election board to assume their duties to assist the**
9 **election board in counting the vote. Before undertaking the duties of office, each**
10 **additional election official [COUNTER] shall subscribe to an oath to honestly,**
11 **faithfully, impartially, and promptly carry out the duties of the position. [AN**
12 **ELECTION JUDGE MAY ADMINISTER THE OATH.] If an additional election**
13 **official [APPOINTED COUNTER] fails to appear and subscribe to the oath at the time**
14 **designated by the election supervisor, the election board shall appoint any qualified**
15 **voter to fill the vacancy.**

16 * Sec. 38. AS 15.15.350(a) is amended to read:

17 (a) The director may adopt regulations prescribing the manner in which the
18 precinct ballot count is accomplished so as to assure accuracy in the count and to
19 expedite the process. The election board shall account for all ballots by completing
20 a ballot statement containing (1) the number of official ballots received; (2) the number
21 of official ballots voted; (3) the number of official ballots spoiled; (4) the number of
22 official ballots unused and destroyed. The board shall count the number of questioned
23 ballots and shall compare that number to the number of questioned voters in the
24 register. Discrepancies shall be noted and the numbers included in the certificate
25 prescribed by AS 15.15.370. The election board, **in hand-count precincts**, shall count
26 the ballots in a manner that allows watchers to see the ballots when opened and read.
27 **A [NO] person handling the ballot after it has been taken from the ballot box and**
28 **before it is placed in the envelope for mailing may not have a marking device in hand**
29 **or remove a ballot from the immediate vicinity of the polls.**

30 * Sec. 39. AS 15.15.360 is amended to read:

31 **Sec. 15.15.360. Rules for counting [HAND-MARKED] ballots in hand-**

1 count precincts. (a) The election board shall count [HAND-MARKED] ballots in
2 hand-count precincts according to the following rules: [.]

3 (1) A voter may mark a ballot only by filling in, making [THE USE
4 OF CROSS-MARKS,] "X" marks, diagonal, horizontal, or vertical marks, solid marks,
5 stars, circles, asterisks, checks, or plus signs that are clearly spaced in the oval
6 [SQUARE] opposite the name of the candidate, proposition, or question that the
7 voter desires to designate.

8 (2) A failure to properly mark a ballot as to one or more candidates
9 does not itself invalidate the entire ballot.

10 (3) If a voter marks fewer names than there are persons to be elected
11 to the office, a vote shall be counted for each candidate properly marked.

12 (4) If a voter marks more names than there are persons to be elected
13 to the office, the votes for candidates for that office may not be counted.

14 (5) The mark specified in (1) of this subsection shall be counted only
15 if it is substantially inside the oval [SQUARE] provided, or touching the oval
16 [SQUARE] so as to indicate clearly that the voter intended the particular oval
17 [SQUARE] to be designated.

18 (6) Improper marks on the ballot may not be counted and do not
19 invalidate marks for candidates properly made.

20 (7) An erasure or correction invalidates only that section of the ballot
21 in which it appears.

22 (8) A vote marked for the candidate for President or Vice-President of
23 the United States is considered and counted as a vote for the election of the
24 presidential electors.

25 (9) Write-in votes are not invalidated by writing in the name of a
26 candidate whose name is printed on the ballot unless the election board determines, on
27 the basis of other evidence, that the ballot was so marked for the purpose of
28 identifying the ballot.

29 (10) [STICKERS BEARING A CANDIDATE'S NAME MAY BE
30 AFFIXED TO THE BALLOT IN PLACE OF WRITING IN A CANDIDATE'S
31 NAME IF WRITE-IN VOTES ARE OTHERWISE PERMITTED. STICKERS MAY

1 NOT BE ISSUED BY MEMBERS OF THE ELECTION BOARD WHILE SERVING
2 AT THE POLLS. STICKERS MAY NOT BE OFFERED TO VOTERS WITHIN 200
3 FEET OF THE POLLING PLACE.

4 (11)] In order to vote for a write-in candidate, the voter must write in
5 the candidate's name in the space provided [OR PLACE A STICKER IN THE SPACE]
6 and fill in [, IN ADDITION, MARK] the oval [SQUARE] opposite the candidate's
7 name in accordance with (1) of this subsection.

8 (11) A vote for a write-in candidate, other than a write-in vote for
9 governor and lieutenant governor, shall be counted if the oval is filled in for that
10 candidate and if the name, as it appears on the write-in declaration of candidacy,
11 of the candidate or the last name of the candidate is written in the space
12 provided.

13 (12) If the write-in vote is for governor and lieutenant governor, the
14 vote shall be counted if the oval is filled in and the names, as they appear on the
15 write-in declaration of candidacy, of the candidates for governor and lieutenant
16 governor or the last names of the candidates for governor and lieutenant
17 governor, or the name, as it appears on the write-in declaration of candidacy, of
18 the candidate for governor or the last name of the candidate for governor is
19 written in the space provided.

20 (b) The rules set out in this section are mandatory and there are [SHALL BE]
21 no exceptions to them. A ballot may not be counted unless marked in compliance
22 with these rules.

23 (c) The rules set out in this section apply to [HAND-MARKED PUNCH-
24 CARD] ballots used in hand-count precincts where precinct tabulators [IF PUNCH-
25 CARD MACHINES] are not available [IN A PRECINCT].

26 * Sec. 40. AS 15.15.361 is repealed and reenacted to read:

27 Sec. 15.15.361. Stickers. The use of stickers in an election to vote for a
28 write-in candidate is prohibited.

29 * Sec. 41. AS 15.15.390 is amended to read:

30 Sec. 15.15.390. Certifying election expenses. The director shall prescribe the
31 manner of certifying, auditing, and paying election expenses, including the cost of

1 giving notice, renting polling places, paying election officials [JUDGES, CLERKS,
2 AND COUNTERS], securing a ballot box, postage, and stationery, and obtaining
3 similar election necessities.

4 * Sec. 42. AS 15.15.430 is repealed and reenacted to read:

5 **Sec. 15.15.430. Scope of the review of ballot counting.** (a) The review of
6 ballot counting by the director shall include only a review of

7 (1) the precinct registers, tallies, and ballots cast; and

8 (2) absentee and questioned ballots as prescribed by law.

9 (b) If, following the ballot review set out in (a) of this section, the director
10 finds an unexplained discrepancy in the ballot count in any precinct, the director may
11 count the ballots from that precinct. The director shall certify in writing to the state
12 ballot counting review board any changes resulting from the count.

13 * Sec. 43. AS 15.15.470 is amended to read:

14 **Sec. 15.15.470. Preservation of election ballots, papers, and materials.** The
15 director shall preserve all precinct election certificates, tallies, and registers for four
16 years after the election. All ballots and stubs for elections other than national
17 elections may be destroyed 30 days after the certification of the state ballot counting
18 review unless an application for recount has been filed and not completed, or unless
19 their destruction is stayed by an order of the court. All ballots for national elections
20 may be destroyed in accordance with federal law. The director may permit the
21 inspection of election materials upon call by the Congress, the state legislature, or a
22 court of competent jurisdiction.

23 * Sec. 44. AS 15.20.015 is amended to read:

24 **Sec. 15.20.015. Moving from house [ELECTION] district just before**
25 **election.** A person who meets all voter qualifications except the requirement [THAT
26 LISTED] in AS 15.05.010(4) is qualified to vote by absentee ballot in the house
27 [ELECTION] district in which the person formerly resided if the person lived in that
28 house [ELECTION] district for at least 30 days immediately before changing
29 residence, except that the person may vote only for

30 (1) statewide ballot measures and questions;

31 (2) candidates for federal or statewide offices;

1 (3) candidates for the state senate if the voter's former residence
2 and present residence are in the same senate district; and

3 (4) candidates for judicial retention if the voter's former residence
4 and present residence are in the same judicial district.

5 * Sec. 45. AS 15.20.020 is amended to read:

6 **Sec. 15.20.020. Provision for general administrative supervision.** The
7 director shall provide general administrative supervision over the conduct of absentee
8 voting. The director shall make available instructions to absentee voters regarding the
9 procedure for absentee voting. [ONE SET OF INSTRUCTIONS SHALL
10 ACCOMPANY EACH ABSENTEE BALLOT.]

11 * Sec. 46. AS 15.20.061(a) is amended to read:

12 (a) A qualified voter may apply in person for an absentee ballot to the
13 following election officials at the times specified:

14 (1) to an absentee voting official [IN THE ELECTION DISTRICT IN
15 WHICH THE VOTER RESIDES] on or after the 15th day before an election up to and
16 including [THE DAY BEFORE] the date of the election;

17 (2) to an election supervisor

18 (A) after a date announced by the director under
19 AS 15.20.048(b); and

20 (B) on or after the 15th day before an election up to and
21 including the date of the election;

22 (3) to an absentee voting official at an absentee voting station
23 designated under AS 15.20.045(b) at any time when the absentee voting station is
24 operating;

25 (4) [TO AN ABSENTEE VOTING OFFICIAL IN THE PRECINCT
26 IN WHICH THE VOTER RESIDES WHEN DISTANCES PRECLUDE EASY
27 ACCESS TO THE POLLING PLACE ON OR AFTER THE 15TH DAY BEFORE
28 AN ELECTION UP TO AND INCLUDING ELECTION DAY;

29 (5)] to an absentee voting official in the precinct in which no volunteers
30 can be located to serve on the election board on or after the 15th day before an
31 election up to and including election day.

1 * Sec. 47. AS 15.20.061(d) is amended to read:

2 (d) The election official may not accept a marked ballot that has been
3 exhibited by an absentee voter with intent to influence other voters. If the absentee
4 voter spoils [IMPROPERLY MARKS OR OTHERWISE DAMAGES] a ballot, the
5 voter may request and the election official shall provide another ballot up to a
6 maximum of three. Exhibited or spoiled [, IMPROPERLY MARKED, OR
7 DAMAGED] ballots shall be destroyed. The numbers of all ballots destroyed shall be
8 noted on the ballot statement.

9 * Sec. 48. AS 15.20 is amended by adding a new section to read:

10 **Sec. 15.20.064. Early voting.** (a) A qualified voter who meets the
11 requirements set out in this section may vote early in the office of an election
12 supervisor on or after the 15th day before an election up to and including election day.

13 (b) The election supervisor or other election official shall issue a ballot to the
14 voter upon

15 (1) exhibition of proof of identification as required in AS 15.15.225;

16 (2) verification that the voter's residence address appearing on the
17 official registration list is current and within the election supervisor's jurisdiction; and

18 (3) the voter's signing the early voting register.

19 (c) After the voter has marked the ballot, the voter shall place the ballot in the
20 secrecy sleeve and inform the election supervisor or other election official. The voter
21 shall deposit the ballot in the ballot box in the presence of the election supervisor or
22 other election official unless the voter requests the election supervisor or other election
23 official to deposit the ballot on the voter's behalf. The tabulation of early voting
24 ballots may not begin before 8:00 p.m. prevailing time on election day.

25 * Sec. 49. AS 15.20 is amended by adding a new section to read:

26 **Sec. 15.20.072. Special needs voting.** (a) A qualified voter with a disability
27 who, because of that disability, is unable to go to a polling place to vote may vote a
28 special needs ballot.

29 (b) The voter may, through a representative, request a special needs ballot
30 from the following election officials at the times specified:

31 (1) from an absentee voting official on or after the 15th day before an

- 1 election, up to and including election day;
- 2 (2) from an election supervisor
- 3 (A) after a date announced by the director under
- 4 AS 15.20.048(b); and
- 5 (B) on or after the 15th day before an election up to and
- 6 including election day;
- 7 (3) from an absentee voting official at an absentee voting station
- 8 designated under AS 15.20.045(b) at a time when the absentee voting station is in
- 9 operation; or
- 10 (4) from a member of the precinct election board on election day.
- 11 (c) If the request for a special needs ballot is made through a representative,
- 12 the representative shall sign a register provided by an election official. The register
- 13 must include the following information:
- 14 (1) the representative's name;
- 15 (2) the representative's residence and mailing address;
- 16 (3) the representative's social security number, voter number, or date
- 17 of birth;
- 18 (4) the name of the voter on whose behalf the representative is
- 19 requesting a ballot and voting materials;
- 20 (5) an oath that the representative
- 21 (A) is receiving a ballot and voting materials on behalf of the
- 22 voter;
- 23 (B) will not vote the ballot for the voter;
- 24 (C) will not coerce the voter;
- 25 (D) will not divulge the vote cast by the voter; and
- 26 (E) has been notified that unlawful interference with voting is
- 27 punishable under AS 15.56.030;
- 28 (6) the representative's signature.
- 29 (d) The representative shall deliver the special needs ballot and other voting
- 30 materials to the voter as soon as practicable. The voter shall mark the ballot in secret,
- 31 place the ballot in the secrecy sleeve, and place the secrecy sleeve in the envelope

1 provided. The voter shall provide the information on the envelope that would be
2 required for absentee voting if the voter voted in person. The voter shall sign the
3 voter's certificate in the presence of the representative. The representative shall sign
4 as attesting official and date the voter's signature.

5 (e) The representative shall deliver the ballot and voter certificate to an
6 election official not later than 8:00 p.m. Alaska time on election day.

7 (f) If a qualified voter's disability precludes the voter from performing any of
8 the requirements of (d) of this section, the representative may perform those
9 requirements, except making the voting decision, on the voter's behalf.

10 (g) The voter's employer, an agent of the voter's employer, or an officer or
11 agent of the voter's union may not act as a representative for the voter. A candidate
12 for office at an election may not act as a representative for a voter in the election.

13 * **Sec. 50.** AS 15.20.082(c) is amended to read:

14 (c) A special state absentee ballot prepared for the state general election or for
15 a state special election shall, if the names of candidates are not yet certified, permit
16 a voter to cast a ballot for all the candidates of a particular political party that expects
17 to have candidates appear on the ballot; for this purpose, the director shall prepare the
18 ballot with party boxes and a blank line for each office to be voted on in that election.
19 The voter may vote for a candidate for that office by writing in the name of a person
20 and filling in [MARKING] the oval [BOX] to the right of that name, or the voter may
21 mark one of the party boxes. If the voter puts a mark in a party box for that office,
22 the director shall count the mark as a vote cast for the candidate for that office
23 nominated by that party. If the voter writes in a name for an office, the vote shall be
24 counted as a write-in vote for that office. The director shall count the ballots under
25 AS 15.15.360. The director shall provide the voter with the names of each candidate
26 appearing on the primary election ballot and the names of any candidates who have
27 qualified by petition to appear on the general election ballot.

28 * **Sec. 51.** AS 15.20.190(a) is amended to read:

29 (a) Thirty days before the date of an election, the election supervisors shall
30 appoint, in the same manner provided for the appointment of election officials
31 [JUDGES] prescribed in AS 15.10 [AS 15.10.150], district absentee ballot counting

1 boards and district questioned ballot counting boards, each composed of at least four
 2 members. At least one member of each board must be a member of the same political
 3 party of which the governor is a member, and at least one member of each board must
 4 be a member of the political party whose candidate for governor received the second
 5 largest number of votes in the preceding gubernatorial election. The district boards
 6 shall assist the election supervisors in counting the absentee and questioned ballots and
 7 shall receive the same compensation paid election officials [JUDGES] under
 8 AS 15.15.380.

9 * Sec. 52. AS 15.20.205(c) is amended to read:

10 (c) The district questioned ballot counting board may [SHALL] certify the
 11 questioned ballot totals as soon as the count is completed but no later than the 15th
 12 [10TH] day following the election.

13 * Sec. 53. AS 15.20.211(a) is amended to read:

14 (a) If a qualified voter of the state votes a ballot for a house [AN ELECTION]
 15 district other than the house [ELECTION] district in which the voter is registered, that
 16 person may vote only for

17 (1) statewide ballot measures and questions;

18 (2) candidates for federal or statewide offices;

19 (3) candidates for the state senate if the voter's former residence
 20 and present residence are in the same senate district; and

21 (4) candidates for judicial retention if the voter's former residence
 22 and present residence are in the same judicial district [THE VOTES CAST FOR
 23 STATEWIDE CANDIDATES AND FOR STATEWIDE BALLOT PROPOSITIONS
 24 AND STATEWIDE QUESTIONS SHALL BE COUNTED. IF THE QUALIFIED
 25 VOTER VOTED FOR A CANDIDATE FOR THE STATE SENATE FROM THE
 26 SENATE DISTRICT IN WHICH THE VOTER IS A RESIDENT, THE VOTE
 27 SHALL BE COUNTED. THE VOTES CAST FOR CANDIDATES OR BALLOT
 28 PROPOSITIONS OR QUESTIONS NOT APPEARING ON THE BALLOT OF THE
 29 DISTRICT IN WHICH THE VOTER IS A RESIDENT MAY NOT BE COUNTED].

30 * Sec. 54. AS 15.20.480 is amended to read:

31 **Sec. 15.20.480. Procedure for recount.** In conducting the recount, the

1 director shall review all ballots, whether the ballots were counted at the precinct or by
2 computer or by the district absentee counting board or the questioned ballot counting
3 board, to determine which ballots, or part of ballots, were properly marked and which
4 ballots are to be counted in the recount, and shall check the accuracy of the original
5 count, the precinct certificate, and the review. [THE DIRECTOR SHALL CHECK
6 THE NUMBER OF BALLOTS AND QUESTIONED BALLOTS CAST IN A
7 PRECINCT AGAINST THE REGISTERS AND SHALL CHECK ABSENTEE
8 BALLOTS VOTED AGAINST ABSENTEE BALLOTS DISTRIBUTED.] The
9 director shall count absentee ballots received before the completion of the recount. For
10 administrative purposes, the director may join and include two or more applications
11 in a single review and count of votes. The rules in AS 15.15.360 governing the
12 counting of [HAND-MARKED] ballots in hand-count precincts [AND THE RULES
13 IN AS 15.20.730 GOVERNING THE COUNTING OF PUNCH-CARD BALLOTS]
14 shall be followed in the recount when a ballot is challenged on the basis of a
15 question regarding the voter's intent to vote for the candidate, proposition, or
16 question. The ballots and other election material must remain in the custody of the
17 director during the recount, and the highest degree of care shall be exercised to protect
18 the ballots against alteration or mutilation. The recount shall be completed within 10
19 days. The director may employ additional personnel necessary to assist in the recount.

20 * Sec. 55. AS 15.20.800(e) is amended to read:

21 (e) The director shall review ballots voted under this section under procedures
22 established for the review of absentee ballots under AS 15.20.201 and 15.20.203. The
23 director shall establish the schedule for counting ballots in an election conducted
24 by mail.

25 * Sec. 56. AS 15.25.040(a) is amended to read:

26 (a) The declaration is filed by either

27 (1) the actual physical delivery of the declaration in person or by mail
28 at or before 5:00 p.m., prevailing time, June 1 of the year in which a general election
29 is held for the office; or

30 (2) reliable electronic transmission [THE ACTUAL PHYSICAL
31 DELIVERY BY TELEGRAM] of a copy in substance of the statements made in

1 paragraphs (1) - (5) of the declaration as required by AS 15.25.030(a) at or before 5:00
2 p.m., prevailing time, June 1 of the year in which a general election is held for the
3 office and also the actual physical delivery of the declaration containing paragraphs
4 (1) - (16) as required by AS 15.25.030(a) by [REGISTERED] mail that [WHICH] is
5 received not more than 15 days after that time.

6 * Sec. 57. AS 15.25.100 is amended to read:

7 **Sec. 15.25.100. Placement of nominees on general election ballot.** The
8 director shall place the name of the candidate receiving the highest number of votes
9 for an office by a political party on the general election ballot. However, the director
10 may not place on the general election ballot the name of the candidate from a
11 political party receiving the greatest number of votes for the office of

12 (1) governor unless there is also a candidate for lieutenant governor
13 of that political party;

14 (2) lieutenant governor unless there is also a candidate for governor
15 of that political party.

16 * Sec. 58. AS 15.25 is amended by adding a new section to read:

17 **Sec. 15.25.105. Write-in candidates.** (a) If a candidate does not appear on
18 the primary election ballot or is not successful in advancing to the general election and
19 wishes to be a candidate in the general election, the candidate may file as a write-in
20 candidate. Votes for a write-in candidate may not be counted unless that candidate has
21 filed a letter of intent with the director stating

22 (1) the full name of the candidate;

23 (2) the full residence address of the candidate and the date on which
24 residency at that address began;

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

26 (4) the name of the political party or political group of which the
27 candidate is a member, if any;

28 (5) if the candidate is for the office of state senator or state
29 representative, the house or senate district of which the candidate is a resident;

30 (6) the office that the candidate seeks;

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

1 (8) the length of residency in the state and in the house district of the
2 candidate;

3 (9) the name of the candidate as the candidate wishes it to be written
4 on the ballot by the voter;

5 (10) that the candidate meets the specific citizenship requirements of
6 the office for which the person is a candidate;

7 (11) that the candidate will meet the specific age requirements of the
8 office for which the person is a candidate by the time that the candidate, if elected, is
9 sworn into office;

10 (12) that the candidate is a qualified voter as required by law; and

11 (13) that the candidate is not a candidate for any other office to be
12 voted on at the general election and that the candidate is not a candidate for this office
13 under any other nominating petition or declaration of candidacy.

14 (b) If a write-in candidate is running for the office of governor, the candidate
15 must file a joint letter of intent together with a candidate for lieutenant governor. Both
16 candidates must be of the same political party or group.

17 (c) A letter of intent under (a) of this section must be filed not later than five
18 days before the general election.

19 * Sec. 59. AS 15.25.130 is amended to read:

20 **Sec. 15.25.130. Selection of nominees for party petition.** The nominees of
21 political parties by party petition may be selected for statewide offices by the state
22 party central committee or in any other manner prescribed by the party bylaws, and
23 the petition for statewide offices shall be signed by the state chairperson
24 [CHAIRMAN] of the political party [CENTRAL COMMITTEE,] or, in the absence
25 of the state chairperson [CHAIRMAN], by any two members of the state party
26 central committee. The nominees of political parties by party petition may be selected
27 for district-wide offices by the respective party district committee or in any other
28 manner prescribed by the party bylaws, and the petition for district-wide offices shall
29 be signed by the chairperson [CHAIRMAN] of the party district committee, or in the
30 absence of the chairperson [CHAIRMAN], by any two members of the party district
31 committee, or in any other manner prescribed by the party bylaws. The petition may

1 be delivered in person, or by mail, telegraph, [OR] facsimile, or other reliable
2 electronic transmission.

3 * Sec. 60. AS 15.25.180(a) is amended to read:

4 (a) The petition must state in substance

5 (1) the full name of the candidate;

6 (2) the full residence address of the candidate [,] and the date on which
7 residency at that address began;

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

9 (4) the name of the political group, if any, supporting the candidate;

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

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

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

15 (8) the length of residency in the state and in the district of the
16 candidate;

17 (9) that the subscribers are qualified voters of the state or house
18 [ELECTION] or senate district in which the candidate resides;

19 (10) that the subscribers request that the candidate's name be placed on
20 the primary election ballot;

21 (11) that the proposed candidate accepts the nomination and will serve
22 if elected, with the statement signed by the proposed candidate;

23 (12) the name of the candidate as the candidate wishes it to appear on
24 the ballot; [AND]

25 (13) that the candidate is not a candidate for any other office to be
26 voted on at the primary or general election and that the candidate is not a candidate
27 for this office under any other nominating petition or declaration of candidacy;

28 (14) that the candidate meets the specific citizenship requirements
29 of the office for which the person is a candidate;

30 (15) that the candidate will meet the specific age requirements of
31 the office for which the person is a candidate by the time that the candidate, if

1 elected, is sworn into office: and

2 (16) that the candidate is a qualified voter.

3 * Sec. 61. AS 15.30.020 is amended to read:

4 Sec. 15.30.020. Number and manner of selecting candidates. Each political
5 party shall select a number of candidates for electors of President and Vice-President
6 [VICE PRESIDENT] of the United States equal to the number of senators and
7 representatives to which the state is entitled in Congress. The candidates for electors
8 shall be selected by the state party convention or in any other manner prescribed by
9 the bylaws of the party. The chairperson [CHAIRMAN] and secretary of the state
10 convention or any other party official designated by the party bylaws shall certify a
11 list of the names of candidates for electors to the director on or before September 1
12 in presidential election years.

13 * Sec. 62. AS 15.40.300 is amended to read:

14 Sec. 15.40.300. Selection of party nominees. The nominees of political
15 parties may be selected by state convention or in any other manner prescribed by the
16 party bylaws, and the petition shall be signed by the chairperson [CHAIRMAN] and
17 secretary of the state convention, or, if the nominees are selected by the party central
18 committee, the petition shall be signed by the state chairperson of the political party
19 [CHAIRMAN OF THE CENTRAL COMMITTEE] or in any other manner prescribed
20 by the party bylaws.

21 * Sec. 63. AS 15.50.040 is amended to read:

22 Sec. 15.50.040. Display of resolution. The director shall provide each
23 election board with one copy [10 COPIES] of the resolution proposing the
24 constitutional amendment by the legislature or by the convention, and the election
25 board shall display the copy [THREE COPIES] of the resolution in a conspicuous
26 place in the room where the election is held.

27 * Sec. 64. AS 15.56.016(a) is amended to read:

28 (a) A person commits the crime of campaign misconduct in the third degree
29 if

30 (1) the person violates a provision of AS 15.13 or a regulation adopted
31 under AS 15.13; or

1 (2) during the hours the polls are open and after election officials
2 [JUDGES] have posted warning notices as required by AS 15.15.170 or at the required
3 distance in the form and manner prescribed by the chief municipal elections official
4 in a local election, the person is within 200 feet of an entrance to a polling place, and

5 (A) violates AS 15.15.170; or

6 (B) circulates cards, handbills, or marked ballots, or posts
7 political signs or posters relating to a candidate at an election or election
8 proposition or question.

9 * Sec. 65. AS 15.56.030(d) is amended to read:

10 (d) For purposes of (a)(2) and (3) of this section, "other valuable thing"

11 (1) includes [, BUT IS NOT LIMITED TO,]

12 (A) an entry in a game of chance in which a prize of money or
13 other present or future pecuniary gain or advantage may be awarded to a
14 participant wherein the total of the prizes offered is greater than \$2 per
15 participant with a maximum of \$100; and

16 (B) government employment or benefits;

17 (2) does not include

18 (A) materials having a nominal value bearing the name,
19 likeness, or other identification of a candidate, political party, political group,
20 party district committee, or organization, or stating a position on a ballot
21 proposition or question;

22 (B) food and refreshments provided incidental to an activity that
23 is nonpartisan in nature and directed at encouraging persons to vote, or
24 incidental to a gathering in support of or in opposition to a candidate, political
25 party, political group, party district committee, organization, or ballot question
26 or proposition;

27 (C) care of the voter's dependents provided in connection with
28 the absence of a voter from home for the purpose of voting;

29 (D) services provided by a person acting as a [PERSONAL]
30 representative under AS 15.20.072 [AS DEFINED IN AS 15.20.071];

31 (E) services provided by an election official as defined in

1 AS 15.60.010; and

2 (F) transportation of a voter to or from the polls without charge.

3 * Sec. 66. AS 15.58.030(b) is amended to read:

4 (b) No later than July 22 [JULY 15] of a year in which a state general
5 election will be held, an individual who becomes a candidate for the office of United
6 States senator, United States representative, governor, lieutenant governor, state
7 senator, or state representative under AS 15.25.030 or 15.25.180 [UNDER
8 AS 15.25.180] may file with the lieutenant governor a photograph and a statement
9 advocating the candidacy. An individual who becomes a candidate for the office of
10 United States senator, United States representative, governor, lieutenant governor, state
11 senator, or state representative by party petition filed under AS 15.25.110 may file
12 with the lieutenant governor a photograph and a statement advocating the candidacy
13 within 10 days of becoming a candidate.

14 * Sec. 67. AS 15.58.080(a) is amended to read:

15 (a) Not less than 22 [30] days before the general election, the lieutenant
16 governor shall mail to every registered voter one copy of the pamphlet prepared for
17 the region in which the voter resides. Additional pamphlets may be obtained from the
18 director, the office of the lieutenant governor, and the area election offices.

19 * Sec. 68. AS 15.60.010(2) is amended to read:

20 (2) "ballot" means any document provided by the director on which
21 votes may be cast for candidates, propositions, or questions [A HAND-MARKED
22 BALLOT AND A PUNCH-CARD BALLOT];

23 * Sec. 69. AS 15.60.010(4) is amended to read:

24 (4) "election board" means the board appointed in accordance with
25 AS 15.10.120 [LOCAL PRECINCT BOARD COMPOSED OF THE THREE
26 ELECTION JUDGES];

27 * Sec. 70. AS 15.60.010(6) is amended to read:

28 (6) "election official" means election board members [JUDGES,
29 CLERKS, COUNTERS], members of counting or review boards, employees of the
30 division of elections, and absentee voting officials;

31 * Sec. 71. AS 15.60.010(8) is repealed and reenacted to read:

1 (8) "felony involving moral turpitude" includes those crimes that are
2 immoral or wrong in themselves such as murder, manslaughter, assault, sexual assault,
3 sexual abuse of a minor, unlawful exploitation of a minor, robbery, extortion, coercion,
4 kidnapping, incest, arson, burglary, theft, forgery, criminal possession of a forgery
5 device, offering a false instrument for recording, scheme to defraud, falsifying business
6 records, commercial bribe receiving, commercial bribery, bribery, receiving a bribe,
7 perjury, perjury by inconsistent statements, endangering the welfare of a minor, escape,
8 promoting contraband, interference with official proceedings, receiving a bribe by a
9 witness or a juror, jury tampering, misconduct by a juror, tampering with physical
10 evidence, hindering prosecution, terroristic threatening, riot, criminal possession of
11 explosives, unlawful furnishing of explosives, promoting prostitution, criminal
12 mischief, misconduct involving a controlled substance or an imitation controlled
13 substance, permitting an escape, promoting gambling, possession of gambling records,
14 distribution of child pornography, and possession of child pornography;

15 * Sec. 72. AS 15.60.010(10) is amended to read:

16 (10) "hand-counted [HAND-MARKED] ballot" means a ballot
17 designated to be counted [MARKED] by hand in precincts where precinct
18 tabulators are not available [WITH A PEN OR PENCIL];

19 * Sec. 73. AS 15.60.010(28) is amended to read:

20 (28) "senate district" means one of the [TERRITORY INCLUDED IN
21 THE ELECTION] districts described in [AS DESIGNATED IN ART. XIV, SEC. 2,
22 OF THE STATE CONSTITUTION, AS MAY BE MODIFIED UNDER] art. VI,
23 sec. 2, Constitution of the State of Alaska [OF THE STATE CONSTITUTION];

24 * Sec. 74. AS 15.60.010(31) is amended to read:

25 (31) "state chairperson [CHAIRMAN]" or "state party chairperson"
26 means the political party official elected as the highest ranking statewide party
27 executive;

28 * Sec. 75. AS 15.60.010 is amended by adding new paragraphs to read:

29 (37) "house district" means one of the districts described in art. VI, sec.
30 1, Constitution of the State of Alaska;

31 (38) "judicial district" means one of the districts defined in

1 AS 22.10.010;

2 (39) "precinct tabulators" means an electronic optical scanning ballot
3 tabulation system or other tabulator designated by the director to electronically count
4 ballots.

5 * Sec. 76. AS 29.26.050(b) is amended to read:

6 (b) Voter registration by the municipality may not be required. However, in
7 order to vote for a candidate or on a ballot measure relating to a specific local election
8 district or service area, a municipality may by ordinance require that a person be
9 registered to vote in state elections at least 30 days before the municipal election at an
10 address within the boundaries of that local election district or service area. The
11 municipality has the responsibility to determine if a voter meets the requirements
12 of the ordinance and this section.

13 * Sec. 77. AS 36.30.850(b)(7) is amended to read:

14 (7) contracts for the preparation and transportation of ballots under
15 AS 15 [AS 15.15.030];

16 * Sec. 78. AS 39.50.020(a) is amended to read:

17 (a) A public official other than the governor or the lieutenant governor shall
18 file a statement giving income sources and business interests, under oath and on
19 penalty of perjury, within 30 days after taking office as a public official. Candidates
20 for state elective office other than a candidate who is subject to AS 24.60 shall file the
21 statement with the director of elections at the time of filing a declaration of candidacy
22 or a nominating petition or becoming a candidate by any other means. Candidates for
23 elective municipal office shall file the statement at the time of filing a nominating
24 petition, declaration of candidacy, or other required filing for the elective municipal
25 office. Refusal or failure to file within [30 DAYS AFTER] the time prescribed shall
26 require that the candidate's filing fees, if any, and filing for office be refused or that
27 a previously accepted filing fee be returned and the candidate's name removed from
28 the filing records. A statement shall also be filed by public officials no later than
29 March 15 in each following year. Persons who are members of boards or commissions
30 not named in AS 39.50.200(b) are not required to file financial statements.

31 * Sec. 79. AS 43.23.016 is amended to read:

1 **Sec. 43.23.016. Voter registration.** The commissioner shall include, at the
2 department's expense, voter registration forms prepared under AS 15.07.070(b) in the
3 [WITH] permanent fund dividend application packet. The forms must include a
4 notice that an individual is not required to register to vote in order to be eligible
5 to receive a permanent fund dividend. For purposes of maintaining accurate
6 voter registration records, the commissioner shall provide the director of
7 elections with the mailing addresses of all applicants for a permanent fund
8 dividend [APPLICATIONS].

9 * **Sec. 80.** AS 15.10.130, 15.10.150; AS 15.15.030(12); 15.15.070(e); 15.15.070(f);
10 AS 15.20.190(b), 15.20.590, 15.20.600, 15.20.609, 15.20.610, 15.20.620, 15.20.630, 15.20.640,
11 15.20.650, 15.20.660, 15.20.670, 15.20.680, 15.20.685, 15.20.690, 15.20.700, 15.20.710,
12 15.20.720, 15.20.730, 15.20.740; AS 15.58.070; AS 15.60.010(5), and 15.60.010(24) are
13 repealed.

14 * **Sec. 81.** AS 15.20.071 is repealed.

15 * **Sec. 82.** The uncodified law of the State of Alaska is amended by adding a new section
16 to read:

17 **TRANSITION: REGULATIONS.** Notwithstanding sec. 86 of this Act, the director
18 of elections may proceed to adopt regulations necessary to interpret or implement this Act.
19 The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before
20 July 1, 2000.

21 * **Sec. 83.** The uncodified law of the State of Alaska is amended by adding a new section
22 to read:

23 **REVISOR'S INSTRUCTION.** In the following statute sections, the revisor shall
24 change

25 (1) references to "election district," "electoral district," or "house election
26 district" to read "house district": AS 03.20.050, AS 15.05.010(4), 15.05.012, AS 15.07.030(b),
27 15.07.090(c), 15.07.090(d), 15.07.120, AS 15.10.040, 15.10.090, AS 15.13.020(j),
28 15.13.400(10), AS 15.15.030(6), 15.15.060(d), AS 15.20.081(e), 15.20.430(a), 15.20.440(a),
29 15.20.450, AS 15.25.030(a)(3), 15.25.043, 15.25.170, AS 15.40.440, AS 15.45.500,
30 AS 15.45.530, 15.45.560, 15.45.580, 15.45.610, 15.45.680, AS 15.58.020(3), AS 44.62.430(b),
31 and AS 46.03.313(d);

1 (2) references to "election districts" to read "house districts": AS 03.20.020(a),
2 AS 15.10.110, AS 15.20.045(b), AS 15.45.140, 15.45.160, 15.45.370, 15.45.390(2), and
3 AS 15.58.020(4);

4 (3) references to "chairman" to read "chairperson": AS 15.10.140,
5 AS 15.13.020(g), 15.13.090(a), AS 15.15.090, AS 15.20.470, AS 15.40.210, 15.40.460, and
6 AS 15.58.040(b); and

7 (4) references to "chairmen" to read "chairpersons": AS 15.15.050 and
8 15.15.380.

9 * Sec. 84. Section 82 of this Act takes effect immediately under AS 01.10.070(c).

10 * Sec. 85. Sections 48, 49, 65, and 81 of this Act take effect January 1, 2001.

11 * Sec. 86. Except as provided in secs. 84 and 85 of this Act, this Act takes effect July 1,
12 2000.

HB163
Sectional Analysis for Work Draft D dated 2/2/00
Prepared by the Division of Elections

<u>SECTION</u>	<u>EXPLANATION</u>
1	Election employees exempt from jury service during the months of a primary or general election.
2, 3, 5, 8, 10, 17-25, 29, 31-33, 37, 41, 51, 59, 61-62, 64,	Change the term election judges and clerks to election officials or board members. Change term chairman to chairperson.
4, 79	Allow permanent fund dividend mailing address to be used on the official voter registration record. Requires the PFD division to pay for the printing of the voter registration form.
6	Remove requirement to have registrars. This is outdated due to the NVRA.
7	Remove requirement that Division of Elections post names of voters 40 days prior to an election. Allow for political parties to have one free list per year. This is not an efficient way for voters to identify whether or not they are properly registered. The division will be looking into other methods, such as adding more information to the present Interactive Voice Response (IVR) system that was used to locate a voter's polling place during the 1998 primary and general elections. We are also researching a secure way of posting the voter list on the internet.
9, 11	Revise wording on election board appointments. Board names will continue to be solicited from the party district committees and state central party committees. The member from the which the governor is a member and the party from which the candidate receiving the second highest number of votes may both submit two names. The election supervisor will appoint one from each of the above political parties.

12	Change the wording which appears for a ballot initiative from "For or Against" to "Yes or No." This will make the wording for ballot questions consistent throughout Title 15.
13, 50	Revise to conform to the ballot layout of optical scan ballots. Replace square with oval.
14	Change "major election districts" to "four judicial districts."
15	Change requirement mandating that posters, which provide notice of an election, be placed in each election precinct. This works in rural Alaska but not in urban Alaska. People in urban Alaska rely more on the newspaper for the notice of an election. Posting notices in rural Alaska is an adequate method of providing notice.
16	Remove requirement to include in a broadcast notice the name of the newspaper and the date the newspaper was published.
26	Update to make consistent with the new list maintenance law.
27	Remove requirement for voter to provide former address when voting a questioned ballot. This information is not used to determine the voter's eligibility and is not printed on the questioned oath and affidavit.
28	Deletes reference to a second ballot stub. Optical scan ballots only have one stub.
30	Expands the list of acceptable identification which can be provided by a voter when voting.
34, 47	Change improperly marked ballot to spoiled ballot.

35	<p>Remove the requirement that a voter, after voting, return the ballot to an election official for removal of the stub.</p> <p>Accu-Vote ballots only have one stub, which is removed by the election official when issuing the ballot.</p>
36, 38	Clarifies that this section applies to hand-count precincts.
39	<p>Clarifies that this section applies to hand-count precincts. Makes conforming changes to the ballot layout of optical scan ballots. Repeals the reference to stickers. Clarifies what name variations will be counted for write-in candidates.</p>
40	Prohibits the use of stickers by write-in candidates.
42	Updates the scope of review by the state review board. The terminology in present statute is outdated.
43	Clarifies when ballots and stubs for national and other elections can be destroyed.
44, 53	Clarifies what portions of a ballot will count if someone moves from one house district to another after the 30-day cutoff.
45	Delete requirement that an instruction sheet be provided with each absentee ballot. This is only done with by-mail ballots.
46	<p>Removes requirement that a voter may only vote absentee in-person through an Absentee Voting Official (AVO) in the voter's election district.</p> <p>Allows AVOs to conduct absentee in-person voting on election day.</p>
48	This is a new section on early voting. Applies to absentee in-person at the regional election offices. This would only apply to voters residing in house districts for which the regional office has

	<p>jurisdiction. Voters registered in HD 1-9 could vote in this manner at the Juneau office absentee voting station. Voters in HD 10-28 at the Anchorage absentee voting station. Voters registered in HD 29-36 at the Fairbanks office absentee voting station. Voters registered in HD 37-40 at the Nome office absentee voting station.</p> <p>The voter would verify that the registration information on file with the division is current and sign an early voting register. After voting the ballot, the voter would insert their ballot into the Accu-Vote precinct tabulator. Ballots would not be counted until after 8:00 p.m. on election day.</p> <p>If the voter's residence is different from that on the official registration file, the voter will be required to complete an absentee in-person oath and affidavit envelope. The voted ballot would be placed in this envelope and held for review by the regional office.</p> <p>This could significantly reduce the number of absentee ballots requiring review by the regional office. In the 1998 general election, there were 13,646 absentee in-person ballots cast. Of those, 12,038 were full count ballots.</p>
49	<p>Special needs voting. This is a replacement for the current absentee voting by personal representative. Although the division was successful in passing legislation last year to change the personal representative voting process, it is still not working.</p> <p>This would eliminate the requirement of the voter to complete an application. The voter would make a request to an elections official or through a personal contact (family member or friend) to get a special needs ballot.</p> <p>The representative would sign an oath, take the ballot and voting materials to the voter. After voting, the voter completes an oath and affidavit envelope similar to that as required by absentee in-person voting.</p> <p>The representative would serve as a witness and return the ballot to the election official.</p>
52	<p>Allows the questioned review board to finish their review of questioned ballots up to 15 days after the election. Current law</p>

	says the review must be completed by the 10 th day.
54	Clarifies that hand-count rules apply to challenges which arise during a recount concerning the voter's intent.
55	Allows the director to set the counting schedule for all by-mail elections.
56	Allows a declaration of candidacy to be filed by any reliable electronic means.
57	Requires that in order to appear on the general election ballot, each candidate for governor must have a lieutenant governor candidate and vice versa.
58	Requires that write-in candidates file a declaration with the division.
60	Make the requirements of a nominating petition the same as for declaration of candidacy.
63	Eliminate the requirement to have 10 copies of a constitutional amendment at the polling place. One copy will be posted in each precinct.
65	References new section on special needs voting.
66	Change the date material is required from candidates for the Official Election Pamphlet (OEP) from 7/15 to 7/22.
67	Change the mailing date of the OEP from 30 days before the election to 22 days.
68-70	Update definitions to conform with statute changes.

71	Update definition of felony involving moral turpitude to make it broader and easier to administer.
72-75	Update definitions to conform with statute changes.
76	Clarifies that it is the responsibility of local governments to determine if a voter qualifies to vote in a local election.
77	Adds the transportation of ballots to be exempt from state procurement procedures.
78	Makes conforming change to Title 39. Candidate must file a financial disclosure statement under AS 39.50 simultaneously with filing a declaration of candidacy.
80-81	Repealer section. Repeals Article 4 – Punch Card Voting and other outdated sections.
82	Gives authority to the director to adopt regulations to implement this Act.
83	Revisor's Instructions Global changes in Titles 3, 15, 44 and 46: "election district, electoral district or house election district" to "house district" "election districts" to "house districts" "chairman" to "chairperson"
84-86	Effective date clauses.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 163

Revision Date/Time (Note if correction) _____ Dept. Affected Office of the Governor
 Title An Act relating to voters and elections BRU Elective Operations
 Component Elections
 Sponsor Representative James
 Requester House State Affairs Committee Component No. 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual	(12.5)					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	(12.5)	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	(12.5)					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	(12.5)	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The division will no longer be required to pay for the printing of the voter registration form in the annual permanent fund dividend booklet.

Prepared by: Gail Fenumai *Gail Fenumai* Phone 465-3935
 Division Division of Elections Date/Time 2/3/00 2:53 PM
 Approved by: Lt. Governor Fran Ulmer *Fran Ulmer* Date 02/03/2000
 Agency Office of the Lieutenant Governor

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