

**HB**

**523**

**HOUSE COMMITTEE REPORT**

(7)

Date Referred to Committee: February 26, 2004

FURTHER REFERRALS: Judiciary  
Finance

Date of Committee Action: April 29, 2004

The STATE AFFAIRS Committee considered:

HB 523

HOUSE BILL NO. 523

VOTERS/VOTING/POLITICAL PARTIES/ELECTIONS

"An Act relating to qualifications of voters, voter registration, voter residence, precinct boundary modification, recognized political parties, voters unaffiliated with political parties, early voting, absentee voting, ballot counting, voting by mail, initiative, referendum, recall, and definitions; and providing for an effective date."

Recommends it be replaced with [ ] HCS or [  ] CS for HB 523 (STA)  
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR \_\_\_\_\_ [ ] Same Title [  ] New Title

- [ ] attach amendments
- [ ] add new referral to \_\_\_\_\_ Committee
- [  ] Letter of Intent HSTA Committee

List of Abbrev for Depts.:  
ADM  
CED  
COR  
CRT  
EED  
DEC  
DFG  
GOV  
HSS  
LEG  
LAW  
LWF  
MVA  
DNR  
DPS  
REV  
DOT  
UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
LAW	1			<input checked="" type="checkbox"/>
GOV		<input checked="" type="checkbox"/>		

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Greenberg	<input checked="" type="checkbox"/>			
	Lynn				<input checked="" type="checkbox"/>
	Seaton	<input checked="" type="checkbox"/>			
Chair:	Weyhrauch	<input checked="" type="checkbox"/>			
Chair:					

23-GH2021X  
Kurtz  
4/26/04

**CS FOR HOUSE BILL NO. 523(STA)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-THIRD LEGISLATURE - SECOND SESSION**

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to qualifications of voters, requirements and procedures regarding  
2 independent candidates for President and Vice-President of the United States, voter  
3 registration and voter registration records, voter residence, precinct boundary and  
4 polling place designation and modification, recognized political parties, voters  
5 unaffiliated with political parties, early voting, absentee voting, ballot design, ballot  
6 counting, optically scanned and electronically generated ballots, voting electronically,  
7 voting by mail, voting machines, vote tally systems, initiative, referendum, recall, and  
8 definitions in the Alaska Election Code; relating to incorporation elections; and  
9 providing for an effective date."

10 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

11 \* Section 1. AS 15.05.020 is amended to read:

12 **Sec. 15.05.020. Rules for determining residence of voter. For the purpose**

1 of determining residence for voting, the place of residence is governed by the  
2 following rules:

3 (1) A person may not be considered to have gained a residence solely  
4 by reason of presence nor may a person lose it solely by reason of absence while in the  
5 civil or military service of this state or of the United States or of absence because of  
6 marriage to a person engaged in the civil or military service of this state or the United  
7 States, while a student at an institution of learning, while in an institution or asylum at  
8 public expense, while confined in public prison, while engaged in the navigation of  
9 waters of this state [,] or the United States or of the high seas, while residing upon an  
10 Indian or military reservation, or while residing in the Alaska Pioneers' Home.

11 (2) The residence of a person is that place in which the person's  
12 habitation is fixed, and to which, whenever absent, the person has the intention to  
13 return. If a person resides in one place, but does business in another, the former is the  
14 person's place of residence. Temporary work sites [CONSTRUCTION CAMPS] do  
15 not constitute a dwelling place.

16 (3) A change of residence is made only by the act of removal joined  
17 with the intent to remain in another place. There can only be one residence.

18 (4) A person does not lose residence if the person leaves home and  
19 goes to another country, state, or place in this state for temporary purposes only and  
20 with the intent of returning.

21 (5) A person does not gain residence in any place to which the person  
22 comes without the present intention to establish a permanent dwelling at that place.

23 (6) A person loses residence in this state if the person votes in another  
24 state's election, either in person or by absentee ballot, and will not be eligible to vote  
25 in this state until again qualifying under AS 15.05.010.

26 (7) [REPEALED

27 (8)] The term of residence is computed by including the day on which  
28 the person's residence begins and excluding the day of election.

29 (8) [(9) REPEALED

30 (10)] The address of a voter as it appears on the [AN] official voter  
31 registration record [CARD] is presumptive evidence of the person's voting residence.

1 This presumption is negated only if [BY] the voter notifies [NOTIFYING] the  
2 director in writing of a change of voting residence.

3 \* Sec. 2. AS 15.07.060(a) is amended to read:

4 (a) Each applicant who requests registration or reregistration shall supply the  
5 following information:

6 (1) the applicant's name and sex;

7 (2) if issued, the applicant's State of Alaska driver's license number or  
8 State of Alaska identification card number, or the last four digits of the applicant's  
9 social security number;

10 (3) the applicant's date of birth;

11 (4) the applicant's Alaska residence address, as specified in  
12 regulations adopted by the director [AND OTHER NECESSARY INFORMATION  
13 ESTABLISHING RESIDENCE, INCLUDING THE TERM OF RESIDENCE IN  
14 THE STATE AND IN THE DISTRICT, IF REQUESTED];

15 (5) a statement of whether the applicant has previously been  
16 registered to vote in another jurisdiction, and, if so, the jurisdiction and the address of  
17 the previous registration;

18 (6) a declaration that the applicant [REGISTRANT] will be 18 years  
19 of age or older within 90 days after [OF] the date of registration;

20 (7) a declaration that the applicant [REGISTRANT] is a citizen of the  
21 United States;

22 (8) the date of application;

23 (9) the applicant's signature or mark;

24 (10) any former name under which the applicant was registered to vote  
25 in the state;

26 (11) an oath [ATTESTATION] that the information provided by the  
27 applicant in (1) - (10) of this subsection is true; and

28 (12) a certification that the applicant understands that a false statement  
29 on the application may make the applicant subject to prosecution for a misdemeanor  
30 under this title or AS 11.

31 \* Sec. 3. AS 15.07 is amended by adding a new section to read:

1           **Sec. 15.07.195. Certain information in voter registration records**  
2 **confidential.** (a) The following information set out in state voter registration records  
3 is confidential and is not open to public inspection:

- 4           (1) the voter's age or date of birth;  
5           (2) the voter's social security number, or any part of that number;  
6           (3) the voter's driver's license number;  
7           (4) the voter's telephone number, if shown in those records;  
8           (5) the voter's voter identification number;  
9           (6) the voter's place of birth;  
10          (7) the voter's signature.

11           (b) In addition to the information in (a) of this section, the name and address  
12 of a voter who has been the victim of domestic violence shall be confidential and not  
13 open to public inspection if the voter requests in writing that the voter's name and  
14 address not be released.

15           (c) Notwithstanding other provisions, and in compliance with federal law,  
16 information made confidential by this section may be released by the division

17           (1) to a local, state, or federal government agency, including to the  
18 child support enforcement agency created in AS 25.27.010 or the child support  
19 enforcement agency of another state; the agency receiving information under this  
20 paragraph may use the information only for governmental purposes authorized under  
21 law;

22           (2) in compliance with a court order;

23           (3) to a person holding a writ of execution against the person or  
24 property of the voter; or

25           (4) if the voter about whom information has been requested has  
26 provided written consent to the release.

27 \* **Sec. 4.** AS 15.10.090 is repealed and reenacted to read:

28           **Sec. 15.10.090. Notice of precinct boundary or polling place designation**  
29 **and modification.** The director shall give full public notice if a precinct is established  
30 or abolished or if the boundaries of a precinct are designated, abolished, or modified,  
31 or if the location of a polling place is changed. Public notice must include

1 (1) whenever possible, sending written notice of the change to each  
2 affected registered voter in the precinct;

3 (2) providing notice of the change

4 (A) by publication three times in a local newspaper of general  
5 circulation in the precinct; or

6 (B) if there is not a local newspaper of general circulation in  
7 the precinct, by posting written notice in three conspicuous places as close to  
8 the precinct as possible; at least one posting location must be in the precinct;

9 (3) posting notice of the change on the Internet site of the division of  
10 elections; and

11 (4) providing notification of the change to the appropriate municipal  
12 clerks, community councils, tribal groups, presiding officers, Native villages, and  
13 village regional corporations established under 43 U.S.C. 1606 (Alaska Native Claims  
14 Settlement Act).

15 \* Sec. 5. AS 15.15.030(6) is repealed and reenacted to read:

16 (6) For each contested office, the division shall rotate the order in  
17 which candidates' names appear on the ballot to ensure, as much as reasonably  
18 possible, that each candidate's name appears at the top of the list an equal number of  
19 times on the ballots that are distributed.

20 \* Sec. 6. AS 15.15.030(7) is amended to read:

21 (7) The general election ballot shall be designed with the names of  
22 candidates of each political party, and of any independent candidates qualified  
23 under AS 15.30.026, for the office of President and Vice-President of the United  
24 States placed in the same section on the ballot rather than the names of electors of  
25 President and Vice-President.

26 \* Sec. 7. AS 15.15.030(13) is amended to read:

27 (13) The [NOTWITHSTANDING ANY OTHER PROVISION OF  
28 THIS TITLE, THE] director may provide for the optical scanning of ballots  
29 [VOTING BY USE OF ELECTRONIC BALLOTING EQUIPMENT OR  
30 OPTICALLY SCANNED BALLOTS] where the requisite equipment is available. [IF  
31 THE DIRECTOR PROVIDES FOR VOTING BY USE OF ELECTRONIC

1           BALLOTING EQUIPMENT, THE DIRECTOR SHALL PROVIDE ELECTRONIC  
2           BALLOTING EQUIPMENT THAT WOULD ALLOW VOTERS WITH  
3           DISABILITIES, INCLUDING THOSE WHO ARE BLIND OR VISUALLY  
4           IMPAIRED, TO CAST PRIVATE, INDEPENDENT, AND VERIFIABLE  
5           BALLOTS.]

6           \* **Sec. 8.** AS 15.15.030 is amended by adding a new paragraph to read:

7                           (14) The director may provide for voting by use of electronically  
8                           generated ballots by a voter who requests to use a machine that produces electronically  
9                           generated ballots.

10           \* **Sec. 9.** AS 15.15 is amended by adding a new section to read:

11                           **Sec. 15.15.032. Use of electronically generated ballots.** (a) If the director  
12                           provides for voting by use of electronically generated ballots, the director shall  
13                           provide balloting equipment that would allow voters with disabilities, including those  
14                           who are blind or visually impaired, to cast private, independent, and verifiable ballots.  
15                           The director may not provide for more than one machine that produces electronically  
16                           generated ballots in a precinct or in a regional supervisor's office, except where the  
17                           director determines that additional machines are needed to accommodate the needs of  
18                           individuals with disabilities, including individuals with physical limitations or visual  
19                           impairments.

20                           (b) Software for voting by use of electronically generated ballots shall be  
21                           tested and certified under AS 15.20.900.

22                           (c) The director shall provide for a paper record of each electronically  
23                           generated ballot that can be

24   (1) reviewed and corrected by the voter at the time the vote is cast; and

25   (2) used for a recount of the votes cast at an election in which  
26                           electronically generated ballots were used."

27           \* **Sec. 10.** AS 15.15.040 is amended by adding a new subsection to read:

28                           (d) Every sample ballot containing the names of candidates must also include  
29                           the following statement: "**Candidates' names may appear in a different order on**  
30                           **the actual ballot.**"

31           \* **Sec. 11.** AS 15.15.350(a) is amended to read:

1 (a) The director may adopt regulations prescribing the manner in which the  
2 precinct ballot count is accomplished so as to ensure [ASSURE] accuracy in the count  
3 and to expedite the process. The election board shall account for all ballots by  
4 completing a ballot statement containing (1) the number of official ballots received;  
5 (2) the number of official ballots voted; (3) the number of official ballots spoiled; (4)  
6 the number of official ballots unused and either destroyed or returned for  
7 destruction to the elections supervisor or the election supervisor's designee. The  
8 board shall count the number of questioned ballots and [SHALL] compare that  
9 number to the number of questioned voters in the register. Discrepancies shall be  
10 noted and the numbers included in the certificate prescribed by AS 15.15.370. The  
11 election board, in hand-count precincts, shall count the ballots in a manner that allows  
12 watchers to see the ballots when opened and read. A person handling the ballot after it  
13 has been taken from the ballot box and before it is placed in the envelope for mailing  
14 may not have a marking device in hand or remove a ballot from the immediate vicinity  
15 of the polls.

16 \* Sec. 12. AS 15.20.045(b) is amended to read:

17 (b) The director may designate by regulation adopted under AS 44.62  
18 (Administrative Procedure Act) locations at which absentee voting stations will be  
19 operated for 15 days [ON OR AFTER THE 15TH DAY] before an election and on  
20 election day [UP TO AND INCLUDING THE DATE OF THE ELECTION]. The  
21 director shall supply absentee voting stations with ballots for all house districts in the  
22 state and shall designate absentee voting officials to serve at absentee voting stations.

23 \* Sec. 13. AS 15.20.064(a) is amended to read:

24 (a) For 15 days before an election and on election day, a [A] qualified voter  
25 who meets the requirements set out in this section may vote in locations designated  
26 by the director [EARLY IN THE OFFICE OF AN ELECTION SUPERVISOR ON  
27 OR AFTER THE 15TH DAY BEFORE AN ELECTION UP TO AND INCLUDING  
28 ELECTION DAY].

29 \* Sec. 14. AS 15.20.064(b) is amended to read:

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

- 1 (1) exhibition of proof of identification as required in AS 15.15.225;  
2 (2) verification that the voter's residence address appearing on the  
3 official registration list is current [AND WITHIN THE ELECTION SUPERVISOR'S  
4 JURISDICTION]; and  
5 (3) the voter's signing the early voting register.

6 \* Sec. 15. AS 15.20.066(b) is amended to read:

7 (b) An absentee ballot that is completed and returned by the voter by  
8 electronic transmission must

9 (1) contain the following statement: "I understand that, by using  
10 electronic transmission to return my marked ballot, I am voluntarily waiving a portion  
11 of my right to a secret ballot to the extent necessary to process my ballot, but expect  
12 that my vote will be held as confidential as possible, [.]" followed by the voter's  
13 signature and date of signature; and

14 (2) be accompanied by a statement executed under oath as to the  
15 voter's identity; the statement under oath must be witnessed by

16 (A) a commissioned or noncommissioned officer of the armed  
17 forces of the United States;

18 (B) an official authorized by federal law or the law of the state  
19 in which the absentee ballot is cast to administer an oath; or

20 (C) a [TWO] United States citizen [CITIZENS] who is [ARE]  
21 18 years of age or older.

22 \* Sec. 16. AS 15.20.081(d) is amended to read:

23 (d) Upon receipt of an absentee ballot by mail, the voter, in the presence of a  
24 notary public, commissioned officer of the armed forces including the National Guard,  
25 district judge or magistrate, United States postal official, registration official, or other  
26 person qualified to administer oaths, may proceed to mark the ballot in secret, to place  
27 the ballot in the secrecy sleeve, to place the secrecy sleeve in the envelope provided,  
28 and to sign the voter's certificate on the envelope in the presence of an official listed in  
29 this subsection who shall sign as attesting official and shall date the signature. If none  
30 of the officials listed in this subsection is reasonably accessible, an absentee voter  
31 shall sign the voter's certificate in the presence of one person who is a United States

1        citizen and is [TWO PERSONS OVER THE AGE OF] 18 years of age or older, who  
2        shall sign as a witness [WITNESSES] and attest to the date on which the voter signed  
3        the certificate in the person's [THEIR] presence, and, in addition, the voter shall  
4        provide the certification prescribed in AS 09.63.020.

5        \* **Sec. 17.** AS 15.20.081(h) is amended to read:

6                (h) Except as provided in AS 15.20.480, an absentee ballot returned by mail  
7        from outside the United States or from an overseas voter qualifying under  
8        AS 15.05.011 [A MILITARY APO OR FPO ADDRESS] that has been marked and  
9        mailed not later than election day may not be counted unless the ballot is received by  
10       the election supervisor not later than the close of business on the 15th day following  
11       the election.

12       \* **Sec. 18.** AS 15.20.800(b) is amended to read.

13                (b) If the director conducts an election under (a) of this section by mail, the  
14       director shall send a ballot for each election described in (a) of this section to each  
15       person whose name appears on the official registration list prepared under  
16       AS 15.07.125 for that election. The director shall send ballots by first class,  
17       nonforwardable mail. The ballot shall be sent to the address stated on the official  
18       registration list unless the

19                        (1) voter has notified the director or an election supervisor of a  
20       different address to which the ballot should be sent; or

21                        (2) address on the official registration list has been identified as  
22       being an undeliverable address [THE DIRECTOR SHALL SEND BALLOTS BY  
23       FIRST CLASS, NONFORWARDABLE MAIL].

24       \* **Sec. 19.** AS 15.20 is amended by adding a new section to article 5 to read:

25                **Sec. 15.20.910. Standards for voting machines and vote tally systems.** The  
26       director may approve a voting machine or vote tally system for use in an election in  
27       the state upon consideration of factors relevant to the administration of state elections,  
28       including whether the Federal Election Commission has certified the voting machine  
29       or vote tally system to be in compliance with the voting system standards approved by  
30       the Federal Election Commission as required by 42 U.S.C. 15481(a)(5) (Help America  
31       Vote Act of 2002).

1 \* **Sec. 20.** AS 15.30 is amended by adding a new section to read:

2           **Sec. 15.30.026. Qualifications for independent candidates for President of**  
3 **the United States; selection of candidate for Vice-President; selection of electors.**

4 (a) A person who desires to be an independent candidate for President of the United  
5 States must file with the director not earlier than January 1 of a presidential election  
6 year and not later than the 90th day before a presidential general election a petition  
7 signed by qualified voters of the state equal in number to at least one percent of the  
8 number of voters who cast ballots in an election under this chapter for President of the  
9 United States at the last presidential general election. The petition must state that the  
10 signers desire the named candidate for President of the United States to appear on the  
11 ballot as an independent candidate for president at the next succeeding presidential  
12 general election.

13 (b) In order to appear on the ballot, a candidate who has qualified for ballot  
14 status under (a) of this section shall certify the following information to the director on  
15 or before September 1 of the year of the presidential general election:

16 (1) the names of the electors for the independent candidate for  
17 President of the United States, equal to the number of senators and representatives to  
18 which the state is entitled in Congress;

19 (2) the name of a candidate for Vice-President, selected by the  
20 independent candidate; and

21 (3) the name, Alaska mailing address, and signature of the candidate's  
22 state campaign chair, who must be an Alaska resident.

23 \* **Sec. 21.** AS 15.30.050 is amended to read:

24           **Sec. 15.30.050. Interpretation of votes cast for candidates for President**  
25 **and Vice-President [VICE PRESIDENT].** In voting for presidential electors, a vote  
26 marked for the candidates for President and Vice-President [VICE PRESIDENT] is  
27 considered and counted as a vote for the presidential electors of the party or for the  
28 presidential electors named under AS 15.30.026, as appropriate.

29 \* **Sec. 22.** AS 15.30.090 is amended to read:

30           **Sec. 15.30.090. Duties of electors.** After any vacancies have been filled, the  
31 electors shall proceed to cast their votes for the candidates for the office of President

1 and Vice-President [VICE PRESIDENT] of the party that [WHICH] selected them as  
2 candidates for electors, or for the candidates for the office of President and Vice-  
3 President under AS 15.30.026 if the electors were named under AS 15.30.026, and  
4 shall perform the duties of electors as required by the constitution and laws of the  
5 United States. The director shall provide administrative services and the Department  
6 of Law shall provide legal services necessary for the electors to perform their duties.

7 \* Sec. 23. AS 15.45.030 is amended to read:

8 **Sec. 15.45.030. Form of application.** The application must [SHALL]  
9 include the

10 (1) [THE] proposed bill; [TO BE INITIATED,]

11 (2) printed name, signature, address, and date of birth of not less  
12 than 100 qualified voters who will serve as sponsors; each signature page must  
13 include a statement that the sponsors are qualified voters who signed the application  
14 with the proposed bill attached; and [,]

15 (3) [THE] designation of an initiative committee consisting of three of  
16 the sponsors who subscribed to the application and [SHALL] represent all sponsors  
17 and subscribers in matters relating to the initiative; the designation must include the  
18 name, mailing address, and signature of each committee member [, AND

19 (4) THE SIGNATURES AND ADDRESSES OF NOT LESS THAN  
20 100 QUALIFIED VOTERS].

21 \* Sec. 24. AS 15.45.060 is amended to read:

22 **Sec. 15.45.060. Designation of sponsors.** The qualified voters who subscribe  
23 to the application in support of the proposed bill are designated as sponsors. The  
24 initiative committee may designate additional sponsors by giving written notice to the  
25 lieutenant governor of the names and addresses of those so designated.

26 \* Sec. 25. AS 15.45.090 is amended to read:

27 **Sec. 15.45.090. Preparation of petition.** If the application is certified, the  
28 lieutenant governor shall prescribe the form of and prepare petitions containing (1) a  
29 copy of the proposed bill if the number of words included in both the formal and  
30 substantive provisions of the bill is 500 or less; [,] (2) an impartial summary of the  
31 subject matter of the bill; [,] (3) the warning prescribed in AS 15.45.100; [,] (4)

1 sufficient space for the printed name, date of birth, signature, and address of each  
2 person signing the petition; [,] (5) sufficient space at the bottom of each signature  
3 page for the information required by AS 15.45.130(8); [,] and (5) other specifications  
4 prescribed by the lieutenant governor to ensure [ASSURE] proper handling and  
5 control. Petitions, for purposes of circulation, shall be prepared by the lieutenant  
6 governor in a number reasonably calculated to allow full circulation throughout the  
7 state and shall be sequentially numbered [. THE LIEUTENANT GOVERNOR  
8 SHALL NUMBER EACH PETITION AND SHALL KEEP A RECORD OF THE  
9 PETITION DELIVERED TO EACH SPONSOR]. Upon request of the initiative  
10 committee, the lieutenant governor shall report to the initiative committee the  
11 number of persons who voted in the preceding general election.

12 \* Sec. 26. AS 15.45 is amended by adding a new section to read:

13 **Sec. 15.45.105. Qualifications of circulator.** To circulate a petition booklet,  
14 a person shall be

- 15 (1) a citizen of the United States;
- 16 (2) 18 years of age or older; and
- 17 (3) a resident of the state as determined under AS 15.05.020.

18 \* Sec. 27. AS 15.45.120 is amended to read:

19 **Sec. 15.45.120. Manner of signing and withdrawing name from petition.**  
20 Any qualified voter may subscribe to the petition by printing the voter's name, date  
21 of birth, and address, and by signing the voter's name [AND ADDRESS]. A person  
22 who has signed the initiative petition may withdraw the person's name only by giving  
23 written notice to the lieutenant governor before the date the petition is filed.

24 \* Sec. 28. AS 15.45.130 is repealed and reenacted to read:

25 **Sec. 15.45.130. Certification of circulator.** Before being filed, each petition  
26 shall be certified by an affidavit by the person who personally circulated the petition.  
27 In determining the sufficiency of the petition, the lieutenant governor may not count  
28 subscriptions on petitions not properly certified at the time of filing or corrected before  
29 the subscriptions are counted. The affidavit must state in substance that

- 30 (1) the circulator signing the affidavit meets the residency, age, and  
31 citizenship qualifications for circulating a petition under AS 15.45.105;

- 1 (2) the person is the only circulator of that petition;
- 2 (3) the signatures were made in the circulator's actual presence;
- 3 (4) to the best of the circulator's knowledge, the signatures are those of
- 4 the persons whose names they purport to be;
- 5 (5) the signatures are of persons who were qualified voters on the date
- 6 of signature;
- 7 (6) the circulator has not entered into an agreement with a person or
- 8 organization in violation of AS 15.45.110(c);
- 9 (7) the circulator has not violated AS 15.45.110(d) with respect to that
- 10 petition; and
- 11 (8) if the circulator has received payment or agreed to receive payment
- 12 for the collection of signatures on the petition, before circulating the petition, the
- 13 circulator prominently placed, in the space provided under AS 15.45.090(5), the name
- 14 of each person or organization that has paid or agreed to pay the circulator for
- 15 collection of signatures on the petition.

16 \* **Sec. 29.** AS 15.45.200 is amended to read:

17 **Sec. 15.45.200. Display of proposed law.** The director shall provide each

18 election board with five [10] copies of the proposed law being initiated, and the

19 election board shall display at least one copy [THREE COPIES] of the proposed law

20 in a conspicuous place in the room where the election is held.

21 \* **Sec. 30.** AS 15.45.270 is amended to read:

22 **Sec. 15.45.270. Form of application.** The application must [SHALL]

23 include

- 24 (1) the act to be referred;
- 25 (2) a statement of approval or rejection;
- 26 (3) the printed signature, address, and date of birth of not less
- 27 than 100 qualified voters who will serve as sponsors; each signature page must
- 28 include a statement that the sponsors are qualified voters who signed the application
- 29 with the act to be referred and the statement of approval or rejection
- 30 [PROPOSED BILL] attached; and
- 31 (4) [(3)] the designation of a referendum committee consisting of three

1 of the sponsors who subscribed to the application and [SHALL] represent all  
2 sponsors and subscribers in matters relating to the referendum; the designation must  
3 include the name, address, and signature of each committee member [AND

4 (4) THE SIGNATURES AND ADDRESSES OF NOT FEWER  
5 THAN 100 QUALIFIED VOTERS].

6 \* Sec. 31. AS 15.45.290 is amended to read:

7 **Sec. 15.45.290. Designation of sponsors.** The qualified voters who subscribe  
8 to the application in support of the referendum are designated as sponsors. The  
9 referendum committee may designate additional sponsors by giving notice to the  
10 lieutenant governor of the names and addresses of those so designated.

11 \* Sec. 32. AS 15.45.320 is amended to read:

12 **Sec. 15.45.320. Preparation of petition.** If the application is certified, the  
13 lieutenant governor shall, within seven calendar days after the date of certification,  
14 prescribe the form of, and prepare, a petition containing (1) a copy of the act to be  
15 referred, if the number of words included in both the formal and substantive  
16 provisions of the bill is 500 or less; [,] (2) the statement of approval or rejection;  
17 (3) an impartial summary of the subject matter of the act; (4) [, (3)] the warning  
18 prescribed in AS 15.45.330; (5) [, (4)] sufficient space for the printed name, date of  
19 birth, signature, and address of each person signing the petition; (6) sufficient  
20 space at the bottom of each page for the information required by  
21 AS 15.45.360(8); [SIGNATURES AND ADDRESSES,] and (7) [(5)] other  
22 specifications prescribed by the lieutenant governor to ensure [ASSURE] proper  
23 handling and control. Petitions, for purposes of circulation, shall be prepared by the  
24 lieutenant governor in a number reasonably calculated to allow full circulation  
25 throughout the state and shall be sequentially numbered [. THE LIEUTENANT  
26 GOVERNOR SHALL NUMBER EACH PETITION AND SHALL KEEP A  
27 RECORD OF THE PETITIONS DELIVERED TO EACH SPONSOR]. Upon request  
28 of the referendum committee, the lieutenant governor shall report to the referendum  
29 committee [SPECIFY] the number of persons who voted in the preceding general  
30 election.

31 \* Sec. 33. AS 15.45 is amended by adding a new section to read:

1           **Sec. 15.45.335. Qualifications of circulator.** To circulate a petition booklet,  
2 a person shall be

- 3                   (1) a citizen of the United States;  
4                   (2) 18 years of age or older; and  
5                   (3) a resident of the state as determined under AS 15.05.020.

6 \* **Sec. 34.** AS 15.45.340 is amended by adding new subsections to read:

7           (b) A circulator may not receive payment or agree to receive payment that is  
8 greater than \$1 a signature, and a person or an organization may not pay or agree to  
9 pay an amount that is greater than \$1 a signature, for the collection of signatures on a  
10 petition.

11           (c) A person or organization may not knowingly pay, offer to pay, or cause to  
12 be paid money or other valuable thing to a person to sign or refrain from signing a  
13 petition.

14           (d) A person or organization that violates (b) or (c) of this section is guilty of a  
15 class B misdemeanor.

16           (e) In this section,

- 17                   (1) "organization" has the meaning given in AS 11.81.900;  
18                   (2) "other valuable thing" has the meaning given in AS 15.56.030;  
19                   (3) "person" has the meaning given in AS 11.81.900.

20 \* **Sec. 35.** AS 15.45.350 is amended to read:

21           **Sec. 15.45.350. Manner of signing and withdrawing name from petition.**  
22 Any qualified voter may subscribe to the petition by printing the voter's name, date  
23 of birth, and address, and by signing the voter's name [AND ADDRESS]. A person  
24 who has signed the referendum petition may withdraw the person's name only by  
25 giving written notice to the lieutenant governor before the date the petition is filed.

26 \* **Sec. 36.** AS 15.45.360 is repealed and reenacted to read:

27           **Sec. 15.45.360. Certification of circulator.** Before being filed, each petition  
28 shall be certified by an affidavit by the person who personally circulated the petition.  
29 In determining the sufficiency of the petition, the lieutenant governor may not count  
30 subscriptions on petitions not properly certified at the time of filing or corrected before  
31 the subscriptions are counted. The affidavit must state in substance that

1 (1) the person signing the affidavit meets the residency, age, and  
2 citizenship qualifications for circulating a petition under AS 15.45.335;

3 (2) the person is the only circulator of the petition;

4 (3) the signatures were made in the circulator's actual presence;

5 (4) to the best of the circulator's knowledge, the signatures are the  
6 signatures of persons whose names they purport to be;

7 (5) the signatures are of persons who were qualified voters on the date  
8 of signature;

9 (6) the circulator has not entered into an agreement with a person or  
10 organization in violation of AS 15.45.340(b);

11 (7) the circulator has not violated AS 15.45.340(c) with respect to that  
12 petition; and

13 (8) before circulation of the petition, the circulator prominently placed,  
14 in the space provided under AS 15.45.320(6), if the circulator has received payment or  
15 agreed to receive payment for the collection of signatures on the petition, the name of  
16 each person or organization that has paid or agreed to pay the circulator for collection  
17 of signatures on the petition.

18 \* Sec. 37. AS 15.45.430 is amended to read:

19 **Sec. 15.45.430. Display of act being referred.** The director shall provide  
20 each election board with five [10] copies of the act being referred, and the election  
21 board shall display at least one copy [THREE COPIES] of the act in a conspicuous  
22 place in the room where the election is held.

23 \* Sec. 38. AS 15.45.500 is amended to read:

24 **Sec. 15.45.500. Form of application.** The application must include

25 (1) the name and office of the person to be recalled;

26 (2) the grounds for recall described in particular in not more than 200  
27 words;

28 (3) the printed name, signature, address, and date of birth of  
29 qualified voters equal in number to 10 percent of those who voted in the  
30 preceding general election in the state or in the senate or house district of the  
31 official sought to be recalled; each signature page must include a statement that the

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[SPONSORS ARE] qualified voters [WHO]

(A) will serve as sponsors; and

(B) signed the application with

(i) the name and office of the person to be recalled;

and

(ii) the statement of grounds for recall attached; and

(4) the designation of a recall committee consisting of three of the qualified voters [SPONSORS] who subscribed to the application and shall represent all sponsors and subscribers in matters relating to the recall; the designation must include the name, mailing address, and signature of each committee member

[(5) THE SIGNATURES OF AT LEAST 100 QUALIFIED VOTERS WHO SUBSCRIBE TO THE APPLICATION AS SPONSORS FOR PURPOSES OF CIRCULATION; AND

(6) THE SIGNATURES AND ADDRESSES OF QUALIFIED VOTERS EQUAL IN NUMBER TO 10 PERCENT OF THOSE WHO VOTED IN THE PRECEDING GENERAL ELECTION IN THE STATE OR IN THE SENATE OR HOUSE DISTRICT OF THE OFFICIAL SOUGHT TO BE RECALLED].

\* Sec. 39. AS 15.45 is amended by adding a new section to read:

**Sec. 15.45.515. Designation of sponsors.** The qualified voters who subscribe to the application in support of the recall are designated as sponsors. The recall committee may designate additional sponsors by giving notice to the lieutenant governor of the names, addresses, and dates of birth of those so designated.

\* Sec. 40. AS 15.45.560 is amended to read:

**Sec. 15.45.560. Preparation of petition.** If [UPON CERTIFYING] the application is certified, the director shall prescribe the form of, and prepare, a petition containing (1) the name and office of the person to be recalled; [,] (2) the statement of the grounds for recall included in the application; [,] (3) the statement of warning required in AS 15.45.570; [,] (4) sufficient space for the printed name, date of birth, signature, and address of each person signing the petition; [SIGNATURES AND ADDRESSES, AND] (5) sufficient space at the bottom of each page for the

1 information required by AS 15.45.600(8); and (6) other specifications prescribed by  
2 the director to ensure [ASSURE] proper handling and control. Petitions, for purposes  
3 of circulation, shall be prepared by the director in a number reasonably calculated to  
4 allow full circulation throughout the state or throughout the senate or house district of  
5 the official sought to be recalled and shall be sequentially numbered. Upon request  
6 of the recall committee, the lieutenant governor shall report to the recall  
7 committee the number of persons who voted in the preceding general election in  
8 the state or in the district of the official sought to be recalled. [THE DIRECTOR  
9 SHALL NUMBER EACH PETITION AND SHALL KEEP A RECORD OF THE  
10 PETITIONS DELIVERED TO EACH SPONSOR.]

11 \* **Sec. 41.** AS 15.45.570 is amended to read:

12 **Sec. 15.45.570. Statement of warning.** Each petition must [AND  
13 DUPLICATE COPY SHALL] include a statement of warning that a person who signs  
14 a name other than the person's own to the petition, or who knowingly signs more than  
15 once for the same proposition at one election, or who signs the petition while  
16 knowingly not a qualified voter, is guilty of a class B misdemeanor.

17 \* **Sec. 42.** AS 15.45 is amended by adding a new section to read:

18 **Sec. 15.45.575. Qualifications of circulator.** To circulate a petition booklet,  
19 a person shall be

- 20 (1) a citizen of the United States;  
21 (2) 18 years of age or older; and  
22 (3) a resident of the state as determined under AS 15.05.020.

23 \* **Sec. 43.** AS 15.45.580 is amended by adding new subsections to read:

24 (b) A circulator may not receive payment or agree to receive payment that is  
25 greater than \$1 a signature, and a person or an organization may not pay or agree to  
26 pay an amount that is greater than \$1 a signature, for the collection of signatures on a  
27 petition.

28 (c) A person or organization may not knowingly pay, offer to pay, or cause to  
29 be paid money or other valuable thing to a person to sign or refrain from signing a  
30 petition.

31 (d) A person or organization that violates (b) or (c) of this section is guilty of a

1 class B misdemeanor.

2 (e) In this section,

3 (1) "organization" has the meaning given in AS 11.81.900;

4 (2) "other valuable thing" has the meaning given in AS 15.56.030;

5 (3) "person" has the meaning given in AS 11.81.900.

6 \* **Sec. 44.** AS 15.45.590 is amended to read:

7 **Sec. 15.45.590. Manner of signing and withdrawing name from petition.**

8 Any qualified voter may subscribe to the petition by printing the voter's name, date  
9 of birth, and address, and by signing the voter's name [AND ADDRESS]. A person  
10 who has signed the petition may withdraw the person's name only by giving written  
11 notice to the director before the date the petition is filed.

12 \* **Sec. 45.** AS 15.45.600 is repealed and reenacted to read:

13 **Sec. 15.45.600. Certification of circulator.** Before being filed, each petition  
14 shall be certified by an affidavit by the person who personally circulated the petition.  
15 In determining the sufficiency of the petition, the lieutenant governor may not count  
16 subscriptions on petitions not properly certified at the time of filing or corrected before  
17 the subscriptions are counted. The affidavit must state in substance that

18 (1) the person signing the affidavit meets the residency, age, and  
19 citizenship qualifications for circulating a petition under AS 15.45.575;

20 (2) the person is the only circulator of the petition;

21 (3) the signatures were made in the circulator's actual presence;

22 (4) to the best of the circulator's knowledge, the signatures are the  
23 signatures of persons whose names they purport to be;

24 (5) the signatures are of persons who were qualified voters on the date  
25 of signature;

26 (6) the circulator has not entered into an agreement with a person or  
27 organization in violation of AS 15.45.580(b);

28 (7) the circulator has not violated AS 15.45.580(c) with respect to that  
29 petition; and

30 (8) before circulation of the petition, the circulator prominently placed,  
31 in the space provided under AS 15.45.560(5), if the circulator has received payment or

1           agreed to receive payment for the collection of signatures on the petition, the name of  
2           each person or organization that has paid or agreed to pay the circulator for collection  
3           of signatures on the petition.

4           \* **Sec. 46.** AS 15.45.680 is amended to read:

5                   **Sec. 15.45.680. Display of grounds [BASES] for and against recall.** The  
6           director shall provide each election board in the state or in the senate or house district  
7           of the person subject to recall with five [10] copies of the statement of the grounds for  
8           recall included in the application and five [10] copies of the statement of not more  
9           than 200 words made by the official subject to recall in justification of the official's  
10          conduct in office. The person subject to recall may provide the director with the  
11          statement within 10 days after the date the director gave notification that the petition  
12          was properly filed. The election board shall post at least one copy [THREE COPIES]  
13          of the statements for and against recall in a [THREE] conspicuous place [PLACES] in  
14          the polling place.

15          \* **Sec. 47.** AS 15.60 is amended by adding a new section to read:

16                   **Sec. 15.60.003. Voters unaffiliated with political parties.** The director shall  
17          consider a voter to be a voter registered as

18                   (1) "nonpartisan" and without a preference for a political party if the  
19          voter registers as nonpartisan on a voter registration form;

20                   (2) "undeclared" if the voter

21                           (A) registers as undeclared on a voter registration form;

22                           (B) fails to declare an affiliation with a political group or  
23          political party on a voter registration form; or

24                           (C) declares an affiliation with an entity other than a political  
25          party or political group on a voter registration form; or

26                   (3) "other" if the voter declares on a voter registration form an  
27          affiliation with a political group.

28          \* **Sec. 48.** AS 15.60 is amended by adding a new section to read:

29                   **Sec. 15.60.008. Recognized political party status.** (a) A political group that  
30          the director has not recognized as a political party may obtain recognized political  
31          party status if, on or before May 31 of the first election year for which the political

1 group seeks recognition, the political group

2 (1) files an application with the director;

3 (2) submits bylaws to the director and the United States Department of  
4 Justice as required of political parties in AS 15.25.014; and

5 (3) meets the definition of a political party in AS 15.60.010.

6 (b) The director shall verify that each political group seeking recognized  
7 political party status under (a) of this section and each recognized political party meets  
8 the definition of a political party in AS 15.60.010.

9 (c) The director shall perform a verification described in (b) of this section at  
10 least once a month after the date of certification of the preceding general election. For  
11 purposes of (b) of this section, the director shall verify that the voters who have  
12 submitted registration to the division of elections are qualified under AS 15.05.010  
13 and have declared affiliation with the political group or recognized political party for  
14 which the verification is performed.

15 (d) Within 10 days after a verification under (c) of this section, the director  
16 shall provide to a political group seeking recognized political party status under (a) of  
17 this section written notification when the political group has obtained recognized  
18 political party status.

19 (e) The director may not withdraw recognized political party status from a  
20 political group that no longer meets the definition of political party except following  
21 the verification immediately after a general election at which a governor was elected.  
22 The director shall provide written notification to the political party of the withdrawal  
23 of recognized political party status.

24 \* **Sec. 49.** AS 15.60.010(21) is amended to read:

25 (21) "political party" means an organized group of voters that  
26 represents a political program and that

27 (A) [EITHER] nominated a candidate for governor who  
28 received at least three percent of the total votes cast for governor at the  
29 preceding general election **at which a governor was elected;**

30 (B) **nominated a candidate for United States senator who**  
31 **received at least three percent of the total votes cast for United States**

1           senator at the preceding general election or at the most recent general  
2           election at which a governor was elected;

3                    (C) nominated a candidate for United States representative  
4           who received at least three percent of the total votes cast for United States  
5           representative at the preceding general election or at the most recent  
6           general election at which a governor was elected; or

7                    (D) has registered voters in the state equal in number to at least  
8           three percent of the total votes cast for governor at the preceding general  
9           election at which a governor was elected;

10   \* Sec. 50. AS 15.60.010 is amended by adding new paragraphs to read:

11                   (38) "electronically generated ballot" means any ballot other than a  
12           paper ballot that is physically marked by the voter using a writing instrument or a  
13           mechanical device;

14                   (39) "optically scanned ballot" means a paper ballot designed to be  
15           read by an optical scanning machine;

16                   (40) "reregistration" means the submission of a registration form by a  
17           voter whose registration was inactivated on the master register maintained under  
18           AS 15.07 and the director's reactivation of that registration in accordance with that  
19           chapter; in this paragraph, "a voter whose registration was inactivated" does not  
20           include a voter whose registration was inactivated under AS 15.07.130 and whose  
21           ballot may be counted under AS 15.15.198;

22                   (41) "statewide office" means the office of governor, lieutenant  
23           governor, United States senator, or United States representative.

24   \* Sec. 51. AS 29.05.110(b) is amended to read:

25                   (b) A qualified voter who is registered to vote [HAS BEEN A RESIDENT  
26           OF THE AREA] within the proposed municipality at least [FOR] 30 days before the  
27           date of the election order may vote.

28   \* Sec. 52. AS 29.05.110(c) is amended to read:

29                   (c) Areawide borough powers included in an incorporation petition are  
30           considered to be part of the incorporation question. In an election for the incorporation  
31           of a second class borough, each nonareawide power to be exercised is placed

1 separately on the ballot. Adoption of a nonareawide power requires a majority of the  
2 votes cast on the question, and the vote is limited to the qualified voters who are  
3 registered to vote [RESIDING] in the proposed borough but outside all cities in the  
4 proposed borough.

5 \* **Sec. 53.** AS 29.05.110 is amended by adding a new subsection to read:

6 (f) In this section, "qualified voter" has the meaning in AS 15.60.010.

7 \* **Sec. 54.** AS 15.10.020(b) and AS 15.20.048 are repealed.

8 \* **Sec. 55.** The uncodified law of the State of Alaska is amended by adding a new section to  
9 read:

10 VOTING BY MAIL AND ELECTRONICALLY. Not later than March 1, 2005, the  
11 director of the division of elections shall provide a report to the legislature on the feasibility,  
12 costs, and benefits of authorizing a system of voting by mail and electronically.

13 \* **Sec. 56.** The uncodified law of the State of Alaska is amended by adding a new section to  
14 read:

15 APPLICABILITY. (a) The changes made by secs. 23 - 46 of this Act apply to an  
16 application for an initiative, referendum, or recall filed with the lieutenant governor on or  
17 after the effective date of this Act.

18 (b) Under AS 15.15.032(c), added by sec. 9 of this Act, for ballots cast in elections in  
19 2004 and 2005, the director of elections shall provide for a paper record only to the extent  
20 technologically feasible, and only to the extent that federal matching funds are available for  
21 equipment needed to provide a paper record.

22 (c) To the extent permitted, the director of elections shall expend federal funds  
23 available to implement the provisions of this Act to obtain the equipment necessary to provide  
24 a paper record of ballots electronically generated by equipment the state owns on the effective  
25 date of this Act, before additional machines that produce electronically generated ballots are  
26 purchased.

27 \* **Sec. 57.** The uncodified law of the State of Alaska is amended by adding a new section to  
28 read:

29 TRANSITION. An initiative, referendum, or recall for which an application was filed  
30 with the lieutenant governor before the effective date of this Act is subject to the provisions of  
31 AS 15.45 as they existed on the day before the effective date of this Act.

1       \* **Sec. 58.** The uncodified law of the State of Alaska is amended by adding a new section to  
2 read:

3               **REVISOR'S INSTRUCTION.** The revisor of statutes is instructed to change the  
4 heading of art. 5 of AS 15.20 from "Article 5. Optically Scanned Voting" to "Article 5.  
5 Optically Scanned Voting; Voting Machine or Tally System Standards."

6       \* **Sec. 59.** This Act takes effect immediately under AS 01.10.070(c).

23-GH2021\W

Kurtz

4/22/04

**CS FOR HOUSE BILL NO. 523(STA)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-THIRD LEGISLATURE - SECOND SESSION**

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered:**

**Referred:**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to qualifications of voters, requirements and procedures regarding  
 2 independent candidates for President and Vice-President of the United States, voter  
 3 registration and voter registration records, voter residence, precinct boundary and  
 4 polling place designation and modification, recognized political parties, voters  
 5 unaffiliated with political parties, early voting, absentee voting, ballot counting, optically  
 6 scanned and electronically generated ballots, voting electronically, voting by mail, voting  
 7 machines, vote tally systems, initiative, referendum, recall, and definitions in the Alaska  
 8 Election Code; relating to incorporation elections; and providing for an effective date."

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

10 \* **Section 1.** AS 15.05.020 is amended to read:

11 **Sec. 15.05.020. Rules for determining residence of voter.** For the purpose  
 12 of determining residence for voting, the place of residence is governed by the

1 following rules:

2 (1) A person may not be considered to have gained a residence solely  
3 by reason of presence nor may a person lose it solely by reason of absence while in the  
4 civil or military service of this state or of the United States or of absence because of  
5 marriage to a person engaged in the civil or military service of this state or the United  
6 States, while a student at an institution of learning, while in an institution or asylum at  
7 public expense, while confined in public prison, while engaged in the navigation of  
8 waters of this state [,] or the United States or of the high seas, while residing upon an  
9 Indian or military reservation, or while residing in the Alaska Pioneers' Home.

10 (2) The residence of a person is that place in which the person's  
11 habitation is fixed, and to which, whenever absent, the person has the intention to  
12 return. If a person resides in one place, but does business in another, the former is the  
13 person's place of residence. Temporary work sites [CONSTRUCTION CAMPS] do  
14 not constitute a dwelling place.

15 (3) A change of residence is made only by the act of removal joined  
16 with the intent to remain in another place. There can only be one residence.

17 (4) A person does not lose residence if the person leaves home and  
18 goes to another country, state, or place in this state for temporary purposes only and  
19 with the intent of returning.

20 (5) A person does not gain residence in any place to which the person  
21 comes without the present intention to establish a permanent dwelling at that place.

22 (6) A person loses residence in this state if the person votes in another  
23 state's election, either in person or by absentee ballot, and will not be eligible to vote  
24 in this state until again qualifying under AS 15.05.010.

25 (7) [REPEALED

26 (8)] The term of residence is computed by including the day on which  
27 the person's residence begins and excluding the day of election.

28 ~~(8)~~ [(9) REPEALED

29 (10)] The address of a voter as it appears on the [AN] official voter  
30 registration record [CARD] is presumptive evidence of the person's voting residence.

31 This presumption is negated only if [BY] the voter notifies [NOTIFYING] the

1 director in writing of a change of voting residence.

2 \* Sec. 2. AS 15.07.060(a) is amended to read:

3 (a) Each applicant who requests registration or reregistration shall supply the  
4 following information:

5 (1) the applicant's name and sex;

6 (2) if issued, the applicant's State of Alaska driver's license number or  
7 State of Alaska identification card number, or the last four digits of the applicant's  
8 social security number;

9 (3) the applicant's date of birth;

10 (4) the applicant's Alaska residence address, as specified in  
11 regulations adopted by the director [AND OTHER NECESSARY INFORMATION  
12 ESTABLISHING RESIDENCE, INCLUDING THE TERM OF RESIDENCE IN  
13 THE STATE AND IN THE DISTRICT, IF REQUESTED];

14 (5) a statement of whether the applicant has previously been  
15 registered to vote in another jurisdiction, and, if so, the jurisdiction and the address of  
16 the previous registration;

17 (6) a declaration that the applicant [REGISTRANT] will be 18 years  
18 of age or older within 90 days after [OF] the date of registration;

19 (7) a declaration that the applicant [REGISTRANT] is a citizen of the  
20 United States;

21 (8) the date of application;

22 (9) the applicant's signature or mark;

23 (10) any former name under which the applicant was registered to vote  
24 in the state;

25 (11) an oath [ATTESTATION] that the information provided by the  
26 applicant in (1) - (10) of this subsection is true; and

27 (12) a certification that the applicant understands that a false statement  
28 on the application may make the applicant subject to prosecution for a misdemeanor  
29 under this title or AS 11.

30 \* Sec. 3. AS 15.07 is amended by adding a new section to read:

31 **Sec. 15.07.195. Certain information in voter registration records**

1 confidential. The following information set out in state voter registration records is  
2 confidential and is not open to public inspection:

- 3 (1) the voter's date of birth;
- 4 (2) the voter's social security number, or any part of that number;
- 5 (3) the voter's driver's license number;
- 6 (4) the voter's telephone number, if shown in those records;
- 7 (5) the voter's voter identification number;
- 8 (6) the voter's place of birth;
- 9 (7) the voter's signature.

10 \* Sec. 4. AS 15.10.090 is repealed and reenacted to read:

11 **Sec. 15.10.090. Notice of precinct boundary or polling place designation**  
12 **and modification.** The director shall give full public notice if a precinct is established  
13 or abolished or if the boundaries of a precinct are designated, abolished, or modified,  
14 or if the location of a polling place is changed. Public notice must include

15 (1) whenever possible, sending written notice of the change to each  
16 affected registered voter in the precinct;

17 (2) providing notice of the change

18 (A) by publication three times in a newspaper of general  
19 circulation; if possible, the newspaper shall be one that circulates generally in  
20 the precinct; or

21 (B) if there is not a newspaper described in (A) of this  
22 paragraph, by posting written notice in three conspicuous places as close to the  
23 precinct as possible; at least one posting location must be in the precinct;

24 (3) posting notice of the change on the Internet site of the division of  
25 elections; and

26 (4) providing notification of the change to the appropriate municipal  
27 clerks, community councils, tribal groups, presiding officers, Native villages, and  
28 village regional corporations established under 43 U.S.C. 1606 (Alaska Native Claims  
29 Settlement Act).

30 \* Sec. 5. AS 15.15.030(7) is amended to read:

31 (7) The general election ballot shall be designed with the names of

1 candidates of each political party, and of any independent candidates qualified  
2 under AS 15.30.026, for the office of President and Vice-President of the United  
3 States placed in the same section on the ballot rather than the names of electors of  
4 President and Vice-President.

5 \* Sec. 6. AS 15.15.030(13) is amended to read:

6 (13) The [NOTWITHSTANDING ANY OTHER PROVISION OF  
7 THIS TITLE, THE] director may provide for the optical scanning of ballots  
8 [VOTING BY USE OF ELECTRONIC BALLOTING EQUIPMENT OR  
9 OPTICALLY SCANNED BALLOTS] where the requisite equipment is available. [IF  
10 THE DIRECTOR PROVIDES FOR VOTING BY USE OF ELECTRONIC  
11 BALLOTING EQUIPMENT, THE DIRECTOR SHALL PROVIDE ELECTRONIC  
12 BALLOTING EQUIPMENT THAT WOULD ALLOW VOTERS WITH  
13 DISABILITIES, INCLUDING THOSE WHO ARE BLIND OR VISUALLY  
14 IMPAIRED, TO CAST PRIVATE, INDEPENDENT, AND VERIFIABLE  
15 BALLOTS.]

16 \* Sec. 7. AS 15.15.030 is amended by adding a new paragraph to read:

17 (14) The director may provide for voting by use of electronically  
18 generated ballots by a voter who requests to use a machine that produces electronically  
19 generated ballots.

20 \* Sec. 8. AS 15.15 is amended by adding a new section to read:

21 **Sec. 15.15.032. Use of electronically generated ballots.** (a) If the director  
22 provides for voting by use of electronically generated ballots, the director shall  
23 provide balloting equipment that would allow voters with disabilities, including those  
24 who are blind or visually impaired, to cast private, independent, and verifiable ballots.  
25 The director may not provide for more than one machine that produces electronically  
26 generated ballots in a precinct or in a regional supervisor's office, except where the  
27 director determines that additional machines are needed to accommodate the needs of  
28 individuals with disabilities, including individuals with physical limitations or visual  
29 impairments.

30 (b) Software for voting by use of electronically generated ballots shall be  
31 tested and certified under AS 15.20.900.

1 (c) The director shall provide for a paper record of each electronically  
2 generated ballot that can be

3 (1) reviewed and corrected by the voter at the time the vote is cast; and

4 (2) used for a recount of the votes cast at an election in which  
5 electronically generated ballots were used."

6 \* **Sec. 9.** AS 15.15.350(a) is amended to read:

7 (a) The director may adopt regulations prescribing the manner in which the  
8 precinct ballot count is accomplished so as to ensure [ASSURE] accuracy in the count  
9 and to expedite the process. The election board shall account for all ballots by  
10 completing a ballot statement containing (1) the number of official ballots received;  
11 (2) the number of official ballots voted; (3) the number of official ballots spoiled; (4)  
12 the number of official ballots unused and either destroyed or returned for  
13 destruction to the elections supervisor or the election supervisor's designee. The  
14 board shall count the number of questioned ballots and [SHALL] compare that  
15 number to the number of questioned voters in the register. Discrepancies shall be  
16 noted and the numbers included in the certificate prescribed by AS 15.15.370. The  
17 election board, in hand-count precincts, shall count the ballots in a manner that allows  
18 watchers to see the ballots when opened and read. A person handling the ballot after it  
19 has been taken from the ballot box and before it is placed in the envelope for mailing  
20 may not have a marking device in hand or remove a ballot from the immediate vicinity  
21 of the polls.

22 \* **Sec. 10.** AS 15.20.045(b) is amended to read:

23 (b) The director may designate by regulation adopted under AS 44.62  
24 (Administrative Procedure Act) locations at which absentee voting stations will be  
25 operated for 15 days [ON OR AFTER THE 15TH DAY] before an election and on  
26 election day [UP TO AND INCLUDING THE DATE OF THE ELECTION]. The  
27 director shall supply absentee voting stations with ballots for all house districts in the  
28 state and shall designate absentee voting officials to serve at absentee voting stations.

29 \* **Sec. 11.** AS 15.20.064(a) is amended to read:

30 (a) For 15 days before an election and on election day, a [A] qualified voter  
31 who meets the requirements set out in this section may vote in locations designated

1 by the director [EARLY IN THE OFFICE OF AN ELECTION SUPERVISOR ON  
2 OR AFTER THE 15TH DAY BEFORE AN ELECTION UP TO AND INCLUDING  
3 ELECTION DAY].

4 \* Sec. 12. AS 15.20.064(b) is amended to read:

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

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

8 (2) verification that the voter's residence address appearing on the  
9 official registration list is current [AND WITHIN THE ELECTION SUPERVISOR'S  
10 JURISDICTION]; and

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

12 \* Sec. 13. AS 15.20.066(b) is amended to read:

13 (b) An absentee ballot that is completed and returned by the voter by  
14 electronic transmission must

15 (1) contain the following statement: "I understand that, by using  
16 electronic transmission to return my marked ballot, I am voluntarily waiving a portion  
17 of my right to a secret ballot to the extent necessary to process my ballot, but expect  
18 that my vote will be held as confidential as possible, [.]" followed by the voter's  
19 signature and date of signature; and

20 (2) be accompanied by a statement executed under oath as to the  
21 voter's identity; the statement under oath must be witnessed by

22 (A) a commissioned or noncommissioned officer of the armed  
23 forces of the United States;

24 (B) an official authorized by federal law or the law of the state  
25 in which the absentee ballot is cast to administer an oath; or

26 (C) a [TWO] United States citizen [CITIZENS] who is [ARE]  
27 18 years of age or older.

28 \* Sec. 14. AS 15.20.081(d) is amended to read:

29 (d) Upon receipt of an absentee ballot by mail, the voter, in the presence of a  
30 notary public, commissioned officer of the armed forces including the National Guard,  
31 district judge or magistrate, United States postal official, registration official, or other

1 person qualified to administer oaths, may proceed to mark the ballot in secret, to place  
2 the ballot in the secrecy sleeve, to place the secrecy sleeve in the envelope provided,  
3 and to sign the voter's certificate on the envelope in the presence of an official listed in  
4 this subsection who shall sign as attesting official and shall date the signature. If none  
5 of the officials listed in this subsection is reasonably accessible, an absentee voter  
6 shall sign the voter's certificate in the presence of one person who is a United States  
7 citizen and is [TWO PERSONS OVER THE AGE OF] 18 years of age or older, who  
8 shall sign as a witness [WITNESSES] and attest to the date on which the voter signed  
9 the certificate in the person's [THEIR] presence, and, in addition, the voter shall  
10 provide the certification prescribed in AS 09.63.020.

11 \* Sec. 15. AS 15.20.081(h) is amended to read:

12 (h) Except as provided in AS 15.20.480, an absentee ballot returned by mail  
13 from outside the United States or from an overseas voter qualifying under  
14 AS 15.05.011 [A MILITARY APO OR FPO ADDRESS] that has been marked and  
15 mailed not later than election day may not be counted unless the ballot is received by  
16 the election supervisor not later than the close of business on the 15th day following  
17 the election.

18 \* Sec. 16. AS 15.20.800(b) is amended to read.

19 (b) If the director conducts an election under (a) of this section by mail, the  
20 director shall send a ballot for each election described in (a) of this section to each  
21 person whose name appears on the official registration list prepared under  
22 AS 15.07.125 for that election. The director shall send ballots by first class,  
23 nonforwardable mail. The ballot shall be sent to the address stated on the official  
24 registration list unless the

25 (1) voter has notified the director or an election supervisor of a  
26 different address to which the ballot should be sent; or

27 (2) address on the official registration list has been identified as  
28 being an undeliverable address [THE DIRECTOR SHALL SEND BALLOTS BY  
29 FIRST CLASS, NONFORWARDABLE MAIL].

30 \* Sec. 17. AS 15.20 is amended by adding a new section to article 5 to read:

31 **Sec. 15.20.910. Standards for voting machines and vote tally systems.** The

1 director may approve a voting machine or vote tally system for use in an election in  
2 the state upon consideration of factors relevant to the administration of state elections,  
3 including whether the Federal Election Commission has certified the voting machine  
4 or vote tally system to be in compliance with the voting system standards approved by  
5 the Federal Election Commission as required by 42 U.S.C. 15481(a)(5) (Help America  
6 Vote Act of 2002).

7 \* **Sec. 18.** AS 15.30 is amended by adding a new section to read:

8 **Sec. 15.30.026. Qualifications for independent candidates for President of**  
9 **the United States; selection of candidate for Vice-President; selection of electors.**

10 (a) A person who desires to be an independent candidate for President of the United  
11 States must file with the director not earlier than January 1 of a presidential election  
12 year and not later than the 90th day before a presidential general election a petition  
13 signed by qualified voters of the state equal in number to at least one percent of the  
14 number of voters who cast ballots in an election under this chapter for President of the  
15 United States at the last presidential general election. The petition must state that the  
16 signers desire the named candidate for President of the United States to appear on the  
17 ballot as an independent candidate for president at the next succeeding presidential  
18 general election.

19 (b) In order to appear on the ballot, a candidate who has qualified for ballot  
20 status under (a) of this section shall certify the following information to the director on  
21 or before September 1 of the year of the presidential general election:

22 (1) the names of the electors for the independent candidate for  
23 President of the United States, equal to the number of senators and representatives to  
24 which the state is entitled in Congress;

25 (2) the name of a candidate for Vice-President, selected by the  
26 independent candidate; and

27 (3) the name, Alaska mailing address, and signature of the candidate's  
28 state campaign chair, who must be an Alaska resident.

29 \* **Sec. 19.** AS 15.30.050 is amended to read:

30 **Sec. 15.30.050. Interpretation of votes cast for candidates for President**  
31 **and Vice-President [VICE PRESIDENT].** In voting for presidential electors, a vote

1 marked for the candidates for President and Vice-President [VICE PRESIDENT] is  
2 considered and counted as a vote for the presidential electors of the party or for the  
3 presidential electors named under AS 15.30.026, as appropriate.

4 \* Sec. 20. AS 15.30.090 is amended to read:

5 Sec. 15.30.090. Duties of electors. After any vacancies have been filled, the  
6 electors shall proceed to cast their votes for the candidates for the office of President  
7 and Vice-President [VICE PRESIDENT] of the party that [WHICH] selected them as  
8 candidates for electors, or for the candidates for the office of President and Vice-  
9 President under AS 15.30.026 if the electors were named under AS 15.30.026, and  
10 shall perform the duties of electors as required by the constitution and laws of the  
11 United States. The director shall provide administrative services and the Department  
12 of Law shall provide legal services necessary for the electors to perform their duties.

13 \* Sec. 21. AS 15.45.030 is amended to read:

14 Sec. 15.45.030. Form of application. The application must [SHALL]  
15 include the

16 (1) [THE] proposed bill; [TO BE INITIATED,]

17 (2) printed name, signature, address, and date of birth of not less  
18 than 100 qualified voters who will serve as sponsors; each signature page must  
19 include a statement that the sponsors are qualified voters who signed the application  
20 with the proposed bill attached; and [,]

21 (3) [THE] designation of an initiative committee consisting of three of  
22 the sponsors who subscribed to the application and [SHALL] represent all sponsors  
23 and subscribers in matters relating to the initiative; the designation must include the  
24 name, mailing address, and signature of each committee member [, AND

25 (4) THE SIGNATURES AND ADDRESSES OF NOT LESS THAN  
26 100 QUALIFIED VOTERS].

27 \* Sec. 22. AS 15.45.060 is amended to read:

28 Sec. 15.45.060. Designation of sponsors. The qualified voters who subscribe  
29 to the application in support of the proposed bill are designated as sponsors. The  
30 initiative committee may designate additional sponsors by giving written notice to the  
31 lieutenant governor of the names and addresses of those so designated.

1 \* **Sec. 23.** AS 15.45.090 is amended to read:

2           **Sec. 15.45.090. Preparation of petition.** If the application is certified, the  
3 lieutenant governor shall prescribe the form of and prepare petitions containing (1) a  
4 copy of the proposed bill if the number of words included in both the formal and  
5 substantive provisions of the bill is 500 or less; [,] (2) an impartial summary of the  
6 subject matter of the bill; [,] (3) the warning prescribed in AS 15.45.100; [,] (4)  
7 sufficient space for the printed name, date of birth, signature, and address of each  
8 person signing the petition; [,] (5) sufficient space at the bottom of each signature  
9 page for the information required by AS 15.45.130(8); [,] and (6) other specifications  
10 prescribed by the lieutenant governor to ensure [ASSURE] proper handling and  
11 control. Petitions, for purposes of circulation, shall be prepared by the lieutenant  
12 governor in a number reasonably calculated to allow full circulation throughout the  
13 state and shall be sequentially numbered [. THE LIEUTENANT GOVERNOR  
14 SHALL NUMBER EACH PETITION AND SHALL KEEP A RECORD OF THE  
15 PETITION DELIVERED TO EACH SPONSOR]. Upon request of the initiative  
16 committee, the lieutenant governor shall report to the initiative committee the  
17 number of persons who voted in the preceding general election.

18 \* **Sec. 24.** AS 15.45 is amended by adding a new section to read:

19           **Sec. 15.45.105. Qualifications of circulator.** To circulate a petition booklet,  
20 a person shall be

- 21                   (1) a citizen of the United States;  
22                   (2) 18 years of age or older; and  
23                   (3) a resident of the state as determined under AS 15.05.020.

24 \* **Sec. 25.** AS 15.45.120 is amended to read:

25           **Sec. 15.45.120. Manner of signing and withdrawing name from petition.**  
26 Any qualified voter may subscribe to the petition by printing the voter's name, date  
27 of birth, and address, and by signing the voter's name [AND ADDRESS]. A person  
28 who has signed the initiative petition may withdraw the person's name only by giving  
29 written notice to the lieutenant governor before the date the petition is filed.

30 \* **Sec. 26.** AS 15.45.130 is amended to read:

31           **Sec. 15.45.130. Certification of circulator.** Before being filed, each petition

1 shall be certified by an affidavit by the person who personally circulated the petition.  
 2 The affidavit must state in substance that (1) the person signing the affidavit meets the  
 3 residency, age, and citizenship qualifications for circulating a petition under  
 4 AS 15.45.105; [OF AS 15.05.010,] (2) the person is the only circulator of that  
 5 petition; [,] (3) the signatures were made in the circulator's actual presence; [,] (4) to  
 6 the best of the circulator's knowledge, the signatures are those of the persons whose  
 7 names they purport to be; [,] (5) the signatures are of persons who were qualified  
 8 voters on the date of signature; [,] (6) the circulator [PERSON] has not entered into  
 9 an agreement with a person or organization in violation of AS 15.45.110(c); [,] (7) the  
 10 circulator [PERSON] has not violated AS 15.45.110(d) with respect to that petition;  
 11 [,] and (8) before circulation of the petition, the circulator prominently placed, in the  
 12 space provided under AS 15.45.090(5) [BEFORE CIRCULATION OF THE  
 13 PETITION, IN BOLD CAPITAL LETTERS, THE CIRCULATOR'S NAME AND],  
 14 if the circulator has received payment or agreed to receive payment for the collection  
 15 of signatures on the petition, the name of each person or organization that has paid or  
 16 agreed to pay the circulator for collection of signatures on the petition. In determining  
 17 the sufficiency of the petition, the lieutenant governor may not count subscriptions on  
 18 petitions not properly certified.

19 \* Sec. 27. AS 15.45.200 is amended to read:

20 **Sec. 15.45.200. Display of proposed law.** The director shall provide each  
 21 election board with five [10] copies of the proposed law being initiated, and the  
 22 election board shall display at least one copy [THREE COPIES] of the proposed law  
 23 in a conspicuous place in the room where the election is held.

24 \* Sec. 28. AS 15.45.270 is amended to read:

25 **Sec. 15.45.270. Form of application.** The application must [SHALL]  
 26 include

27 (1) the act to be referred;

28 (2) a statement of approval or rejection;

29 (3) the printed signature, address, and date of birth of not less  
 30 than 100 qualified voters who will serve as sponsors; each signature page must  
 31 include a statement that the sponsors are qualified voters who signed the application

1 with the act to be referred and the statement of approval or rejection  
 2 [PROPOSED BILL] attached; and

3 (4) [(3)] the designation of a referendum committee consisting of three  
 4 of the sponsors who subscribed to the application and [SHALL] represent all  
 5 sponsors and subscribers in matters relating to the referendum; the designation must  
 6 include the name, address, and signature of each committee member [AND

7 (4) THE SIGNATURES AND ADDRESSES OF NOT FEWER  
 8 THAN 100 QUALIFIED VOTERS].

9 \* Sec. 29. AS 15.45.290 is amended to read:

10 Sec. 15.45.290. Designation of sponsors. The qualified voters who subscribe  
 11 to the application in support of the referendum are designated as sponsors. The  
 12 referendum committee may designate additional sponsors by giving notice to the  
 13 lieutenant governor of the names and addresses of those so designated.

14 \* Sec. 30. AS 15.45.320 is amended to read:

15 Sec. 15.45.320. Preparation of petition. If the application is certified, the  
 16 lieutenant governor shall, within seven calendar days after the date of certification,  
 17 prescribe the form of, and prepare, a petition containing (1) a copy of the act to be  
 18 referred, if the number of words included in both the formal and substantive  
 19 provisions of the bill is 500 or less; [,] (2) the statement of approval or rejection;  
 20 (3) an impartial summary of the subject matter of the act; (4) [, (3)] the warning  
 21 prescribed in AS 15.45.330; (5) [, (4)] sufficient space for the printed name, date of  
 22 birth, signature, and address of each person signing the petition; (6) sufficient  
 23 space at the bottom of each page for the information required by  
 24 AS 15.45.360(8); [SIGNATURES AND ADDRESSES,] and (7) [(5)] other  
 25 specifications prescribed by the lieutenant governor to ensure [ASSURE] proper  
 26 handling and control. Petitions, for purposes of circulation, shall be prepared by the  
 27 lieutenant governor in a number reasonably calculated to allow full circulation  
 28 throughout the state and shall be sequentially numbered [. THE LIEUTENANT  
 29 GOVERNOR SHALL NUMBER EACH PETITION AND SHALL KEEP A  
 30 RECORD OF THE PETITIONS DELIVERED TO EACH SPONSOR]. Upon request  
 31 of the referendum committee, the lieutenant governor shall report to the referendum

1        committee [SPECIFY] the number of persons who voted in the preceding general  
2        election.

3        \* **Sec. 31.** AS 15.45 is amended by adding a new section to read:

4                **Sec. 15.45.335. Qualifications of circulator.** To circulate a petition booklet,  
5        a person shall be

6                        (1) a citizen of the United States;

7                        (2) 18 years of age or older; and

8                        (3) a resident of the state as determined under AS 15.05.020.

9        \* **Sec. 32.** AS 15.45.340 is amended by adding new subsections to read:

10                (b) A circulator may not receive payment or agree to receive payment that is  
11        greater than \$1 a signature, and a person or an organization may not pay or agree to  
12        pay an amount that is greater than \$1 a signature, for the collection of signatures on a  
13        petition.

14                (c) A person or organization may not knowingly pay, offer to pay, or cause to  
15        be paid money or other valuable thing to a person to sign or refrain from signing a  
16        petition.

17                (d) A person or organization that violates (b) or (c) of this section is guilty of a  
18        class B misdemeanor.

19                (e) In this section,

20                        (1) "organization" has the meaning given in AS 11.81.900;

21                        (2) "other valuable thing" has the meaning given in AS 15.56.030;

22                        (3) "person" has the meaning given in AS 11.81.900.

23        \* **Sec. 33.** AS 15.45.350 is amended to read:

24                **Sec. 15.45.350. Manner of signing and withdrawing name from petition.**

25        Any qualified voter may subscribe to the petition by printing the voter's name, date  
26        of birth, and address, and by signing the voter's name [AND ADDRESS]. A person  
27        who has signed the referendum petition may withdraw the person's name only by  
28        giving written notice to the lieutenant governor before the date the petition is filed.

29        \* **Sec. 34.** AS 15.45.360 is amended to read:

30                **Sec. 15.45.360. Certification of circulator.** Before being filed, each petition  
31        shall be certified by an affidavit by the person who circulated the petition. The

1 affidavit must [SHALL] state in substance that (1) the person signing the affidavit  
2 meets the residency, age, and citizenship qualifications for circulating a petition  
3 under AS 15.45.335; [OF AS 15.05.010,] (2) the person is the only circulator of the  
4 petition; [,] (3) the signatures were made in the circulator's actual presence; [, AND]  
5 (4) to the best of the circulator's knowledge, the signatures are the signatures of  
6 persons whose names they purport to be; (5) the signatures are of persons who were  
7 qualified voters on the date of signature; (6) the circulator has not entered into an  
8 agreement with a person or organization in violation of AS 15.45.340(b); (7) the  
9 circulator has not violated AS 15.45.340(c) with respect to that petition; and (8)  
10 before circulation of the petition, the circulator prominently placed, in the space  
11 provided under AS 15.45.320(6), if the circulator has received payment or agreed  
12 to receive payment for the collection of signatures on the petition, the name of  
13 each person or organization that has paid or agreed to pay the circulator for  
14 collection of signatures on the petition. In determining the sufficiency of the  
15 petition, the lieutenant governor may not count subscriptions on petitions not properly  
16 certified.

17 \* Sec. 35. AS 15.45.430 is amended to read:

18 Sec. 15.45.430. **Display of act being referred.** The director shall provide  
19 each election board with five [10] copies of the act being referred, and the election  
20 board shall display at least one copy [THREE COPIES] of the act in a conspicuous  
21 place in the room where the election is held.

22 \* Sec. 36. AS 15.45.500 is amended to read:

23 Sec. 15.45.500. **Form of application.** The application must include

24 (1) the name and office of the person to be recalled;

25 (2) the grounds for recall described in particular in not more than 200  
26 words;

27 (3) the printed name, signature, address, and date of birth of  
28 qualified voters equal in number to 10 percent of those who voted in the  
29 preceding general election in the state or in the senate or house district of the  
30 official sought to be recalled; each signature page must include a statement that the  
31 [SPONSORS ARE] qualified voters [WHO]

1                                    (A) will serve as sponsors; and  
 2                                    (B) signed the application with  
 3                                    (i) the name and office of the person to be recalled;  
 4                                    and  
 5                                    (ii) the statement of grounds for recall attached; and  
 6                                    (4) the designation of a recall committee consisting of three of the  
 7                                    qualified voters [SPONSORS] who subscribed to the application and shall  
 8                                    represent all sponsors and subscribers in matters relating to the recall; the designation  
 9                                    must include the name, mailing address, and signature of each committee  
 10                                    member

11                                    [(5) THE SIGNATURES OF AT LEAST 100 QUALIFIED VOTERS  
 12                                    WHO SUBSCRIBE TO THE APPLICATION AS SPONSORS FOR PURPOSES OF  
 13                                    CIRCULATION; AND

14                                    (6) THE SIGNATURES AND ADDRESSES OF QUALIFIED  
 15                                    VOTERS EQUAL IN NUMBER TO 10 PERCENT OF THOSE WHO VOTED IN  
 16                                    THE PRECEDING GENERAL ELECTION IN THE STATE OR IN THE SENATE  
 17                                    OR HOUSE DISTRICT OF THE OFFICIAL SOUGHT TO BE RECALLED].

18 \* Sec. 37. AS 15.45 is amended by adding a new section to read:

19                                    **Sec. 15.45.515. Designation of sponsors.** The qualified voters who subscribe  
 20                                    to the application in support of the recall are designated as sponsors. The recall  
 21                                    committee may designate additional sponsors by giving notice to the lieutenant  
 22                                    governor of the names, addresses, and dates of birth of those so designated.

23 \* Sec. 38. AS 15.45.560 is amended to read:

24                                    **Sec. 15.45.560. Preparation of petition.** If [UPON CERTIFYING] the  
 25                                    application is certified, the director shall prescribe the form of, and prepare, a petition  
 26                                    containing (1) the name and office of the person to be recalled; [,] (2) the statement of  
 27                                    the grounds for recall included in the application; [,] (3) the statement of warning  
 28                                    required in AS 15.45.570; [,] (4) sufficient space for the printed name, date of birth,  
 29                                    signature, and address of each person signing the petition; [SIGNATURES AND  
 30                                    ADDRESSES, AND] (5) sufficient space at the bottom of each page for the  
 31                                    information required by AS 15.45.600(8); and (6) other specifications prescribed by

1 the director to ensure [ASSURE] proper handling and control. Petitions, for purposes  
2 of circulation, shall be prepared by the director in a number reasonably calculated to  
3 allow full circulation throughout the state or throughout the senate or house district of  
4 the official sought to be recalled and shall be sequentially numbered. Upon request  
5 of the recall committee, the lieutenant governor shall report to the recall  
6 committee the number of persons who voted in the preceding general election in  
7 the state or in the district of the official sought to be recalled. [THE DIRECTOR  
8 SHALL NUMBER EACH PETITION AND SHALL KEEP A RECORD OF THE  
9 PETITIONS DELIVERED TO EACH SPONSOR.]

10 \* **Sec. 39.** AS 15.45 is amended by adding a new section to read:

11 **Sec. 15.45.575. Qualifications of circulator.** To circulate a petition booklet,  
12 a person shall be

- 13 (1) a citizen of the United States;
- 14 (2) 18 years of age or older; and
- 15 (3) a resident of the state as determined under AS 15.05.020.

16 \* **Sec. 40.** AS 15.45.580 is amended by adding new subsections to read:

17 (b) A circulator may not receive payment or agree to receive payment that is  
18 greater than \$1 a signature, and a person or an organization may not pay or agree to  
19 pay an amount that is greater than \$1 a signature, for the collection of signatures on a  
20 petition.

21 (c) A person or organization may not knowingly pay, offer to pay, or cause to  
22 be paid money or other valuable thing to a person to sign or refrain from signing a  
23 petition.

24 (d) A person or organization that violates (b) or (c) of this section is guilty of a  
25 class B misdemeanor.

26 (e) In this section,

- 27 (1) "organization" has the meaning given in AS 11.81.900;
- 28 (2) "other valuable thing" has the meaning given in AS 15.56.030;
- 29 (3) "person" has the meaning given in AS 11.81.900.

30 \* **Sec. 41.** AS 15.45.590 is amended to read:

31 **Sec. 15.45.590. Manner of signing and withdrawing name from petition.**

1 Any qualified voter may subscribe to the petition by printing the voter's name, date  
2 of birth, and address, and by signing the voter's name [AND ADDRESS]. A person  
3 who has signed the petition may withdraw the person's name only by giving written  
4 notice to the director before the date the petition is filed.

5 \* Sec. 42. AS 15.45.600 is amended to read:

6 Sec. 15.45.600. **Certification of circulator.** Before being filed, each petition  
7 shall be certified by an affidavit by the person who personally circulated the petition.  
8 The affidavit must [SHALL] state in substance that (1) the person signing the affidavit  
9 meets the residency, age, and citizenship qualifications of AS 15.45.575;  
10 [AS 15.05.010,] (2) the person is the only circulator of that petition or copy; [,] (3) the  
11 signatures were made in the circulator's actual presence; [, AND] (4) to the best of the  
12 circulator's knowledge, the signatures are those of the persons whose names they  
13 purport to be; (5) the signatures are of persons who were qualified voters on the  
14 date of signature; (6) the circulator has not entered into an agreement with a  
15 person or organization in violation of AS 15.45.580(b); (7) the circulator has not  
16 violated AS 15.45.580(c) with respect to that petition; and (8) before circulation  
17 of the petition, the circulator prominently placed, in the space provided under  
18 AS 15.45.560(5), if the circulator has received payment or agreed to receive  
19 payment for the collection of signatures on the petition, the name of each person  
20 or organization that has paid or agreed to pay the circulator for collection of  
21 signatures on the petition. In determining the sufficiency of the petition, the director  
22 may not count subscriptions on petitions not properly certified.

23 \* Sec. 43. AS 15.45.680 is amended to read:

24 Sec. 15.45.680. **Display of grounds [BASES] for and against recall.** The  
25 director shall provide each election board in the state or in the senate or house district  
26 of the person subject to recall with five [10] copies of the statement of the grounds for  
27 recall included in the application and five [10] copies of the statement of not more  
28 than 200 words made by the official subject to recall in justification of the official's  
29 conduct in office. The person subject to recall may provide the director with the  
30 statement within 10 days after the date the director gave notification that the petition  
31 was properly filed. The election board shall post at least one copy [THREE COPIES]

1 of the statements for and against recall in a [THREE] conspicuous place [PLACES] in  
2 the polling place.

3 \* **Sec. 44.** AS 15.60 is amended by adding a new section to read:

4 **Sec. 15.60.003. Voters unaffiliated with political parties.** The director shall  
5 consider a voter to be a voter registered as

6 (1) "nonpartisan" and without a preference for a political party if the  
7 voter registers as nonpartisan on a voter registration form;

8 (2) "undeclared" if the voter

9 (A) registers as undeclared on a voter registration form;

10 (B) fails to declare an affiliation with a political group or  
11 political party on a voter registration form; or

12 (C) declares an affiliation with an entity other than a political  
13 party or political group on a voter registration form; or

14 (3) "other" if the voter declares on a voter registration form an  
15 affiliation with a political group.

16 \* **Sec. 45.** AS 15.60 is amended by adding a new section to read:

17 **Sec. 15.60.008. Recognized political party status.** (a) A political group that  
18 the director has not recognized as a political party may obtain recognized political  
19 party status if, on or before May 31 of the first election year for which the political  
20 group seeks recognition, the political group

21 (1) files an application with the director;

22 (2) submits bylaws to the director and the United States Department of  
23 Justice as required of political parties in AS 15.25.014; and

24 (3) meets the definition of a political party in AS 15.60.010.

25 (b) The director shall verify that each political group seeking recognized  
26 political party status under (a) of this section and each recognized political party meets  
27 the definition of a political party in AS 15.60.010.

28 (c) The director shall perform a verification described in (b) of this section at  
29 least once a month after the date of certification of the preceding general election. For  
30 purposes of (b) of this section, the director shall verify that the voters who have  
31 submitted registration to the division of elections are qualified under AS 15.05.010

1 and have declared affiliation with the political group or recognized political party for  
2 which the verification is performed.

3 (d) Within 10 days after a verification under (c) of this section, the director  
4 shall provide to a political group seeking recognized political party status under (a) of  
5 this section written notification when the political group has obtained recognized  
6 political party status.

7 (e) The director may not withdraw recognized political party status from a  
8 political group that no longer meets the definition of political party except following  
9 the verification immediately after a general election at which a governor was elected.  
10 The director shall provide written notification to the political party of the withdrawal  
11 of recognized political party status.

12 \* Sec. 46. AS 15.60.010(21) is amended to read:

13 (21) "political party" means an organized group of voters that  
14 represents a political program and that

15 (A) [EITHER] nominated a candidate for governor who  
16 received at least three percent of the total votes cast for governor at the  
17 preceding general election at which a governor was elected;

18 (B) nominated a candidate for United States senator who  
19 received at least three percent of the total votes cast for United States  
20 senator at the preceding general election or at the most recent general  
21 election at which a governor was elected;

22 (C) nominated a candidate for United States representative  
23 who received at least three percent of the total votes cast for United States  
24 representative at the preceding general election or at the most recent  
25 general election at which a governor was elected; or

26 (D) has registered voters in the state equal in number to at least  
27 three percent of the total votes cast for governor at the preceding general  
28 election at which a governor was elected;

29 \* Sec. 47. AS 15.60.010 is amended by adding new paragraphs to read:

30 (38) "electronically generated ballot" means any ballot other than a  
31 paper ballot that is physically marked by the voter using a writing instrument or a

1 mechanical device;

2 (39) "optically scanned ballot" means a paper ballot designed to be  
3 read by an optical scanning machine;

4 (40) "reregistration" means the submission of a registration form by a  
5 voter whose registration was inactivated on the master register maintained under  
6 AS 15.07 and the director's reactivation of that registration in accordance with that  
7 chapter; in this paragraph, "a voter whose registration was inactivated" does not  
8 include a voter whose registration was inactivated under AS 15.07.130 and whose  
9 ballot may be counted under AS 15.15.198;

10 (41) "statewide office" means the office of governor, lieutenant  
11 governor, United States senator, or United States representative.

12 \* Sec. 48. AS 29.05.110(b) is amended to read:

13 (b) A qualified voter who is registered to vote [HAS BEEN A RESIDENT  
14 OF THE AREA] within the proposed municipality at least [FOR] 30 days before the  
15 date of the election order may vote.

16 \* Sec. 49. AS 29.05.110(c) is amended to read:

17 (c) Areawide borough powers included in an incorporation petition are  
18 considered to be part of the incorporation question. In an election for the incorporation  
19 of a second class borough, each nonareawide power to be exercised is placed  
20 separately on the ballot. Adoption of a nonareawide power requires a majority of the  
21 votes cast on the question, and the vote is limited to the qualified voters who are  
22 registered to vote [RESIDING] in the proposed borough but outside all cities in the  
23 proposed borough.

24 \* Sec. 50. AS 29.05.110 is amended by adding a new subsection to read:

25 (f) In this section, "qualified voter" has the meaning in AS 15.60.010.

26 \* Sec. 51. AS 15.10.020(b) and AS 15.20.048 are repealed.

27 \* Sec. 52. The uncodified law of the State of Alaska is amended by adding a new section to  
28 read:

29 VOTING BY MAIL AND ELECTRONICALLY. Not later than March 1, 2005, the  
30 director of the division of elections shall provide a report to the legislature on the feasibility,  
31 costs, and benefits of authorizing a system of voting by mail and electronically.

1 \* **Sec. 53.** The uncodified law of the State of Alaska is amended by adding a new section to  
2 read:

3 **APPLICABILITY.** (a) The changes made by secs. 21 - 43 of this Act apply to an  
4 application for an initiative, referendum, or recall filed with the lieutenant governor on or  
5 after the effective date of this Act.

6 (b) Under AS 15.15.032(c), added by sec. 8 of this Act, for ballots cast in elections in  
7 2004 and 2005, the director of elections shall provide for a paper record only to the extent  
8 technologically feasible, and only to the extent that federal matching funds are available for  
9 equipment needed to provide a paper record.

10 (c) To the extent permitted, the director of elections shall expend federal funds  
11 available to implement the provisions of this Act to obtain the equipment necessary to provide  
12 a paper record of ballots electronically generated by equipment the state owns on the effective  
13 date of this Act, before additional machines that produce electronically generated ballots are  
14 purchased.

15 \* **Sec. 54.** The uncodified law of the State of Alaska is amended by adding a new section to  
16 read:

17 **TRANSITION.** An initiative, referendum, or recall for which an application was filed  
18 with the lieutenant governor before the effective date of this Act is subject to the provisions of  
19 AS 15.45 as they existed on the day before the effective date of this Act.

20 \* **Sec. 55.** The uncodified law of the State of Alaska is amended by adding a new section to  
21 read:

22 **REVISOR'S INSTRUCTION.** The revisor of statutes is instructed to change the  
23 heading of art. 5 of AS 15 20 from "Article 5. Optically Scanned Voting" to "Article 5.  
24 Optically Scanned Voting; Voting Machine or Tally System Standards."

25 \* **Sec. 56.** This Act takes effect immediately under AS 01.10.070(c).

23-GH2021\V  
Kurtz  
4/21/04

**CS FOR HOUSE BILL NO. 523(STA)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-THIRD LEGISLATURE - SECOND SESSION**

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to qualifications of voters, requirements and procedures regarding  
2 independent candidates for President and Vice-President of the United States, voter  
3 registration and voter registration records, voter residence, precinct boundary and  
4 polling place designation and modification, recognized political parties, voters  
5 unaffiliated with political parties, early voting, absentee voting, ballot counting, voting  
6 electronically, voting by mail, voting machines, vote tally systems, initiative, referendum,  
7 recall, and definitions in the Alaska Election Code; relating to incorporation elections;  
8 and providing for an effective date."

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

10 \* Section 1. AS 15.05.020 is amended to read:

11           **Sec. 15.05.020. Rules for determining residence of voter.** For the purpose  
12 of determining residence for voting, the place of residence is governed by the

1 following rules:

2 (1) A person may not be considered to have gained a residence solely  
3 by reason of presence nor may a person lose it solely by reason of absence while in the  
4 civil or military service of this state or of the United States or of absence because of  
5 marriage to a person engaged in the civil or military service of this state or the United  
6 States, while a student at an institution of learning, while in an institution or asylum at  
7 public expense, while confined in public prison, while engaged in the navigation of  
8 waters of this state [,] or the United States or of the high seas, while residing upon an  
9 Indian or military reservation, or while residing in the Alaska Pioneers' Home.

10 (2) The residence of a person is that place in which the person's  
11 habitation is fixed, and to which, whenever absent, the person has the intention to  
12 return. If a person resides in one place, but does business in another, the former is the  
13 person's place of residence. Temporary work sites [CONSTRUCTION CAMPS] do  
14 not constitute a dwelling place.

15 (3) A change of residence is made only by the act of removal joined  
16 with the intent to remain in another place. There can only be one residence.

17 (4) A person does not lose residence if the person leaves home and  
18 goes to another country, state, or place in this state for temporary purposes only and  
19 with the intent of returning.

20 (5) A person does not gain residence in any place to which the person  
21 comes without the present intention to establish a permanent dwelling at that place.

22 (6) A person loses residence in this state if the person votes in another  
23 state's election, either in person or by absentee ballot, and will not be eligible to vote  
24 in this state until again qualifying under AS 15.05.010.

25 (7) [REPEALED]

26 (8)] The term of residence is computed by including the day on which  
27 the person's residence begins and excluding the day of election.

28 ~~(8)~~ [(9) REPEALED

29 (10)] The address of a voter as it appears on the [AN] official voter  
30 registration record [CARD] is presumptive evidence of the person's voting residence.  
31 This presumption is negated only if [BY] the voter notifies [NOTIFYING] the

1 director in writing of a change of voting residence.

2 \* **Sec. 2.** AS 15.07.060(a) is amended to read:

3 (a) Each applicant who requests registration or reregistration shall supply the  
4 following information:

5 (1) the applicant's name and sex;

6 (2) if issued, the applicant's State of Alaska driver's license number or  
7 State of Alaska identification card number, or the last four digits of the applicant's  
8 social security number;

9 (3) the applicant's date of birth;

10 (4) the applicant's Alaska residence address, as specified in  
11 regulations adopted by the director [AND OTHER NECESSARY INFORMATION  
12 ESTABLISHING RESIDENCE, INCLUDING THE TERM OF RESIDENCE IN  
13 THE STATE AND IN THE DISTRICT, IF REQUESTED];

14 (5) a statement of whether the applicant has previously been  
15 registered to vote in another jurisdiction, and, if so, the jurisdiction and the address of  
16 the previous registration;

17 (6) a declaration that the applicant [REGISTRANT] will be 18 years  
18 of age or older within 90 days after [OF] the date of registration;

19 (7) a declaration that the applicant [REGISTRANT] is a citizen of the  
20 United States;

21 (8) the date of application;

22 (9) the applicant's signature or mark;

23 (10) any former name under which the applicant was registered to vote  
24 in the state;

25 (11) an oath [ATTESTATION] that the information provided by the  
26 applicant in (1) - (10) of this subsection is true; and

27 (12) a certification that the applicant understands that a false statement  
28 on the application may make the applicant subject to prosecution for a misdemeanor  
29 under this title or AS 11.

30 \* **Sec. 3.** AS 15.07 is amended by adding a new section to read:

31 **Sec. 15.07.195. Certain information in voter registration records**

1 **confidential.** The following information set out in state voter registration records is  
2 confidential and is not open to public inspection:

- 3 (1) the voter's date of birth;  
4 (2) the voter's social security number, or any part of that number;  
5 (3) the voter's driver's license number;  
6 (4) the voter's telephone number, if shown in those records;  
7 (5) the voter's voter identification number;  
8 (6) the voter's place of birth;  
9 (7) the voter's signature.

10 \* **Sec. 4.** AS 15.10.090 is repealed and reenacted to read:

11 **Sec. 15.10.090. Notice of precinct boundary or polling place designation**  
12 **and modification.** The director shall give full public notice if a precinct is established  
13 or abolished or if the boundaries of a precinct are designated, abolished, or modified,  
14 or if the location of a polling place is changed. Public notice must include

15 (1) whenever possible, sending written notice of the change to each  
16 affected registered voter in the precinct;

17 (2) providing notice of the change

18 (A) by publication three times in a newspaper of general  
19 circulation; if possible, the newspaper shall be one that circulates generally in  
20 the precinct; or

21 (B) if there is not a newspaper described in (A) of this  
22 paragraph, by posting written notice in three conspicuous places as close to the  
23 precinct as possible; at least one posting location must be in the precinct;

24 (3) posting notice of the change on the Internet site of the division of  
25 elections; and

26 (4) providing notification of the change to the appropriate municipal  
27 clerks, community councils, tribal groups, presiding officers, Native villages, and  
28 village regional corporations established under 43 U.S.C. 1606 (Alaska Native Claims  
29 Settlement Act).

30 \* **Sec. 5.** AS 15.15.030(7) is amended to read:

31 (7) The general election ballot shall be designed with the names of

1 candidates of each political party, and of any independent candidates qualified  
2 under AS 15.30.026, for the office of President and Vice-President of the United  
3 States placed in the same section on the ballot rather than the names of electors of  
4 President and Vice-President.

5 \* Sec. 6. AS 15.15.350(a) is amended to read:

6 (a) The director may adopt regulations prescribing the manner in which the  
7 precinct ballot count is accomplished so as to ensure [ASSURE] accuracy in the count  
8 and to expedite the process. The election board shall account for all ballots by  
9 completing a ballot statement containing (1) the number of official ballots received;  
10 (2) the number of official ballots voted; (3) the number of official ballots spoiled; (4)  
11 the number of official ballots unused and either destroyed or returned for  
12 destruction to the elections supervisor or the election supervisor's designee. The  
13 board shall count the number of questioned ballots and [SHALL] compare that  
14 number to the number of questioned voters in the register. Discrepancies shall be  
15 noted and the numbers included in the certificate prescribed by AS 15.15.370. The  
16 election board, in hand-count precincts, shall count the ballots in a manner that allows  
17 watchers to see the ballots when opened and read. A person handling the ballot after it  
18 has been taken from the ballot box and before it is placed in the envelope for mailing  
19 may not have a marking device in hand or remove a ballot from the immediate vicinity  
20 of the polls.

21 \* Sec. 7. AS 15.20.045(b) is amended to read:

22 (b) The director may designate by regulation adopted under AS 44.62  
23 (Administrative Procedure Act) locations at which absentee voting stations will be  
24 operated for 15 days [ON OR AFTER THE 15TH DAY] before an election and on  
25 election day [UP TO AND INCLUDING THE DATE OF THE ELECTION]. The  
26 director shall supply absentee voting stations with ballots for all house districts in the  
27 state and shall designate absentee voting officials to serve at absentee voting stations.

28 \* Sec. 8. AS 15.20.064(a) is amended to read:

29 (a) For 15 days before an election and on election day, a [A] qualified voter  
30 who meets the requirements set out in this section may vote in locations designated  
31 by the director [EARLY IN THE OFFICE OF AN ELECTION SUPERVISOR ON

1 OR AFTER THE 15TH DAY BEFORE AN ELECTION UP TO AND INCLUDING  
2 ELECTION DAY].

3 \* Sec. 9. AS 15.20.064(b) is amended to read:

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

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

7 (2) verification that the voter's residence address appearing on the  
8 official registration list is current [AND WITHIN THE ELECTION SUPERVISOR'S  
9 JURISDICTION]; and

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

11 \* Sec. 10. AS 15.20.066(b) is amended to read:

12 (b) An absentee ballot that is completed and returned by the voter by  
13 electronic transmission must

14 (1) contain the following statement: "I understand that, by using  
15 electronic transmission to return my marked ballot, I am voluntarily waiving a portion  
16 of my right to a secret ballot to the extent necessary to process my ballot, but expect  
17 that my vote will be held as confidential as possible, [.]" followed by the voter's  
18 signature and date of signature; and

19 (2) be accompanied by a statement executed under oath as to the  
20 voter's identity; the statement under oath must be witnessed by

21 (A) a commissioned or noncommissioned officer of the armed  
22 forces of the United States;

23 (B) an official authorized by federal law or the law of the state  
24 in which the absentee ballot is cast to administer an oath; or

25 (C) a [TWO] United States citizen [CITIZENS] who is [ARE]  
26 18 years of age or older.

27 \* Sec. 11. AS 15.20.081(d) is amended to read:

28 (d) Upon receipt of an absentee ballot by mail, the voter, in the presence of a  
29 notary public, commissioned officer of the armed forces including the National Guard,  
30 district judge or magistrate, United States postal official, registration official, or other  
31 person qualified to administer oaths, may proceed to mark the ballot in secret, to place

1 the ballot in the secrecy sleeve, to place the secrecy sleeve in the envelope provided,  
2 and to sign the voter's certificate on the envelope in the presence of an official listed in  
3 this subsection who shall sign as attesting official and shall date the signature. If none  
4 of the officials listed in this subsection is reasonably accessible, an absentee voter  
5 shall sign the voter's certificate in the presence of one person who is a United States  
6 citizen and is [TWO PERSONS OVER THE AGE OF] 18 years of age or older, who  
7 shall sign as a witness [WITNESSES] and attest to the date on which the voter signed  
8 the certificate in the person's [THEIR] presence, and, in addition, the voter shall  
9 provide the certification prescribed in AS 09.63.020.

10 \* **Sec. 12.** AS 15.20.081(h) is amended to read:

11 (h) Except as provided in AS 15.20.480, an absentee ballot returned by mail  
12 from outside the United States or from an overseas voter qualifying under  
13 AS 15.05.011 [A MILITARY APO OR FPO ADDRESS] that has been marked and  
14 mailed not later than election day may not be counted unless the ballot is received by  
15 the election supervisor not later than the close of business on the 15th day following  
16 the election.

17 \* **Sec. 13.** AS 15.20.800(b) is amended to read.

18 (b) If the director conducts an election under (a) of this section by mail, the  
19 director shall send a ballot for each election described in (a) of this section to each  
20 person whose name appears on the official registration list prepared under  
21 AS 15.07.125 for that election. The director shall send ballots by first class,  
22 nonforwardable mail. The ballot shall be sent to the address stated on the official  
23 registration list unless the

24 (1) voter has notified the director or an election supervisor of a  
25 different address to which the ballot should be sent; or

26 (2) address on the official registration list has been identified as  
27 being an undeliverable address [THE DIRECTOR SHALL SEND BALLOTS BY  
28 FIRST CLASS, NONFORWARDABLE MAIL].

29 \* **Sec. 14.** AS 15.20 is amended by adding a new section to article 5 to read:

30 **Sec. 15.20.910. Standards for voting machines and vote tally systems.** The  
31 director may approve a voting machine or vote tally system for use in an election in

1 the state upon consideration of factors relevant to the administration of state elections,  
2 including whether the Federal Election Commission has certified the voting machine  
3 or vote tally system to be in compliance with the voting system standards approved by  
4 the Federal Election Commission as required by 42 U.S.C. 15481(a)(5) (Help America  
5 Vote Act of 2002).

6 \* **Sec. 15.** AS 15.30 is amended by adding a new section to read:

7 **Sec. 15.30.026. Qualifications for independent candidates for President of**  
8 **the United States; selection of candidate for Vice-President; selection of electors.**

9 (a) A person who desires to be an independent candidate for President of the United  
10 States must file with the director not earlier than January 1 of a presidential election  
11 year and not later than the 90th day before a presidential general election a petition  
12 signed by qualified voters of the state equal in number to at least one percent of the  
13 number of voters who cast ballots in an election under this chapter for President of the  
14 United States at the last presidential general election. The petition must state that the  
15 signers desire the named candidate for President of the United States to appear on the  
16 ballot as an independent candidate for president at the next succeeding presidential  
17 general election.

18 (b) In order to appear on the ballot, a candidate who has qualified for ballot  
19 status under (a) of this section shall certify the following information to the director on  
20 or before September 1 of the year of the presidential general election:

21 (1) the names of the electors for the independent candidate for  
22 President of the United States, equal to the number of senators and representatives to  
23 which the state is entitled in Congress;

24 (2) the name of a candidate for Vice-President, selected by the  
25 independent candidate; and

26 (3) the name, Alaska mailing address, and signature of the candidate's  
27 state campaign chair, who must be an Alaska resident.

28 \* **Sec. 16.** AS 15.30.050 is amended to read:

29 **Sec. 15.30.050. Interpretation of votes cast for candidates for President**  
30 **and Vice-President [VICE PRESIDENT].** In voting for presidential electors, a vote  
31 marked for the candidates for President and Vice-President [VICE PRESIDENT] is

1 considered and counted as a vote for the presidential electors of the party or for the  
2 presidential electors named under AS 15.30.026, as appropriate.

3 \* Sec. 17. AS 15.30.090 is amended to read:

4 Sec. 15.30.090. Duties of electors. After any vacancies have been filled, the  
5 electors shall proceed to cast their votes for the candidates for the office of President  
6 and Vice-President [VICE PRESIDENT] of the party that [WHICH] selected them as  
7 candidates for electors, or for the candidates for the office of President and Vice-  
8 President under AS 15.30.026 if the electors were named under AS 15.30.026, and  
9 shall perform the duties of electors as required by the constitution and laws of the  
10 United States. The director shall provide administrative services and the Department  
11 of Law shall provide legal services necessary for the electors to perform their duties.

12 \* Sec. 18. AS 15.45.030 is amended to read:

13 Sec. 15.45.030. Form of application. The application must [SHALL]  
14 include the

15 (1) [THE] proposed bill; [TO BE INITIATED,]

16 (2) printed name, signature, address, and date of birth of not less  
17 than 100 qualified voters who will serve as sponsors; each signature page must  
18 include a statement that the sponsors are qualified voters who signed the application  
19 with the proposed bill attached; and [,]

20 (3) [THE] designation of an initiative committee consisting of three of  
21 the sponsors who subscribed to the application and [SHALL] represent all sponsors  
22 and subscribers in matters relating to the initiative; the designation must include the  
23 name, mailing address, and signature of each committee member [, AND

24 (4) THE SIGNATURES AND ADDRESSES OF NOT LESS THAN  
25 100 QUALIFIED VOTERS].

26 \* Sec. 19. AS 15.45.060 is amended to read:

27 Sec. 15.45.060. Designation of sponsors. The qualified voters who subscribe  
28 to the application in support of the proposed bill are designated as sponsors. The  
29 initiative committee may designate additional sponsors by giving written notice to the  
30 lieutenant governor of the names and addresses of those so designated.

31 \* Sec. 20. AS 15.45.090 is amended to read:

1           **Sec. 15.45.090. Preparation of petition.** If the application is certified, the  
2 lieutenant governor shall prescribe the form of and prepare petitions containing (1) a  
3 copy of the proposed bill if the number of words included in both the formal and  
4 substantive provisions of the bill is 500 or less; [,] (2) an impartial summary of the  
5 subject matter of the bill; [,] (3) the warning prescribed in AS 15.45.100; [,] (4)  
6 sufficient space for the printed name, date of birth, signature, and address of each  
7 person signing the petition; [,] (5) sufficient space at the bottom of each signature  
8 page for the information required by AS 15.45.130(8); [,] and (6) other specifications  
9 prescribed by the lieutenant governor to ensure [ASSURE] proper handling and  
10 control. Petitions, for purposes of circulation, shall be prepared by the lieutenant  
11 governor in a number reasonably calculated to allow full circulation throughout the  
12 state and shall be sequentially numbered [ THE LIEUTENANT GOVERNOR  
13 SHALL NUMBER EACH PETITION AND SHALL KEEP A RECORD OF THE  
14 PETITION DELIVERED TO EACH SPONSOR]. Upon request of the initiative  
15 committee, the lieutenant governor shall report to the initiative committee the  
16 number of persons who voted in the preceding general election.

17 \* **Sec. 21.** AS 15.45 is amended by adding a new section to read:

18           **Sec. 15.45.105. Qualifications of circulator.** To circulate a petition booklet,  
19 a person shall be

- 20                   (1) a citizen of the United States;  
21                   (2) 18 years of age or older; and  
22                   (3) a resident of the state as determined under AS 15.05.020.

23 \* **Sec. 22.** AS 15.45.120 is amended to read:

24           **Sec. 15.45.120. Manner of signing and withdrawing name from petition.**  
25 Any qualified voter may subscribe to the petition by printing the voter's name, date  
26 of birth, and address, and by signing the voter's name [AND ADDRESS]. A person  
27 who has signed the initiative petition may withdraw the person's name only by giving  
28 written notice to the lieutenant governor before the date the petition is filed.

29 \* **Sec. 23.** AS 15.45.130 is amended to read:

30           **Sec. 15.45.130. Certification of circulator.** Before being filed, each petition  
31 shall be certified by an affidavit by the person who personally circulated the petition.

1 The affidavit must state in substance that (1) the person signing the affidavit meets the  
2 residency, age, and citizenship qualifications for circulating a petition under  
3 AS 15.45.105; [OF AS 15.05.010,] (2) the person is the only circulator of that  
4 petition; [,] (3) the signatures were made in the circulator's actual presence; [,] (4) to  
5 the best of the circulator's knowledge, the signatures are those of the persons whose  
6 names they purport to be; [,] (5) the signatures are of persons who were qualified  
7 voters on the date of signature; [,] (6) the circulator [PERSON] has not entered into  
8 an agreement with a person or organization in violation of AS 15.45.110(c); [,] (7) the  
9 circulator [PERSON] has not violated AS 15.45.110(d) with respect to that petition;  
10 [,] and (8) before circulation of the petition, the circulator prominently placed, in the  
11 space provided under AS 15.45.090(5) [BEFORE CIRCULATION OF THE  
12 PETITION, IN BOLD CAPITAL LETTERS, THE CIRCULATOR'S NAME AND],  
13 if the circulator has received payment or agreed to receive payment for the collection  
14 of signatures on the petition, the name of each person or organization that has paid or  
15 agreed to pay the circulator for collection of signatures on the petition. In determining  
16 the sufficiency of the petition, the lieutenant governor may not count subscriptions on  
17 petitions not properly certified.

18 \* Sec. 24. AS 15.45.200 is amended to read:

19 **Sec. 15.45.200. Display of proposed law.** The director shall provide each  
20 election board with five [10] copies of the proposed law being initiated, and the  
21 election board shall display at least one copy [THREE COPIES] of the proposed law  
22 in a conspicuous place in the room where the election is held.

23 \* Sec. 25. AS 15.45.270 is amended to read:

24 **Sec. 15.45.270. Form of application.** The application must [SHALL]  
25 include

- 26 (1) the act to be referred;
- 27 (2) a statement of approval or rejection;
- 28 (3) the printed signature, address, and date of birth of not less  
29 than 100 qualified voters who will serve as sponsors; each signature page must  
30 include a statement that the sponsors are qualified voters who signed the application  
31 with the act to be referred and the statement of approval or rejection

1 [PROPOSED BILL] attached; and

2 (4) [(3)] the designation of a referendum committee consisting of three  
3 of the sponsors who subscribed to the application and [SHALL] represent all  
4 sponsors and subscribers in matters relating to the referendum; the designation must  
5 include the name, address, and signature of each committee member [AND

6 (4) THE SIGNATURES AND ADDRESSES OF NOT FEWER  
7 THAN 100 QUALIFIED VOTERS].

8 \* Sec. 26. AS 15.45.290 is amended to read:

9 Sec. 15.45.290. Designation of sponsors. The qualified voters who subscribe  
10 to the application in support of the referendum are designated as sponsors. The  
11 referendum committee may designate additional sponsors by giving notice to the  
12 lieutenant governor of the names and addresses of those so designated.

13 \* Sec. 27. AS 15.45.320 is amended to read:

14 Sec. 15.45.320. Preparation of petition. If the application is certified, the  
15 lieutenant governor shall, within seven calendar days after the date of certification,  
16 prescribe the form of, and prepare, a petition containing (1) a copy of the act to be  
17 referred, if the number of words included in both the formal and substantive  
18 provisions of the bill is 500 or less; [,] (2) the statement of approval or rejection;  
19 (3) an impartial summary of the subject matter of the act; (4) [, (3)] the warning  
20 prescribed in AS 15.45.330; (5) [, (4)] sufficient space for the printed name, date of  
21 birth, signature, and address of each person signing the petition; (6) sufficient  
22 space at the bottom of each page for the information required by  
23 AS 15.45.360(8); [SIGNATURES AND ADDRESSES,] and (7) [(5)] other  
24 specifications prescribed by the lieutenant governor to ensure [ASSURE] proper  
25 handling and control. Petitions, for purposes of circulation, shall be prepared by the  
26 lieutenant governor in a number reasonably calculated to allow full circulation  
27 throughout the state and shall be sequentially numbered [. THE LIEUTENANT  
28 GOVERNOR SHALL NUMBER EACH PETITION AND SHALL KEEP A  
29 RECORD OF THE PETITIONS DELIVERED TO EACH SPONSOR]. Upon request  
30 of the referendum committee, the lieutenant governor shall report to the referendum  
31 committee [SPECIFY] the number of persons who voted in the preceding general

1 election.

2 \* **Sec. 28.** AS 15.45 is amended by adding a new section to read:

3 **Sec. 15.45.335. Qualifications of circulator.** To circulate a petition booklet,  
4 a person shall be

5 (1) a citizen of the United States;

6 (2) 18 years of age or older; and

7 (3) a resident of the state as determined under AS 15.05.020.

8 \* **Sec. 29.** AS 15.45.340 is amended by adding new subsections to read:

9 (b) A circulator may not receive payment or agree to receive payment that is  
10 greater than \$1 a signature, and a person or an organization may not pay or agree to  
11 pay an amount that is greater than \$1 a signature, for the collection of signatures on a  
12 petition.

13 (c) A person or organization may not knowingly pay, offer to pay, or cause to  
14 be paid money or other valuable thing to a person to sign or refrain from signing a  
15 petition.

16 (d) A person or organization that violates (b) or (c) of this section is guilty of a  
17 class B misdemeanor.

18 (e) In this section,

19 (1) "organization" has the meaning given in AS 11.81.900;

20 (2) "other valuable thing" has the meaning given in AS 15.56.030;

21 (3) "person" has the meaning given in AS 11.81.900.

22 \* **Sec. 30.** AS 15.45.350 is amended to read:

23 **Sec. 15.45.350. Manner of signing and withdrawing name from petition.**

24 Any qualified voter may subscribe to the petition by printing the voter's name, date  
25 of birth, and address, and by signing the voter's name [AND ADDRESS]. A person  
26 who has signed the referendum petition may withdraw the person's name only by  
27 giving written notice to the lieutenant governor before the date the petition is filed.

28 \* **Sec. 31.** AS 15.45.360 is amended to read:

29 **Sec. 15.45.360. Certification of circulator.** Before being filed, each petition  
30 shall be certified by an affidavit by the person who circulated the petition. The  
31 affidavit must [SHALL] state in substance that (1) the person signing the affidavit

1 meets the residency, age, and citizenship qualifications for circulating a petition  
2 under AS 15.45.335; [OF AS 15.05.010,] (2) the person is the only circulator of the  
3 petition; [,] (3) the signatures were made in the circulator's actual presence; [, AND]  
4 (4) to the best of the circulator's knowledge, the signatures are the signatures of  
5 persons whose names they purport to be; (5) the signatures are of persons who were  
6 qualified voters on the date of signature; (6) the circulator has not entered into an  
7 agreement with a person or organization in violation of AS 15.45.340(b); (7) the  
8 circulator has not violated AS 15.45.340(c) with respect to that petition; and (8)  
9 before circulation of the petition, the circulator prominently placed, in the space  
10 provided under AS 15.45.320(6), if the circulator has received payment or agreed  
11 to receive payment for the collection of signatures on the petition, the name of  
12 each person or organization that has paid or agreed to pay the circulator for  
13 collection of signatures on the petition. In determining the sufficiency of the  
14 petition, the lieutenant governor may not count subscriptions on petitions not properly  
15 certified.

16 \* Sec. 32. AS 15.45.430 is amended to read:

17       Sec. 15.45.430. **Display of act being referred.** The director shall provide  
18 each election board with five [10] copies of the act being referred, and the election  
19 board shall display at least one copy [THREE COPIES] of the act in a conspicuous  
20 place in the room where the election is held.

21 \* Sec. 33. AS 15.45.500 is amended to read:

22       Sec. 15.45.500. **Form of application.** The application must include

23               (1) the name and office of the person to be recalled;

24               (2) the grounds for recall described in particular in not more than 200  
25 words;

26               (3) the printed name, signature, address, and date of birth of  
27 qualified voters equal in number to 10 percent of those who voted in the  
28 preceding general election in the state or in the senate or house district of the  
29 official sought to be recalled; each signature page must include a statement that the  
30 [SPONSORS ARE] qualified voters [WHO]

31                       (A) will serve as sponsors; and

1 (B) signed the application with

2 (i) the name and office of the person to be recalled;

3 and

4 (ii) the statement of grounds for recall attached; and

5 (4) the designation of a recall committee consisting of three of the  
6 qualified voters [SPONSORS] who subscribed to the application and shall  
7 represent all sponsors and subscribers in matters relating to the recall; the designation  
8 must include the name, mailing address, and signature of each committee  
9 member

10 [(5) THE SIGNATURES OF AT LEAST 100 QUALIFIED VOTERS  
11 WHO SUBSCRIBE TO THE APPLICATION AS SPONSORS FOR PURPOSES OF  
12 CIRCULATION; AND

13 (6) THE SIGNATURES AND ADDRESSES OF QUALIFIED  
14 VOTERS EQUAL IN NUMBER TO 10 PERCENT OF THOSE WHO VOTED IN  
15 THE PRECEDING GENERAL ELECTION IN THE STATE OR IN THE SENATE  
16 OR HOUSE DISTRICT OF THE OFFICIAL SOUGHT TO BE RECALLED].

17 \* Sec. 34. AS 15.45 is amended by adding a new section to read:

18 **Sec. 15.45.515. Designation of sponsors.** The qualified voters who subscribe  
19 to the application in support of the recall are designated as sponsors. The recall  
20 committee may designate additional sponsors by giving notice to the lieutenant  
21 governor of the names, addresses, and dates of birth of those so designated.

22 \* Sec. 35. AS 15.45.560 is amended to read:

23 **Sec. 15.45.560. Preparation of petition.** If [UPON CERTIFYING] the  
24 application is certified, the director shall prescribe the form of, and prepare, a petition  
25 containing (1) the name and office of the person to be recalled; [,] (2) the statement of  
26 the grounds for recall included in the application; [,] (3) the statement of warning  
27 required in AS 15.45.570; [,] (4) sufficient space for the printed name, date of birth,  
28 signature, and address of each person signing the petition; [SIGNATURES AND  
29 ADDRESSES, AND] (5) sufficient space at the bottom of each page for the  
30 information required by AS 15.45.600(8); and (6) other specifications prescribed by  
31 the director to ensure [ASSURE] proper handling and control. Petitions, for purposes

1 of circulation, shall be prepared by the director in a number reasonably calculated to  
2 allow full circulation throughout the state or throughout the senate or house district of  
3 the official sought to be recalled and shall be sequentially numbered. Upon request  
4 of the recall committee, the lieutenant governor shall report to the recall  
5 committee the number of persons who voted in the preceding general election in  
6 the state or in the district of the official sought to be recalled. [THE DIRECTOR  
7 SHALL NUMBER EACH PETITION AND SHALL KEEP A RECORD OF THE  
8 PETITIONS DELIVERED TO EACH SPONSOR.]

9 \* **Sec. 36.** AS 15.45 is amended by adding a new section to read:

10 **Sec. 15.45.575. Qualifications of circulator.** To circulate a petition booklet,  
11 a person shall be

- 12 (1) a citizen of the United States;
- 13 (2) 18 years of age or older; and
- 14 (3) a resident of the state as determined under AS 15.05.020.

15 \* **Sec. 37.** AS 15.45.580 is amended by adding new subsections to read:

16 (b) A circulator may not receive payment or agree to receive payment that is  
17 greater than \$1 a signature, and a person or an organization may not pay or agree to  
18 pay an amount that is greater than \$1 a signature, for the collection of signatures on a  
19 petition.

20 (c) A person or organization may not knowingly pay, offer to pay, or cause to  
21 be paid money or other valuable thing to a person to sign or refrain from signing a  
22 petition.

23 (d) A person or organization that violates (b) or (c) of this section is guilty of a  
24 class B misdemeanor.

25 (e) In this section,

- 26 (1) "organization" has the meaning given in AS 11.81.900;
- 27 (2) "other valuable thing" has the meaning given in AS 15.56.030;
- 28 (3) "person" has the meaning given in AS 11.81.900.

29 \* **Sec. 38.** AS 15.45.590 is amended to read:

30 **Sec. 15.45.590. Manner of signing and withdrawing name from petition.**  
31 Any qualified voter may subscribe to the petition by printing the voter's name, date

1 of birth, and address, and by signing the voter's name [AND ADDRESS]. A person  
2 who has signed the petition may withdraw the person's name only by giving written  
3 notice to the director before the date the petition is filed.

4 \* Sec. 39. AS 15.45.600 is amended to read:

5 **Sec. 15.45.600. Certification of circulator.** Before being filed, each petition  
6 shall be certified by an affidavit by the person who personally circulated the petition.  
7 The affidavit **must** [SHALL] state in substance that (1) the person signing the affidavit  
8 meets the residency, age, and citizenship qualifications of AS 15.45.575;  
9 [AS 15.05.010,] (2) the person is the only circulator of that petition or copy; [,] (3) the  
10 signatures were made in the circulator's actual presence; [, AND] (4) to the best of the  
11 circulator's knowledge, the signatures are those of the persons whose names they  
12 purport to be; (5) the signatures are of persons who were qualified voters on the  
13 date of signature; (6) the circulator has not entered into an agreement with a  
14 person or organization in violation of AS 15.45.580(b); (7) the circulator has not  
15 violated AS 15.45.580(c) with respect to that petition; and (8) before circulation  
16 of the petition, the circulator prominently placed, in the space provided under  
17 AS 15.45.560(5), if the circulator has received payment or agreed to receive  
18 payment for the collection of signatures on the petition, the name of each person  
19 or organization that has paid or agreed to pay the circulator for collection of  
20 signatures on the petition. In determining the sufficiency of the petition, the director  
21 may not count subscriptions on petitions not properly certified.

22 \* Sec. 40. AS 15.45.680 is amended to read:

23 **Sec. 15.45.680. Display of grounds [BASES] for and against recall.** The  
24 director shall provide each election board in the state or in the senate or house district  
25 of the person subject to recall with five [10] copies of the statement of the grounds for  
26 recall included in the application and five [10] copies of the statement of not more  
27 than 200 words made by the official subject to recall in justification of the official's  
28 conduct in office. The person subject to recall may provide the director with the  
29 statement within 10 days after the date the director gave notification that the petition  
30 was properly filed. The election board shall post at least one copy [THREE COPIES]  
31 of the statements for and against recall in a [THREE] conspicuous place [PLACES] in

1 the polling place.

2 \* Sec. 41. AS 15.60 is amended by adding a new section to read:

3 **Sec. 15.60.003. Voters unaffiliated with political parties.** The director shall  
4 consider a voter to be a voter registered as

5 (1) "nonpartisan" and without a preference for a political party if the  
6 voter registers as nonpartisan on a voter registration form;

7 (2) "undeclared" if the voter

8 (A) registers as undeclared on a voter registration form;

9 (B) fails to declare an affiliation with a political group or  
10 political party on a voter registration form; or

11 (C) declares an affiliation with an entity other than a political  
12 party or political group on a voter registration form; or

13 (3) "other" if the voter declares on a voter registration form an  
14 affiliation with a political group.

15 \* Sec. 42. AS 15.60 is amended by adding a new section to read:

16 **Sec. 15.60.008. Recognized political party status.** (a) A political group that  
17 the director has not recognized as a political party may obtain recognized political  
18 party status if, on or before May 31 of the first election year for which the political  
19 group seeks recognition, the political group

20 (1) files an application with the director;

21 (2) submits bylaws to the director and the United States Department of  
22 Justice as required of political parties in AS 15.25.014; and

23 (3) meets the definition of a political party in AS 15.60.010.

24 (b) The director shall verify that each political group seeking recognized  
25 political party status under (a) of this section and each recognized political party meets  
26 the definition of a political party in AS 15.60.010.

27 (c) The director shall perform a verification described in (b) of this section at  
28 least once a month after the date of certification of the preceding general election. For  
29 purposes of (b) of this section, the director shall verify that the voters who have  
30 submitted registration to the division of elections are qualified under AS 15.05.010  
31 and have declared affiliation with the political group or recognized political party for

1 which the verification is performed.

2 (d) Within 10 days after a verification under (c) of this section, the director  
3 shall provide to a political group seeking recognized political party status under (a) of  
4 this section written notification when the political group has obtained recognized  
5 political party status.

6 (e) The director may not withdraw recognized political party status from a  
7 political group that no longer meets the definition of political party except following  
8 the verification immediately after a general election at which a governor was elected.  
9 The director shall provide written notification to the political party of the withdrawal  
10 of recognized political party status.

11 \* Sec. 43. AS 15.60.010(21) is amended to read:

12 (21) "political party" means an organized group of voters that  
13 represents a political program and that

14 (A) [EITHER] nominated a candidate for governor who  
15 received at least three percent of the total votes cast for governor at the  
16 preceding general election at which a governor was elected;

17 (B) nominated a candidate for United States senator who  
18 received at least three percent of the total votes cast for United States  
19 senator at the preceding general election or at the most recent general  
20 election at which a governor was elected;

21 (C) nominated a candidate for United States representative  
22 who received at least three percent of the total votes cast for United States  
23 representative at the preceding general election or at the most recent  
24 general election at which a governor was elected; or

25 (D) has registered voters in the state equal in number to at least  
26 three percent of the total votes cast for governor at the preceding general  
27 election at which a governor was elected;

28 \* Sec. 44. AS 15.60.010 is amended by adding new paragraphs to read:

29 (38) "reregistration" means the submission of a registration form by a  
30 voter whose registration was inactivated on the master register maintained under  
31 AS 15.07 and the director's reactivation of that registration in accordance with that

1 chapter; in this paragraph, "a voter whose registration was inactivated" does not  
2 include a voter whose registration was inactivated under AS 15.07.130 and whose  
3 ballot may be counted under AS 15.15.198;

4 (39) "statewide office" means the office of governor, lieutenant  
5 governor, United States senator, or United States representative.

6 \* Sec. 45. AS 29.05.110(b) is amended to read:

7 (b) A qualified voter who is registered to vote [HAS BEEN A RESIDENT  
8 OF THE AREA] within the proposed municipality at least [FOR] 30 days before the  
9 date of the election order may vote.

10 \* Sec. 46. AS 29.05.110(c) is amended to read:

11 (c) Areawide borough powers included in an incorporation petition are  
12 considered to be part of the incorporation question. In an election for the incorporation  
13 of a second class borough, each nonareawide power to be exercised is placed  
14 separately on the ballot. Adoption of a nonareawide power requires a majority of the  
15 votes cast on the question, and the vote is limited to the qualified voters who are  
16 registered to vote [RESIDING] in the proposed borough but outside all cities in the  
17 proposed borough.

18 \* Sec. 47. AS 29.05.110 is amended by adding a new subsection to read:

19 (f) In this section, "qualified voter" has the meaning in AS 15.60.010.

20 \* Sec. 48. The uncodified law of the State of Alaska is amended by adding a new section to  
21 read:

22 VOTING BY MAIL AND ELECTRONICALLY. Not later than March 1, 2005, the  
23 director of the division of elections shall provide a report to the legislature on the feasibility,  
24 costs, and benefits of authorizing a system of voting by mail and electronically.

25 \* Sec. 49. AS 15.10.020(b) and AS 15.20.048 are repealed.

26 \* Sec. 50. The uncodified law of the State of Alaska is amended by adding a new section to  
27 read:

28 APPLICABILITY. The changes made by secs. 18 - 40 of this Act apply to an  
29 application for an initiative, referendum, or recall filed with the lieutenant governor on or  
30 after the effective date of this Act.

31 \* Sec. 51. The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2       TRANSITION. An initiative, referendum, or recall for which an application was filed  
3 with the lieutenant governor before the effective date of this Act is subject to the provisions of  
4 AS 15.45 as they existed on the day before the effective date of this Act.

5       \* Sec. 52. The uncodified law of the State of Alaska is amended by adding a new section to  
6 read:

7       REVISOR'S INSTRUCTION. The revisor of statutes is instructed to change the  
8 heading of art. 5 of AS 15.20 from "Article 5. Optically Scanned Voting" to "Article 5.  
9 Optically Scanned Voting; Voting Machine or Tally System Standards."  
10       \* Sec. 53. This Act takes effect immediately under AS 01.10.070(c).

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**CS FOR HOUSE BILL NO. 523(STA)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-THIRD LEGISLATURE - SECOND SESSION**

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered:**  
**Referred:**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**  
**FOR AN ACT ENTITLED**

1 **"An Act relating to qualifications of voters, requirements and procedures regarding**  
2 **independent candidates for President and Vice-President of the United States, voter**  
3 **registration and voter registration records, voter residence, precinct boundary and**  
4 **polling place designation and modification, recognized political parties, voters**  
5 **unaffiliated with political parties, early voting, absentee voting, ballot counting, voting**  
6 **electronically, voting by mail, voting machines, vote tally systems, initiative, referendum,**  
7 **recall, and definitions in the Alaska Election Code; relating to incorporation elections;**  
8 **and providing for an effective date."**

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

10 **\* Section 1. AS 15.05.020 is amended to read:**

11 **Sec. 15.05.020. Rules for determining residence of voter. For the purpose**  
12 **of determining residence for voting, the place of residence is governed by the**

1 following rules:

2 (1) A person may not be considered to have gained a residence solely  
3 by reason of presence nor may a person lose it solely by reason of absence while in the  
4 civil or military service of this state or of the United States or of absence because of  
5 marriage to a person engaged in the civil or military service of this state or the United  
6 States, while a student at an institution of learning, while in an institution or asylum at  
7 public expense, while confined in public prison, while engaged in the navigation of  
8 waters of this state [,] or the United States or of the high seas, while residing upon an  
9 Indian or military reservation, or while residing in the Alaska Pioneers' Home.

10 (2) The residence of a person is that place in which the person's  
11 habitation is fixed, and to which, whenever absent, the person has the intention to  
12 return. If a person resides in one place, but does business in another, the former is the  
13 person's place of residence. Temporary work sites [CONSTRUCTION CAMPS] do  
14 not constitute a dwelling place.

15 (3) A change of residence is made only by the act of removal joined  
16 with the intent to remain in another place. There can only be one residence.

17 (4) A person does not lose residence if the person leaves home and  
18 goes to another country, state, or place in this state for temporary purposes only and  
19 with the intent of returning.

20 (5) A person does not gain residence in any place to which the person  
21 comes without the present intention to establish a permanent dwelling at that place.

22 (6) A person loses residence in this state if the person votes in another  
23 state's election, either in person or by absentee ballot, and will not be eligible to vote  
24 in this state until again qualifying under AS 15.05.010.

25 (7) [REPEALED

26 (8)] The term of residence is computed by including the day on which  
27 the person's residence begins and excluding the day of election.

28 ~~(8)~~ [(9) REPEALED

29 (10)] The address of a voter as it appears on the [AN] official voter  
30 registration record [CARD] is presumptive evidence of the person's voting residence.  
31 This presumption is negated only if [BY] the voter notifies [NOTIFYING] the

1 director in writing of a change of voting residence.

2 \* **Sec. 2.** AS 15.07.060(a) is amended to read:

3 (a) Each applicant who requests registration or reregistration shall supply the  
4 following information:

5 (1) the applicant's name and sex;

6 (2) if issued, the applicant's State of Alaska driver's license number or  
7 State of Alaska identification card number, or the last four digits of the applicant's  
8 social security number;

9 (3) the applicant's date of birth;

10 (4) the applicant's Alaska residence address, as specified in  
11 regulations adopted by the director [AND OTHER NECESSARY INFORMATION  
12 ESTABLISHING RESIDENCE, INCLUDING THE TERM OF RESIDENCE IN  
13 THE STATE AND IN THE DISTRICT, IF REQUESTED];

14 (5) a statement of whether the applicant has previously been  
15 registered to vote in another jurisdiction, and, if so, the jurisdiction and the address of  
16 the previous registration;

17 (6) a declaration that the applicant [REGISTRANT] will be 18 years  
18 of age or older within 90 days after [OF] the date of registration;

19 (7) a declaration that the applicant [REGISTRANT] is a citizen of the  
20 United States;

21 (8) the date of application;

22 (9) the applicant's signature or mark;

23 (10) any former name under which the applicant was registered to vote  
24 in the state;

25 (11) an oath [ATTESTATION] that the information provided by the  
26 applicant in (1) - (10) of this subsection is true; and

27 (12) a certification that the applicant understands that a false statement  
28 on the application may make the applicant subject to prosecution for a misdemeanor  
29 under this title or AS 11.

30 \* **Sec. 3.** AS 15.07 is amended by adding a new section to read:

31 **Sec. 15.07.195. Certain information in voter registration records**

1 **confidential.** The following information set out in state voter registration records is  
2 confidential and is not open to public inspection:

- 3 (1) the voter's date of birth;  
4 (2) the voter's social security number, or any part of that number;  
5 (3) the voter's driver's license number;  
6 (4) the voter's telephone number, if shown in those records;  
7 (5) the voter's voter identification number;  
8 (6) the voter's place of birth;  
9 (7) the voter's signature.

10 \* **Sec. 4.** AS 15.10.090 is repealed and reenacted to read:

11 **Sec. 15.10.090. Notice of precinct boundary or polling place designation**  
12 **and modification.** The director shall give full public notice if a precinct is established  
13 or abolished or if the boundaries of a precinct are designated, abolished, or modified,  
14 or if the location of a polling place is changed. Public notice must include

15 (1) whenever possible, sending written notice of the change to each  
16 affected registered voter in the precinct;

17 (2) providing notice of the change

18 (A) by publication three times in a newspaper of general  
19 circulation; if possible, the newspaper shall be one that circulates generally in  
20 the precinct; or

21 (B) if there is not a newspaper described in (A) of this  
22 paragraph, by posting written notice in three conspicuous places as close to the  
23 precinct as possible; at least one posting location must be in the precinct;

24 (3) posting notice of the change on the Internet site of the division of  
25 elections; and

26 (4) providing notification of the change to the appropriate municipal  
27 clerks, community councils, tribal groups, presiding officers, Native villages, and  
28 village regional corporations established under 43 U.S.C. 1606 (Alaska Native Claims  
29 Settlement Act).

30 \* **Sec. 5.** AS 15.15.030(7) is amended to read:

31 (7) The general election ballot shall be designed with the names of

1 candidates of each political party, and of any independent candidates qualified  
2 under AS 15.30.026, for the office of President and Vice-President of the United  
3 States placed in the same section on the ballot rather than the names of electors of  
4 President and Vice-President.

5 \* Sec. 6. AS 15.15.350(a) is amended to read:

6 (a) The director may adopt regulations prescribing the manner in which the  
7 precinct ballot count is accomplished so as to ensure [ASSURE] accuracy in the count  
8 and to expedite the process. The election board shall account for all ballots by  
9 completing a ballot statement containing (1) the number of official ballots received;  
10 (2) the number of official ballots voted; (3) the number of official ballots spoiled; (4)  
11 the number of official ballots unused and either destroyed or returned for  
12 destruction to the elections supervisor or the election supervisor's designee. The  
13 board shall count the number of questioned ballots and [SHALL] compare that  
14 number to the number of questioned voters in the register. Discrepancies shall be  
15 noted and the numbers included in the certificate prescribed by AS 15.15.370. The  
16 election board, in hand-count precincts, shall count the ballots in a manner that allows  
17 watchers to see the ballots when opened and read. A person handling the ballot after it  
18 has been taken from the ballot box and before it is placed in the envelope for mailing  
19 may not have a marking device in hand or remove a ballot from the immediate vicinity  
20 of the polls.

21 \* Sec. 7. AS 15.20.045(b) is amended to read:

22 (b) The director may designate by regulation adopted under AS 44.62  
23 (Administrative Procedure Act) locations at which absentee voting stations will be  
24 operated for 15 days [ON OR AFTER THE 15TH DAY] before an election and on  
25 election day [UP TO AND INCLUDING THE DATE OF THE ELECTION]. The  
26 director shall supply absentee voting stations with ballots for all house districts in the  
27 state and shall designate absentee voting officials to serve at absentee voting stations.

28 \* Sec. 8. AS 15.20.064(a) is amended to read:

29 (a) For 15 days before an election and on election day, a [A] qualified voter  
30 who meets the requirements set out in this section may vote in locations designated  
31 by the director [EARLY IN THE OFFICE OF AN ELECTION SUPERVISOR ON

1 OR AFTER THE 15TH DAY BEFORE AN ELECTION UP TO AND INCLUDING  
2 ELECTION DAY].

3 \* Sec. 9. AS 15.20.064(b) is amended to read:

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

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

7 (2) verification that the voter's residence address appearing on the  
8 official registration list is current [AND WITHIN THE ELECTION SUPERVISOR'S  
9 JURISDICTION]; and

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

11 \* Sec. 10. AS 15.20.066(b) is amended to read:

12 (b) An absentee ballot that is completed and returned by the voter by  
13 electronic transmission must

14 (1) contain the following statement: "I understand that, by using  
15 electronic transmission to return my marked ballot, I am voluntarily waiving a portion  
16 of my right to a secret ballot to the extent necessary to process my ballot, but expect  
17 that my vote will be held as confidential as possible, [.]" followed by the voter's  
18 signature and date of signature; and

19 (2) be accompanied by a statement executed under oath as to the  
20 voter's identity; the statement under oath must be witnessed by

21 (A) a commissioned or noncommissioned officer of the armed  
22 forces of the United States;

23 (B) an official authorized by federal law or the law of the state  
24 in which the absentee ballot is cast to administer an oath; or

25 (C) a [TWO] United States citizen [CITIZENS] who is [ARE]  
26 18 years of age or older.

27 \* Sec. 11. AS 15.20.081(d) is amended to read:

28 (d) Upon receipt of an absentee ballot by mail, the voter, in the presence of a  
29 notary public, commissioned officer of the armed forces including the National Guard,  
30 district judge or magistrate, United States postal official, registration official, or other  
31 person qualified to administer oaths, may proceed to mark the ballot in secret, to place

1 the ballot in the secrecy sleeve, to place the secrecy sleeve in the envelope provided,  
2 and to sign the voter's certificate on the envelope in the presence of an official listed in  
3 this subsection who shall sign as attesting official and shall date the signature. If none  
4 of the officials listed in this subsection is reasonably accessible, an absentee voter  
5 shall sign the voter's certificate in the presence of one person who is a United States  
6 citizen and is [TWO PERSONS OVER THE AGE OF] 18 years of age or older, who  
7 shall sign as a witness [WITNESSES] and attest to the date on which the voter signed  
8 the certificate in the person's [THEIR] presence, and, in addition, the voter shall  
9 provide the certification prescribed in AS 09.63.020.

10 \* Sec. 12. AS 15.20.081(h) is amended to read:

11 (h) Except as provided in AS 15.20.480, an absentee ballot returned by mail  
12 from outside the United States or from an overseas voter qualifying under  
13 AS 15.05.011 [A MILITARY APO OR FPO ADDRESS] that has been marked and  
14 mailed not later than election day may not be counted unless the ballot is received by  
15 the election supervisor not later than the close of business on the 15th day following  
16 the election.

17 \* Sec. 13. AS 15.20.800(b) is amended to read.

18 (b) If the director conducts an election under (a) of this section by mail, the  
19 director shall send a ballot for each election described in (a) of this section to each  
20 person whose name appears on the official registration list prepared under  
21 AS 15.07.125 for that election. The director shall send ballots by first class,  
22 nonforwardable mail. The ballot shall be sent to the address stated on the official  
23 registration list unless the

24 (1) voter has notified the director or an election supervisor of a  
25 different address to which the ballot should be sent; or

26 (2) address on the official registration list has been identified as  
27 being an undeliverable address [THE DIRECTOR SHALL SEND BALLOTS BY  
28 FIRST CLASS, NONFORWARDABLE MAIL].

29 \* Sec. 14. AS 15.20 is amended by adding a new section to article 5 to read:

30 Sec. 15.20.910. Standards for voting machines and vote tally systems. The  
31 director may approve a voting machine or vote tally system for use in an election in

1 the state upon consideration of factors relevant to the administration of state elections,  
2 including whether the Federal Election Commission has certified the voting machine  
3 or vote tally system to be in compliance with the voting system standards approved by  
4 the Federal Election Commission as required by 42 U.S.C. 15481(a)(5) (Help America  
5 Vote Act of 2002).

6 \* Sec. 15. AS 15.30 is amended by adding a new section to read:

7 **Sec. 15.30.026. Qualifications for independent candidates for President of**  
8 **the United States; selection of candidate for Vice-President; selection of electors.**

9 (a) A person who desires to be an independent candidate for President of the United  
10 States must file with the director not earlier than January 1 of a presidential election  
11 year and not later than the 90th day before a presidential general election a petition  
12 signed by qualified voters of the state equal in number to at least one percent of the  
13 number of voters who cast ballots in an election under this chapter for President of the  
14 United States at the last presidential general election. The petition must state that the  
15 signers desire the named candidate for President of the United States to appear on the  
16 ballot as an independent candidate for president at the next succeeding presidential  
17 general election.

18 (b) In order to appear on the ballot, a candidate who has qualified for ballot  
19 status under (a) of this section shall certify the following information to the director on  
20 or before September 1 of the year of the presidential general election:

21 (1) the names of the electors for the independent candidate for  
22 President of the United States, equal to the number of senators and representatives to  
23 which the state is entitled in Congress;

24 (2) the name of a candidate for Vice-President, selected by the  
25 independent candidate; and

26 (3) the name, Alaska mailing address, and signature of the candidate's  
27 state campaign chair, who must be an Alaska resident.

28 \* Sec. 16. AS 15.30.050 is amended to read:

29 **Sec. 15.30.050. Interpretation of votes cast for candidates for President**  
30 **and Vice-President [VICE PRESIDENT].** In voting for presidential electors, a vote  
31 marked for the candidates for President and Vice-President [VICE PRESIDENT] is

1 considered and counted as a vote for the presidential electors of the party or for the  
2 presidential electors named under AS 15.30.026, as appropriate.

3 \* Sec. 17. AS 15.30.090 is amended to read:

4 Sec. 15.30.090. **Duties of electors.** After any vacancies have been filled, the  
5 electors shall proceed to cast their votes for the candidates for the office of President  
6 and Vice-President [VICE PRESIDENT] of the party that [WHICH] selected them as  
7 candidates for electors, or for the candidates for the office of President and Vice-  
8 President under AS 15.30.026 if the electors were named under AS 15.30.026, and  
9 shall perform the duties of electors as required by the constitution and laws of the  
10 United States. The director shall provide administrative services and the Department  
11 of Law shall provide legal services necessary for the electors to perform their duties.

12 \* Sec. 18. AS 15.45.030 is amended to read:

13 Sec. 15.45.030. **Form of application.** The application must [SHALL]  
14 include the

15 (1) [THE] proposed bill; [TO BE INITIATED,]

16 (2) printed name, signature, address, and date of birth of not less  
17 than 100 qualified voters who will serve as sponsors; each signature page must  
18 include a statement that the sponsors are qualified voters who signed the application  
19 with the proposed bill attached; and [,]

20 (3) [THE] designation of an initiative committee consisting of three of  
21 the sponsors who subscribed to the application and [SHALL] represent all sponsors  
22 and subscribers in matters relating to the initiative; the designation must include the  
23 name, mailing address, and signature of each committee member [, AND

24 (4) THE SIGNATURES AND ADDRESSES OF NOT LESS THAN  
25 100 QUALIFIED VOTERS].

26 \* Sec. 19. AS 15.45.060 is amended to read:

27 Sec. 15.45.060. **Designation of sponsors.** The qualified voters who subscribe  
28 to the application in support of the proposed bill are designated as sponsors. The  
29 initiative committee may designate additional sponsors by giving written notice to the  
30 lieutenant governor of the names and addresses of those so designated.

31 \* Sec. 20. AS 15.45.090 is amended to read:

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**Sec. 15.45.090. Preparation of petition.** If the application is certified, the lieutenant governor shall prescribe the form of and prepare petitions containing (1) a copy of the proposed bill if the number of words included in both the formal and substantive provisions of the bill is 500 or less; [,] (2) an impartial summary of the subject matter of the bill; [,] (3) the warning prescribed in AS 15.45.100; [,] (4) sufficient space for the printed name, date of birth, signature, and address; [,] (5) sufficient space at the bottom of each signature page for the information required by AS 15.45.130(8); [,] and (6) other specifications prescribed by the lieutenant governor to ensure [ASSURE] proper handling and control. Petitions, for purposes of circulation, shall be prepared by the lieutenant governor in a number reasonably calculated to allow full circulation throughout the state and shall be sequentially numbered [. THE LIEUTENANT GOVERNOR SHALL NUMBER EACH PETITION AND SHALL KEEP A RECORD OF THE PETITION DELIVERED TO EACH SPONSOR]. Upon request of the initiative committee, the lieutenant governor shall report to the initiative committee the number of persons who voted in the preceding general election.

\* **Sec. 21.** AS 15.45 is amended by adding a new section to read:

**Sec. 15.45.105. Qualifications of circulator.** To circulate a petition booklet, a person shall be

- (1) a citizen of the United States;
- (2) 18 years of age or older; and
- (3) a resident of the state as determined under AS 15.05.020.

\* **Sec. 22.** AS 15.45.120 is amended to read:

**Sec. 15.45.120. Manner of signing and withdrawing name from petition.** Any qualified voter may subscribe to the petition by printing the voter's name, date of birth, and address, and by signing the voter's name [AND ADDRESS]. A person who has signed the initiative petition may withdraw the person's name only by giving written notice to the lieutenant governor before the date the petition is filed.

\* **Sec. 23.** AS 15.45.130 is amended to read:

**Sec. 15.45.130. Certification of circulator.** Before being filed, each petition shall be certified by an affidavit by the person who personally circulated the petition.

1 The affidavit must state in substance that (1) the person signing the affidavit meets the  
 2 residency, age, and citizenship qualifications for circulating a petition under  
 3 AS 15.45.105; [OF AS 15.05.010,] (2) the person is the only circulator of that  
 4 petition; [,] (3) the signatures were made in the circulator's actual presence; [,] (4) to  
 5 the best of the circulator's knowledge, the signatures are those of the persons whose  
 6 names they purport to be; [,] (5) the signatures are of persons who were qualified  
 7 voters on the date of signature; [,] (6) the circulator [PERSON] has not entered into  
 8 an agreement with a person or organization in violation of AS 15.45.110(c); [,] (7) the  
 9 circulator [PERSON] has not violated AS 15.45.110(d) with respect to that petition;  
 10 [,] and (8) before circulation of the petition, the circulator prominently placed, in the  
 11 space provided under AS 15.45.090(5) [BEFORE CIRCULATION OF THE  
 12 PETITION, IN BOLD CAPITAL LETTERS, THE CIRCULATOR'S NAME AND],  
 13 if the circulator has received payment or agreed to receive payment for the collection  
 14 of signatures on the petition, the name of each person or organization that has paid or  
 15 agreed to pay the circulator for collection of signatures on the petition. In determining  
 16 the sufficiency of the petition, the lieutenant governor may not count subscriptions on  
 17 petitions not properly certified.

18 \* Sec. 24. AS 15.45.200 is amended to read:

19 **Sec. 15.45.200. Display of proposed law.** The director shall provide each  
 20 election board with five [10] copies of the proposed law being initiated, and the  
 21 election board shall display one copy [THREE COPIES] of the proposed law in a  
 22 conspicuous place in the room where the election is held.

23 \* Sec. 25. AS 15.45.270 is amended to read:

24 **Sec. 15.45.270. Form of application.** The application must [SHALL]  
 25 include

- 26 (1) the act to be referred;  
 27 (2) a statement of approval or rejection;  
 28 (3) the printed signature, address, and date of birth of not less  
 29 than 100 qualified voters who will serve as sponsors; each signature page must  
 30 include a statement that the sponsors are qualified voters who signed the application  
 31 with the act to be referred and the statement of approval or rejection

1 [PROPOSED BILL] attached; and

2 (4) [(3)] the designation of a referendum committee consisting of three  
3 of the sponsors who subscribed to the application and [SHALL] represent all  
4 sponsors and subscribers in matters relating to the referendum; the designation must  
5 include the name, address, and signature of each committee member [AND

6 (4) THE SIGNATURES AND ADDRESSES OF NOT FEWER  
7 THAN 100 QUALIFIED VOTERS].

8 \* Sec. 26. AS 15.45.290 is amended to read:

9 Sec. 15.45.290. Designation of sponsors. The qualified voters who subscribe  
10 to the application in support of the referendum are designated as sponsors. The  
11 referendum committee may designate additional sponsors by giving notice to the  
12 lieutenant governor of the names and addresses of those so designated.

13 \* Sec. 27. AS 15.45.320 is amended to read:

14 Sec. 15.45.320. Preparation of petition. If the application is certified, the  
15 lieutenant governor shall, within seven calendar days after the date of certification,  
16 prescribe the form of, and prepare, a petition containing (1) a copy of the act to be  
17 referred, if the number of words included in both the formal and substantive  
18 provisions of the bill is 500 or less; [,] (2) the statement of approval or rejection;  
19 (3) an impartial summary of the subject matter of the act; (4) [, (3)] the warning  
20 prescribed in AS 15.45.330; (5) [, (4)] sufficient space for the printed names, dates  
21 of birth, signatures, and addresses; (6) sufficient space at the bottom of each page  
22 for the information required by AS 15.45.360(8); [,] and (7) [(5)] other  
23 specifications prescribed by the lieutenant governor to ensure [ASSURE] proper  
24 handling and control. Petitions, for purposes of circulation, shall be prepared by the  
25 lieutenant governor in a number reasonably calculated to allow full circulation  
26 throughout the state and shall be sequentially numbered [. THE LIEUTENANT  
27 GOVERNOR SHALL NUMBER EACH PETITION AND SHALL KEEP A  
28 RECORD OF THE PETITIONS DELIVERED TO EACH SPONSOR]. Upon request  
29 of the referendum committee, the lieutenant governor shall report to the referendum  
30 committee [SPECIFY] the number of persons who voted in the preceding general  
31 election.

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1 \* **Sec. 28.** AS 15.45 is amended by adding a new section to read:

2           **Sec. 15.45.335. Qualifications of circulator.** To circulate a petition booklet,  
3 a person shall be

- 4                   (1) a citizen of the United States;  
5                   (2) 18 years of age or older; and  
6                   (3) a resident of the state as determined under AS 15.05.020.

7 \* **Sec. 29.** AS 15.45.340 is amended by adding new subsections to read:

8           (b) A circulator may not receive payment or agree to receive payment that is  
9 greater than \$1 a signature, and a person or an organization may not pay or agree to  
10 pay an amount that is greater than \$1 a signature, for the collection of signatures on a  
11 petition.

12           (c) A person or organization may not knowingly pay, offer to pay, or cause to  
13 be paid money or other valuable thing to a person to sign or refrain from signing a  
14 petition.

15           (d) A person or organization that violates (b) or (c) of this section is guilty of a  
16 class B misdemeanor.

17           (e) In this section,

- 18                   (1) "organization" has the meaning given in AS 11.81.900;  
19                   (2) "other valuable thing" has the meaning given in AS 15.56.030;  
20                   (3) "person" has the meaning given in AS 11.81.900.

21 \* **Sec. 30.** AS 15.45.350 is amended to read:

22           **Sec. 15.45.350. Manner of signing and withdrawing name from petition.**  
23 Any qualified voter may subscribe to the petition by printing the voter's name, date  
24 of birth, and address, and by signing the voter's name [AND ADDRESS]. A person  
25 who has signed the referendum petition may withdraw the person's name only by  
26 giving written notice to the lieutenant governor before the date the petition is filed.

27 \* **Sec. 31.** AS 15.45.360 is amended to read:

28           **Sec. 15.45.360. Certification of circulator.** Before being filed, each petition  
29 shall be certified by an affidavit by the person who circulated the petition. The  
30 affidavit must [SHALL] state in substance that (1) the person signing the affidavit  
31 meets the residency, age, and citizenship qualifications for circulating a petition

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under AS 15.45.335; [OF AS 15.05.010,] (2) the person is the only circulator of the petition; [,] (3) the signatures were made in the circulator's actual presence; [, AND] (4) to the best of the circulator's knowledge, the signatures are the signatures of persons whose names they purport to be; (5) the signatures are of persons who were qualified voters on the date of signature; (6) the circulator has not entered into an agreement with a person or organization in violation of AS 15.45.340(b); (7) the circulator has not violated AS 15.45.340(c) with respect to that petition; and (8) before circulation of the petition, the circulator prominently placed, in the space provided under AS 15.45.320(6), if the circulator has received payment or agreed to receive payment for the collection of signatures on the petition, the name of each person or organization that has paid or agreed to pay the circulator for collection of signatures on the petition. In determining the sufficiency of the petition, the lieutenant governor may not count subscriptions on petitions not properly certified.

\* Sec. 32. AS 15.45.430 is amended to read:

**Sec. 15.45.430. Display of act being referred.** The director shall provide each election board with five [10] copies of the act being referred, and the election board shall display one copy [THREE COPIES] of the act in a conspicuous place in the room where the election is held.

\* Sec. 33. AS 15.45.500 is amended to read:

**Sec. 15.45.500. Form of application.** The application must include

- (1) the name and office of the person to be recalled;
- (2) the grounds for recall described in particular in not more than 200

words;

(3) the printed name, signature, address, and date of birth of qualified voters equal in number to 10 percent of those who voted in the preceding general election in the state or in the senate or house district of the official sought to be recalled; each signature page must include a statement that the [SPONSORS ARE] qualified voters [WHO]

(A) will serve as sponsors; and

(B) signed the application with

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(i) the name and office of the person to be recalled;

and

(ii) the statement of grounds for recall attached; and

(4) the designation of a recall committee consisting of three of the qualified voters [SPONSORS] who subscribed to the application and shall represent all sponsors and subscribers in matters relating to the recall; the designation must include the name, mailing address, and signature of each committee member

[(5) THE SIGNATURES OF AT LEAST 100 QUALIFIED VOTERS WHO SUBSCRIBE TO THE APPLICATION AS SPONSORS FOR PURPOSES OF CIRCULATION; AND

(6) THE SIGNATURES AND ADDRESSES OF QUALIFIED VOTERS EQUAL IN NUMBER TO 10 PERCENT OF THOSE WHO VOTED IN THE PRECEDING GENERAL ELECTION IN THE STATE OR IN THE SENATE OR HOUSE DISTRICT OF THE OFFICIAL SOUGHT TO BE RECALLED].

\* Sec. 34. AS 15.45 is amended by adding a new section to read:

**Sec. 15.45.515. Designation of sponsors.** The qualified voters who subscribe to the application in support of the recall are designated as sponsors. The recall committee may designate additional sponsors by giving notice to the lieutenant governor of the names, addresses, and dates of birth of those so designated.

\* Sec. 35. AS 15.45.560 is amended to read:

**Sec. 15.45.560. Preparation of petition.** If [UPON CERTIFYING] the application is certified, the director shall prescribe the form of, and prepare, a petition containing (1) the name and office of the person to be recalled; [,] (2) the statement of the grounds for recall included in the application; [,] (3) the statement of warning required in AS 15.45.570; [,] (4) sufficient space for the printed name, date of birth, signatures, and addresses; [, AND] (5) sufficient space at the bottom of each page for the information required by AS 15.45.600(8); and (6) other specifications prescribed by the director to ensure [ASSURE] proper handling and control. Petitions, for purposes of circulation, shall be prepared by the director in a number reasonably calculated to allow full circulation throughout the state or throughout the

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1 senate or house district of the official sought to be recalled and shall be sequentially  
2 numbered. Upon request of the recall committee, the lieutenant governor shall  
3 report to the recall committee the number of persons who voted in the preceding  
4 general election in the state or in the district of the official sought to be recalled.

5 [THE DIRECTOR SHALL NUMBER EACH PETITION AND SHALL KEEP A  
6 RECORD OF THE PETITIONS DELIVERED TO EACH SPONSOR.]

7 \* Sec. 36. AS 15.45 is amended by adding a new section to read:

8 Sec. 15.45.575. **Qualifications of circulator.** To circulate a petition booklet,  
9 a person shall be

- 10 (1) a citizen of the United States;  
11 (2) 18 years of age or older; and  
12 (3) a resident of the state as determined under AS 15.05.020.

13 \* Sec. 37. AS 15.45.580 is amended by adding new subsections to read:

14 (b) A circulator may not receive payment or agree to receive payment that is  
15 greater than \$1 a signature, and a person or an organization may not pay or agree to  
16 pay an amount that is greater than \$1 a signature, for the collection of signatures on a  
17 petition.

18 (c) A person or organization may not knowingly pay, offer to pay, or cause to  
19 be paid money or other valuable thing to a person to sign or refrain from signing a  
20 petition.

21 (d) A person or organization that violates (b) or (c) of this section is guilty of a  
22 class B misdemeanor.

23 (e) In this section,

- 24 (1) "organization" has the meaning given in AS 11.81.900;  
25 (2) "other valuable thing" has the meaning given in AS 15.56.030;  
26 (3) "person" has the meaning given in AS 11.81.900.

27 \* Sec. 38. AS 15.45.590 is amended to read:

28 Sec. 15.45.590. **Manner of signing and withdrawing name from petition.**  
29 Any qualified voter may subscribe to the petition by printing the voter's name, date  
30 of birth, and address, and by signing the voter's name [AND ADDRESS]. A person  
31 who has signed the petition may withdraw the person's name only by giving written

notice to the director before the date the petition is filed.

\* Sec. 39. AS 15.45.600 is amended to read:

**Sec. 15.45.600. Certification of circulator.** Before being filed, each petition shall be certified by an affidavit by the person who personally circulated the petition. The affidavit must [SHALL] state in substance that (1) the person signing the affidavit meets the residency, age, and citizenship qualifications of AS 15.45.575; [AS 15.05.010,] (2) the person is the only circulator of that petition or copy; [,] (3) the signatures were made in the circulator's actual presence; [, AND] (4) to the best of the circulator's knowledge, the signatures are those of the persons whose names they purport to be; (5) the signatures are of persons who were qualified voters on the date of signature; (6) the circulator has not entered into an agreement with a person or organization in violation of AS 15.45.580(b); (7) the circulator has not violated AS 15.45.580(c) with respect to that petition; and (8) before circulation of the petition, the circulator prominently placed, in the space provided under AS 15.45.560(5), if the circulator has received payment or agreed to receive payment for the collection of signatures on the petition, the name of each person or organization that has paid or agreed to pay the circulator for collection of signatures on the petition. In determining the sufficiency of the petition, the director may not count subscriptions on petitions not properly certified.

\* Sec. 40. AS 15.45.680 is amended to read:

**Sec. 15.45.680. Display of grounds [BASES] for and against recall.** The director shall provide each election board in the state or in the senate or house district of the person subject to recall with five [10] copies of the statement of the grounds for recall included in the application and five [10] copies of the statement of not more than 200 words made by the official subject to recall in justification of the official's conduct in office. The person subject to recall may provide the director with the statement within 10 days after the date the director gave notification that the petition was properly filed. The election board shall post one copy [THREE COPIES] of the statements for and against recall in a [THREE] conspicuous place [PLACES] in the polling place.

\* Sec. 41. AS 15.60 is amended by adding a new section to read:

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**Sec. 15.60.003. Voters unaffiliated with political parties.** The director shall consider a voter to be a voter registered as

(1) "nonpartisan" and without a preference for a political party if the voter registers as nonpartisan on a voter registration form;

(2) "undeclared" if the voter

(A) registers as undeclared on a voter registration form;

(B) fails to declare an affiliation with a political group or political party on a voter registration form; or

(C) declares an affiliation with an entity other than a political party or political group on a voter registration form; or

(3) "other" if the voter declares on a voter registration form an affiliation with a political group.

\* **Sec. 42.** AS 15.60 is amended by adding a new section to read:

**Sec. 15.60.008. Recognized political party status.** (a) A political group that the director has not recognized as a political party may obtain recognized political party status if, on or before May 31 of the first election year for which the political group seeks recognition, the political group

(1) files an application with the director;

(2) submits bylaws to the director and the United States Department of Justice as required of political parties in AS 15.25.014; and

(3) either

(A) nominated a candidate for statewide office who received at least three percent of the total votes cast for that statewide office at the preceding general election; or

(B) has registered voters in the state equal in number to at least three percent of the total votes cast for governor at the preceding general election at which a governor was elected.

(b) The director shall verify that each political group seeking recognized political party status under (a) of this section and each recognized political party

(1) nominated a candidate for statewide office who received at least three percent of the total votes cast for that statewide office at the preceding general

Amendment #1  
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1 election; or

2 (2) has registered voters in the state equal in number to at least three  
3 percent of the total votes cast for governor at the preceding general election at which  
4 the governor was elected.

5 (c) The director shall perform a verification described in (b) of this section at  
6 least once a month after the date of certification of the preceding general election. For  
# | 7 purposes of (b)(2) of this section, the director shall verify that the voters who have  
8 submitted registration to the division of elections are qualified under AS 15.05.010  
9 and have declared affiliation with the political group or recognized political party for  
10 which the verification is performed.

11 (d) Except as provided in (e) of this section, within 10 days after a verification  
12 under (c) of this section, the director shall provide to

13 (1) a political group seeking recognized political party status under (a)  
14 of this section written notification when the political group has obtained recognized  
15 political party status; and

16 (2) a recognized political party that no longer qualifies under (b) of this  
17 section for recognized political party status written notification that recognized  
± | 18 political party status has been withdrawr, and an application to obtain recognized  
19 political party status under (a) of this section; if the application is not returned in  
20 accordance with (a) of this section within 45 days after the director sends the written  
21 notification, the director shall discontinue monthly verification under (c) of this  
22 section for that political group.

23 (e) Notwithstanding (d) of this section, from June 1 of an election year  
24 through the date of the first verification under (b) of this section that occurs after  
25 certification of the results of the general election, the director may not withdraw  
26 recognized political party status.

27 \* Sec. 43. AS 15.60.010(21) is amended to read:

28 (21) "political party" means an organized group of voters that  
29 represents a political program and that

30 (A) [EITHER] nominated a candidate for governor who  
31 received at least three percent of the total votes cast for governor at the

1 preceding general election at which a governor was elected;

2 (B) nominated a candidate for United States senator who  
3 received at least three percent of the total votes cast for United States  
4 senator at the preceding general election or at the most recent general  
5 election at which a governor was elected;

6 (C) nominated a candidate for United States representative  
7 who received at least three percent of the total votes cast for United States  
8 representative at the preceding general election or at the most recent  
9 general election at which a governor was elected; or

10 (D) has registered voters in the state equal in number to at least  
11 three percent of the total votes cast for governor at the preceding general  
12 election at which a governor was elected;

13 \* Sec. 44. AS 15.60.010 is amended by adding new paragraphs to read:

14 (38) "reregistration" means the submission of a registration form by a  
15 voter whose registration was inactivated on the master register maintained under  
16 AS 15.07 and the director's reactivation of that registration in accordance with that  
17 chapter; in this paragraph, "a voter whose registration was inactivated" does not  
18 include a voter whose registration was inactivated under AS 15.07.130 and whose  
19 ballot may be counted under AS 15.15.198;

20 (39) "statewide office" means the office of governor, lieutenant  
21 governor, United States senator, or United States representative.

22 \* Sec. 45. AS 29.05.110(b) is amended to read:

23 (b) A qualified voter who is registered to vote [HAS BEEN A RESIDENT  
24 OF THE AREA] within the proposed municipality at least [FOR] 30 days before the  
25 date of the election order may vote.

26 \* Sec. 46. AS 29.05.110(c) is amended to read:

27 (c) Areawide borough powers included in an incorporation petition are  
28 considered to be part of the incorporation question. In an election for the incorporation  
29 of a second class borough, each nonareawide power to be exercised is placed  
30 separately on the ballot. Adoption of a nonareawide power requires a majority of the  
31 votes cast on the question, and the vote is limited to the qualified voters who are

1        registered to vote [RESIDING] in the proposed borough but outside all cities in the  
2        proposed borough.

3        \* Sec. 47. AS 29.05.110 is amended by adding a new subsection to read:

4                (f) In this section, "qualified voter" has the meaning in AS 15.60.010.

5        \* Sec. 48. The uncodified law of the State of Alaska is amended by adding a new section to  
6        read:

7                VOTING BY MAIL AND ELECTRONICALLY. Not later than March 1, 2005, the  
8        director of the division of elections shall provide a report to the legislature on the feasibility,  
9        costs, and benefits of authorizing a system of voting by mail and electronically.

10       \* Sec. 49. AS 15.10.020(b) and AS 15.20.048 are repealed.

11       \* Sec. 50. The uncodified law of the State of Alaska is amended by adding a new section to  
12       read:

13                APPLICABILITY. The changes made by secs. 18 - 40 of this Act apply to an  
14        application for an initiative, referendum, or recall filed with the lieutenant governor on or  
15        after the effective date of this Act.

16       \* Sec. 51. The uncodified law of the State of Alaska is amended by adding a new section to  
17       read:

18                TRANSITION. An initiative, referendum, or recall for which an application was filed  
19        with the lieutenant governor before the effective date of this Act is subject to the provisions of  
20        AS 15.45 as they existed on the day before the effective date of this Act.

21       \* Sec. 52. The uncodified law of the State of Alaska is amended by adding a new section to  
22       read:

23                REVISOR'S INSTRUCTION. The revisor of statutes is instructed to change the  
24        heading of art. 5 of AS 15.20 from "Article 5. Optically Scanned Voting" to "Article 5.  
25        Optically Scanned Voting; Voting Machine or Tally System Standards."

26       \* Sec. 53. This Act takes effect immediately under AS 01.10.070(c).

**CS FOR HOUSE BILL NO. 523(STA)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-THIRD LEGISLATURE - SECOND SESSION**

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered:**  
**Referred:**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**  
**FOR AN ACT ENTITLED**

1 **"An Act relating to qualifications of voters, requirements and procedures regarding**  
2 **independent candidates for President and Vice-President of the United States, voter**  
3 **registration and voter registration records, voter residence, precinct boundary and**  
4 **polling place designation and modification, recognized political parties, voters**  
5 **unaffiliated with political parties, early voting, absentee voting, ballot counting, voting**  
6 **electronically, voting by mail, voting machines, vote tally systems, initiative, referendum,**  
7 **recall, and definitions in the Alaska Election Code; relating to incorporation elections;**  
8 **and providing for an effective date."**

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

10 **\* Section 1. AS 15.05.020 is amended to read:**

11 **Sec. 15.05.020. Rules for determining residence of voter. For the purpose**  
12 **of determining residence for voting, the place of residence is governed by the**

1 following rules:

2 (1) A person may not be considered to have gained a residence solely  
3 by reason of presence nor may a person lose it solely by reason of absence while in the  
4 civil or military service of this state or of the United States or of absence because of  
5 marriage to a person engaged in the civil or military service of this state or the United  
6 States, while a student at an institution of learning, while in an institution or asylum at  
7 public expense, while confined in public prison, while engaged in the navigation of  
8 waters of this state [,] or the United States or of the high seas, while residing upon an  
9 Indian or military reservation, or while residing in the Alaska Pioneers' Home.

10 (2) The residence of a person is that place in which the person's  
11 habitation is fixed, and to which, whenever absent, the person has the intention to  
12 return. If a person resides in one place, but does business in another, the former is the  
13 person's place of residence. Temporary work sites [CONSTRUCTION CAMPS] do  
14 not constitute a dwelling place.

15 (3) A change of residence is made only by the act of removal joined  
16 with the intent to remain in another place. There can only be one residence.

17 (4) A person does not lose residence if the person leaves home and  
18 goes to another country, state, or place in this state for temporary purposes only and  
19 with the intent of returning.

20 (5) A person does not gain residence in any place to which the person  
21 comes without the present intention to establish a permanent dwelling at that place.

22 (6) A person loses residence in this state if the person votes in another  
23 state's election, either in person or by absentee ballot, and will not be eligible to vote  
24 in this state until again qualifying under AS 15.05.010.

25 (7) [REPEALED

26 (8)] The term of residence is computed by including the day on which  
27 the person's residence begins and excluding the day of election.

28 (8) [(9) REPEALED

29 (10)] The address of a voter as it appears on the [AN] official voter  
30 registration record [CARD] is presumptive evidence of the person's voting residence.  
31 This presumption is negated only if [BY] the voter notifies [NOTIFYING] the

1 director in writing of a change of voting residence.

2 \* Sec. 2. AS 15.07.060(a) is amended to read:

3 (a) Each applicant who requests registration or reregistration shall supply the  
4 following information:

5 (1) the applicant's name and sex;

6 (2) if issued, the applicant's State of Alaska driver's license number or  
7 State of Alaska identification card number, or the last four digits of the applicant's  
8 social security number;

9 (3) the applicant's date of birth;

10 (4) the applicant's Alaska residence address, as specified in  
11 regulations adopted by the director [AND OTHER NECESSARY INFORMATION  
12 ESTABLISHING RESIDENCE, INCLUDING THE TERM OF RESIDENCE IN  
13 THE STATE AND IN THE DISTRICT, IF REQUESTED];

14 (5) a statement of whether the applicant has previously been  
15 registered to vote in another jurisdiction, and, if so, the jurisdiction and the address of  
16 the previous registration;

17 (6) a declaration that the applicant [REGISTRANT] will be 18 years  
18 of age or older within 90 days after [OF] the date of registration;

19 (7) a declaration that the applicant [REGISTRANT] is a citizen of the  
20 United States;

21 (8) the date of application;

22 (9) the applicant's signature or mark;

23 (10) any former name under which the applicant was registered to vote  
24 in the state;

25 (11) an oath [ATTESTATION] that the information provided by the  
26 applicant in (1) - (10) of this subsection is true; and

27 (12) a certification that the applicant understands that a false statement  
28 on the application may make the applicant subject to prosecution for a misdemeanor  
29 under this title or AS 11.

30 \* Sec. 3. AS 15.07 is amended by adding a new section to read:

31 Sec. 15.07.195. Certain information in voter registration records

1           **confidential.** The following information set out in state voter registration records is  
2 confidential and is not open to public inspection:

- 3                   (1) the voter's date of birth;
- 4                   (2) the voter's social security number, or any part of that number;
- 5                   (3) the voter's driver's license number;
- 6                   (4) the voter's telephone number, if shown in those records;
- 7                   (5) the voter's voter identification number;
- 8                   (6) the voter's place of birth;
- 9                   (7) the voter's signature.

10       \* **Sec. 4.** AS 15.10.090 is repealed and reenacted to read:

11                   **Sec. 15.10.090. Notice of precinct boundary or polling place designation**  
12 **and modification.** The director shall give full public notice if a precinct is established  
13 or abolished or if the boundaries of a precinct are designated, abolished, or modified,  
14 or if the location of a polling place is changed. Public notice must include

15                   (1) whenever possible, sending written notice of the change to each  
16 affected registered voter in the precinct;

17                   (2) providing notice of the change

18                               (A) by publication three times in a daily or weekly newspaper  
19 of general circulation; if possible, the newspaper shall be one that circulates  
20 generally in the precinct; or

21                               (B) if there is not a newspaper described in (A) of this  
22 paragraph, by posting written notice in three conspicuous places as close to the  
23 precinct as possible; at least one posting location must be in the precinct;

24                   (3) posting notice of the change on the Internet site of the division of  
25 elections; and

26                   (4) providing notification of the change to the appropriate municipal  
27 clerks, community councils, tribal groups, presiding officers, Native villages, and  
28 village regional corporations established under 43 U.S.C. 1606 (Alaska Native Claims  
29 Settlement Act).

30       \* **Sec. 5.** AS 15.15.030(7) is amended to read:

31                   (7) The general election ballot shall be designed with the names of

1 candidates of each political party, and of any independent candidates qualified  
2 under AS 15.30.026, for the office of President and Vice-President of the United  
3 States placed in the same section on the ballot rather than the names of electors of  
4 President and Vice-President.

5 \* Sec. 6. AS 15.15.350(a) is amended to read:

6 (a) The director may adopt regulations prescribing the manner in which the  
7 precinct ballot count is accomplished so as to ensure [ASSURE] accuracy in the count  
8 and to expedite the process. The election board shall account for all ballots by  
9 completing a ballot statement containing (1) the number of official ballots received;  
10 (2) the number of official ballots voted; (3) the number of official ballots spoiled; (4)  
11 the number of official ballots unused and either destroyed or returned for  
12 destruction to the elections supervisor or the election supervisor's designee. The  
13 board shall count the number of questioned ballots and [SHALL] compare that  
14 number to the number of questioned voters in the register. Discrepancies shall be  
15 noted and the numbers included in the certificate prescribed by AS 15.15.370. The  
16 election board, in hand-count precincts, shall count the ballots in a manner that allows  
17 watchers to see the ballots when opened and read. A person handling the ballot after it  
18 has been taken from the ballot box and before it is placed in the envelope for mailing  
19 may not have a marking device in hand or remove a ballot from the immediate vicinity  
20 of the polls.

21 \* Sec. 7. AS 15.20.045(b) is amended to read:

22 (b) The director may designate by regulation adopted under AS 44.62  
23 (Administrative Procedure Act) locations at which absentee voting stations will be  
24 operated for 15 days [ON OR AFTER THE 15TH DAY] before an election and on  
25 election day [UP TO AND INCLUDING THE DATE OF THE ELECTION]. The  
26 director shall supply absentee voting stations with ballots for all house districts in the  
27 state and shall designate absentee voting officials to serve at absentee voting stations.

28 \* Sec. 8. AS 15.20.064(a) is amended to read:

29 (a) For 15 days before an election and on election day, a [A] qualified voter  
30 who meets the requirements set out in this section may vote in locations designated  
31 by the director [EARLY IN THE OFFICE OF AN ELECTION SUPERVISOR ON

1 OR AFTER THE 15TH DAY BEFORE AN ELECTION UP TO AND INCLUDING  
2 ELECTION DAY].

3 \* Sec. 9. AS 15.20.064(b) is amended to read:

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

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

7 (2) verification that the voter's residence address appearing on the  
8 official registration list is current [AND WITHIN THE ELECTION SUPERVISOR'S  
9 JURISDICTION]; and

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

11 \* Sec. 10. AS 15.20.066(b) is amended to read:

12 (b) An absentee ballot that is completed and returned by the voter by  
13 electronic transmission must

14 (1) contain the following statement: "I understand that, by using  
15 electronic transmission to return my marked ballot, I am voluntarily waiving a portion  
16 of my right to a secret ballot to the extent necessary to process my ballot, but expect  
17 that my vote will be held as confidential as possible, [.]" followed by the voter's  
18 signature and date of signature; and

19 (2) be accompanied by a statement executed under oath as to the  
20 voter's identity; the statement under oath must be witnessed by

21 (A) a commissioned or noncommissioned officer of the armed  
22 forces of the United States;

23 (B) an official authorized by federal law or the law of the state  
24 in which the absentee ballot is cast to administer an oath; or

25 (C) a [TWO] United States citizen [CITIZENS] who is [ARE]  
26 18 years of age or older.

27 \* Sec. 11. AS 15.20.081(d) is amended to read:

28 (d) Upon receipt of an absentee ballot by mail, the voter, in the presence of a  
29 notary public, commissioned officer of the armed forces including the National Guard,  
30 district judge or magistrate, United States postal official, registration official, or other  
31 person qualified to administer oaths, may proceed to mark the ballot in secret, to place

1 the ballot in the secrecy sleeve, to place the secrecy sleeve in the envelope provided,  
2 and to sign the voter's certificate on the envelope in the presence of an official listed in  
3 this subsection who shall sign as attesting official and shall date the signature. If none  
4 of the officials listed in this subsection is reasonably accessible, an absentee voter  
5 shall sign the voter's certificate in the presence of one person who is a United States  
6 citizen and is [TWO PERSONS OVER THE AGE OF] 18 years of age or older, who  
7 shall sign as a witness [WITNESSES] and attest to the date on which the voter signed  
8 the certificate in the person's [THEIR] presence, and, in addition, the voter shall  
9 provide the certification prescribed in AS 09.63.020.

10 \* Sec. 12. AS 15.20.081(h) is amended to read:

11 (h) Except as provided in AS 15.20.480, an absentee ballot returned by mail  
12 from outside the United States or from an overseas voter qualifying under  
13 AS 15.05.011 [A MILITARY APO OR FPO ADDRESS] that has been marked and  
14 mailed not later than election day may not be counted unless the ballot is received by  
15 the election supervisor not later than the close of business on the 15th day following  
16 the election.

17 \* Sec. 13. AS 15.20.800(b) is amended to read.

18 (b) If the director conducts an election under (a) of this section by mail, the  
19 director shall send a ballot for each election described in (a) of this section to each  
20 person whose name appears on the official registration list prepared under  
21 AS 15.07.125 for that election. The director shall send ballots by first class,  
22 nonforwardable mail. The ballot shall be sent to the address stated on the official  
23 registration list unless the

24 (1) voter has notified the director or an election supervisor of a  
25 different address to which the ballot should be sent; or

26 (2) address on the official registration list has been identified as  
27 being an undeliverable address [THE DIRECTOR SHALL SEND BALLOTS BY  
28 FIRST CLASS, NONFORWARDABLE MAIL].

29 \* Sec. 14. AS 15.20 is amended by adding a new section to article 5 to read:

30 Sec. 15.20.910. **Standards for voting machines and vote tally systems.** The  
31 director may approve a voting machine or vote tally system for use in an election in

1 the state upon consideration of factors relevant to the administration of state elections,  
2 including whether the Federal Election Commission has certified the voting machine  
3 or vote tally system to be in compliance with the voting system standards approved by  
4 the Federal Election Commission as required by 42 U.S.C. 15481(a)(5) (Help America  
5 Vote Act of 2002).

6 \* **Sec. 15.** AS 15.30 is amended by adding a new section to read:

7 **Sec. 15.30.026. Qualifications for independent candidates for President of**  
8 **the United States; selection of candidate for Vice-President; selection of electors.**

9 (a) A person who desires to be an independent candidate for President of the United  
10 States must file with the director not earlier than January 1 of a presidential election  
11 year and not later than the 90th day before a presidential general election a petition  
12 signed by qualified voters of the state equal in number to at least one percent of the  
13 number of voters who cast ballots in an election under this chapter for President of the  
14 United States at the last presidential general election. The petition must state that the  
15 signers desire the named candidate for President of the United States to appear on the  
16 ballot as an independent candidate for president at the next succeeding presidential  
17 general election.

18 (b) In order to appear on the ballot, a candidate who has qualified for ballot  
19 status under (a) of this section shall certify the following information to the director on  
20 or before September 1 of the year of the presidential general election:

21 (1) the names of the electors for the independent candidate for  
22 President of the United States, equal to the number of senators and representatives to  
23 which the state is entitled in Congress;

24 (2) the name of a candidate for Vice-President, selected by the  
25 independent candidate; and

26 (3) the name, Alaska mailing address, and signature of the candidate's  
27 state campaign chair, who must be an Alaska resident.

28 \* **Sec. 16.** AS 15.30.050 is amended to read:

29 **Sec. 15.30.050. Interpretation of votes cast for candidates for President**  
30 **and Vice-President [VICE PRESIDENT].** In voting for presidential electors, a vote  
31 marked for the candidates for President and **Vice-President [VICE PRESIDENT]** is

1 considered and counted as a vote for the presidential electors of the party or for the  
2 presidential electors named under AS 15.30.026, as appropriate.

3 \* Sec. 17. AS 15.30.090 is amended to read:

4 Sec. 15.30.090. Duties of electors. After any vacancies have been filled, the  
5 electors shall proceed to cast their votes for the candidates for the office of President  
6 and Vice-President [VICE PRESIDENT] of the party that [WHICH] selected them as  
7 candidates for electors, or for the candidates for the office of President and Vice-  
8 President under AS 15.30.026 if the electors were named under AS 15.30.026, and  
9 shall perform the duties of electors as required by the constitution and laws of the  
10 United States. The director shall provide administrative services and the Department  
11 of Law shall provide legal services necessary for the electors to perform their duties.

12 \* Sec. 18. AS 15.45.030 is amended to read:

13 Sec. 15.45.030. Form of application. The application must [SHALL]  
14 include the

15 (1) [THE] proposed bill; [TO BE INITIATED,]

16 (2) printed name, signature, address, and date of birth of not less  
17 than 100 qualified voters who will serve as sponsors; each signature page must  
18 include a statement that the sponsors are qualified voters who signed the application  
19 with the proposed bill attached; and [,]

20 (3) [THE] designation of an initiative committee consisting of three of  
21 the sponsors who subscribed to the application and [SHALL] represent all sponsors  
22 and subscribers in matters relating to the initiative; the designation must include the  
23 name, mailing address, and signature of each committee member [, AND

24 (4) THE SIGNATURES AND ADDRESSES OF NOT LESS THAN  
25 100 QUALIFIED VOTERS].

26 \* Sec. 19. AS 15.45.060 is amended to read:

27 Sec. 15.45.060. Designation of sponsors. The qualified voters who subscribe  
28 to the application in support of the proposed bill are designated as sponsors. The  
29 initiative committee may designate additional sponsors by giving written notice to the  
30 lieutenant governor of the names and addresses of those so designated.

31 \* Sec. 20. AS 15.45.090 is amended to read:

1           **Sec. 15.45.090. Preparation of petition.** If the application is certified, the  
 2 lieutenant governor shall prescribe the form of and prepare petitions containing (1) a  
 3 copy of the proposed bill if the number of words included in both the formal and  
 4 substantive provisions of the bill is 500 or less; [,] (2) an impartial summary of the  
 5 subject matter of the bill; [,] (3) the warning prescribed in AS 15.45.100; [,] (4)  
 6 sufficient space for the printed name, date of birth, signature, and address; [,] (5)  
 7 sufficient space at the bottom of each signature page for the information required by  
 8 AS 15.45.130(8); [,] and (6) other specifications prescribed by the lieutenant governor  
 9 to ensure [ASSURE] proper handling and control. Petitions, for purposes of  
 10 circulation, shall be prepared by the lieutenant governor in a number reasonably  
 11 calculated to allow full circulation throughout the state and shall be sequentially  
 12 numbered [. THE LIEUTENANT GOVERNOR SHALL NUMBER EACH  
 13 PETITION AND SHALL KEEP A RECORD OF THE PETITION DELIVERED TO  
 14 EACH SPONSOR]. Upon request of the initiative committee, the lieutenant governor  
 15 shall report to the initiative committee the number of persons who voted in the  
 16 preceding general election.

17 \* **Sec. 21.** AS 15.45 is amended by adding a new section to read:

18           **Sec. 15.45.105. Qualifications of circulator.** To circulate a petition booklet,  
 19 a person shall be

- 20                           (1) a citizen of the United States;  
 21                           (2) 18 years of age or older; and  
 22                           (3) a resident of the state as determined under AS 15.05.020.

23 \* **Sec. 22.** AS 15.45.120 is amended to read:

24           **Sec. 15.45.120. Manner of signing and withdrawing name from petition.**  
 25 Any qualified voter may subscribe to the petition by printing the voter's name, date  
 26 of birth, and address, and by signing the voter's name [AND ADDRESS]. A person  
 27 who has signed the initiative petition may withdraw the person's name only by giving  
 28 written notice to the lieutenant governor before the date the petition is filed.

29 \* **Sec. 23.** AS 15.45.130 is amended to read:

30           **Sec. 15.45.130. Certification of circulator.** Before being filed, each petition  
 31 shall be certified by an affidavit by the person who personally circulated the petition.

1 The affidavit must state in substance that (1) the person signing the affidavit meets the  
 2 residency, age, and citizenship qualifications for circulating a petition under  
 3 AS 15.45.105; [OF AS 15.05.010,] (2) the person is the only circulator of that  
 4 petition; [,] (3) the signatures were made in the circulator's actual presence; [,] (4) to  
 5 the best of the circulator's knowledge, the signatures are those of the persons whose  
 6 names they purport to be; [,] (5) the signatures are of persons who were qualified  
 7 voters on the date of signature; [,] (6) the circulator [PERSON] has not entered into  
 8 an agreement with a person or organization in violation of AS 15.45.110(c); [,] (7) the  
 9 circulator [PERSON] has not violated AS 15.45.110(d) with respect to that petition;  
 10 [,] and (8) before circulation of the petition, the circulator prominently placed, in the  
 11 space provided under AS 15.45.090(5) [BEFORE CIRCULATION OF THE  
 12 PETITION, IN BOLD CAPITAL LETTERS, THE CIRCULATOR'S NAME AND],  
 13 if the circulator has received payment or agreed to receive payment for the collection  
 14 of signatures on the petition, the name of each person or organization that has paid or  
 15 agreed to pay the circulator for collection of signatures on the petition. In determining  
 16 the sufficiency of the petition, the lieutenant governor may not count subscriptions on  
 17 petitions not properly certified.

18 \* Sec. 24. AS 15.45.200 is amended to read:

19 **Sec. 15.45.200. Display of proposed law.** The director shall provide each  
 20 election board with five [10] copies of the proposed law being initiated, and the  
 21 election board shall display one copy [THREE COPIES] of the proposed law in a  
 22 conspicuous place in the room where the election is held.

23 \* Sec. 25. AS 15.45.270 is amended to read:

24 **Sec. 15.45.270. Form of application.** The application must [SHALL]  
 25 include

26 (1) the act to be referred;

27 (2) a statement of approval or rejection;

28 (3) the printed signature, address, and date of birth of not less  
 29 than 100 qualified voters who will serve as sponsors; each signature page must  
 30 include a statement that the sponsors are qualified voters who signed the application  
 31 with the act to be referred and the statement of approval or rejection

1 [PROPOSED BILL] attached; and

2 (4) [(3)] the designation of a referendum committee consisting of three  
3 of the sponsors who subscribed to the application and [SHALL] represent all  
4 sponsors and subscribers in matters relating to the referendum; the designation must  
5 include the name, address, and signature of each committee member [AND

6 (4) THE SIGNATURES AND ADDRESSES OF NOT FEWER  
7 THAN 100 QUALIFIED VOTERS].

8 \* Sec. 26. AS 15.45.290 is amended to read:

9 **Sec. 15.45.290. Designation of sponsors.** The qualified voters who subscribe  
10 to the application in support of the referendum are designated as sponsors. The  
11 referendum committee may designate additional sponsors by giving notice to the  
12 lieutenant governor of the names and addresses of those so designated.

13 \* Sec. 27. AS 15.45.320 is amended to read:

14 **Sec. 15.45.320. Preparation of petition.** If the application is certified, the  
15 lieutenant governor shall, within seven calendar days after the date of certification,  
16 prescribe the form of, and prepare, a petition containing (1) a copy of the act to be  
17 referred, if the number of words included in both the formal and substantive  
18 provisions of the bill is 500 or less; [,] (2) the statement of approval or rejection;  
19 (3) an impartial summary of the subject matter of the act; (4) [, (3)] the warning  
20 prescribed in AS 15.45.330; (5) [, (4)] sufficient space for the printed names, dates  
21 of birth, signatures, and addresses; (6) sufficient space at the bottom of each page  
22 for the information required by AS 15.45.360(8); [,] and (7) [(5)] other  
23 specifications prescribed by the lieutenant governor to ensure [ASSURE] proper  
24 handling and control. Petitions, for purposes of circulation, shall be prepared by the  
25 lieutenant governor in a number reasonably calculated to allow full circulation  
26 throughout the state and shall be sequentially numbered [. THE LIEUTENANT  
27 GOVERNOR SHALL NUMBER EACH PETITION AND SHALL KEEP A  
28 RECORD OF THE PETITIONS DELIVERED TO EACH SPONSOR]. Upon request  
29 of the referendum committee, the lieutenant governor shall report to the referendum  
30 committee [SPECIFY] the number of persons who voted in the preceding general  
31 election.

1 \* **Sec. 28.** AS 15.45 is amended by adding a new section to read:

2           **Sec. 15.45.335. Qualifications of circulator.** To circulate a petition booklet,  
3 a person shall be

4                   (1) a citizen of the United States;

5                   (2) 18 years of age or older; and

6                   (3) a resident of the state as determined under AS 15.05.020.

7 \* **Sec. 29.** AS 15.45.340 is amended by adding new subsections to read:

8           (b) A circulator may not receive payment or agree to receive payment that is  
9 greater than \$1 a signature, and a person or an organization may not pay or agree to  
10 pay an amount that is greater than \$1 a signature, for the collection of signatures on a  
11 petition.

12           (c) A person or organization may not knowingly pay, offer to pay, or cause to  
13 be paid money or other valuable thing to a person to sign or refrain from signing a  
14 petition.

15           (d) A person or organization that violates (b) or (c) of this section is guilty of a  
16 class B misdemeanor.

17           (e) In this section,

18                   (1) "organization" has the meaning given in AS 11.81.900;

19                   (2) "other valuable thing" has the meaning given in AS 15.56.030;

20                   (3) "person" has the meaning given in AS 11.81.900.

21 \* **Sec. 30.** AS 15.45.350 is amended to read:

22           **Sec. 15.45.350. Manner of signing and withdrawing name from petition.**

23 Any qualified voter may subscribe to the petition by printing the voter's name, date  
24 of birth, and address, and by signing the voter's name [AND ADDRESS]. A person  
25 who has signed the referendum petition may withdraw the person's name only by  
26 giving written notice to the lieutenant governor before the date the petition is filed.

27 \* **Sec. 31.** AS 15.45.360 is amended to read:

28           **Sec. 15.45.360. Certification of circulator.** Before being filed, each petition  
29 shall be certified by an affidavit by the person who circulated the petition. The  
30 affidavit must [SHALL] state in substance that (1) the person signing the affidavit  
31 meets the residency, age, and citizenship qualifications for circulating a petition

1        under AS 15.45.335; [OF AS 15.05.010,] (2) the person is the only circulator of the  
 2        petition; [,] (3) the signatures were made in the circulator's actual presence; [, AND]  
 3        (4) to the best of the circulator's knowledge, the signatures are the signatures of  
 4        persons whose names they purport to be; (5) the signatures are of persons who were  
 5        qualified voters on the date of signature; (6) the circulator has not entered into an  
 6        agreement with a person or organization in violation of AS 15.45.340(b); (7) the  
 7        circulator has not violated AS 15.45.340(c) with respect to that petition; and (8)  
 8        before circulation of the petition, the circulator prominently placed, in the space  
 9        provided under AS 15.45.320(6), if the circulator has received payment or agreed  
 10       to receive payment for the collection of signatures on the petition, the name of  
 11       each person or organization that has paid or agreed to pay the circulator for  
 12       collection of signatures on the petition. In determining the sufficiency of the  
 13       petition, the lieutenant governor may not count subscriptions on petitions not properly  
 14       certified.

15       \* Sec. 32. AS 15.45.430 is amended to read:

16                Sec. 15.45.430. **Display of act being referred.** The director shall provide  
 17       each election board with five [10] copies of the act being referred, and the election  
 18       board shall display one copy [THREE COPIES] of the act in a conspicuous place in  
 19       the room where the election is held.

20       \* Sec. 33. AS 15.45.500 is amended to read:

21                Sec. 15.45.500. **Form of application.** The application must include

22                        (1) the name and office of the person to be recalled;

23                        (2) the grounds for recall described in particular in not more than 200  
 24       words;

25                        (3) the printed name, signature, address, and date of birth of  
 26       qualified voters equal in number to 10 percent of those who voted in the  
 27       preceding general election in the state or in the senate or house district of the  
 28       official sought to be recalled; each signature page must include a statement that the  
 29       [SPONSORS ARE] qualified voters [WHO]

30                                (A) will serve as sponsors; and

31                                (B) signed the application with

(i) the name and office of the person to be recalled;

and

(ii) the statement of grounds for recall attached; and

(4) the designation of a recall committee consisting of three of the qualified voters [SPONSORS] who subscribed to the application and shall represent all sponsors and subscribers in matters relating to the recall; the designation must include the name, mailing address, and signature of each committee member

[(5) THE SIGNATURES OF AT LEAST 100 QUALIFIED VOTERS WHO SUBSCRIBE TO THE APPLICATION AS SPONSORS FOR PURPOSES OF CIRCULATION; AND

(6) THE SIGNATURES AND ADDRESSES OF QUALIFIED VOTERS EQUAL IN NUMBER TO 10 PERCENT OF THOSE WHO VOTED IN THE PRECEDING GENERAL ELECTION IN THE STATE OR IN THE SENATE OR HOUSE DISTRICT OF THE OFFICIAL SOUGHT TO BE RECALLED].

\* Sec. 34. AS 15.45 is amended by adding a new section to read:

**Sec. 15.45.515. Designation of sponsors.** The qualified voters who subscribe to the application in support of the recall are designated as sponsors. The recall committee may designate additional sponsors by giving notice to the lieutenant governor of the names, addresses, and dates of birth of those so designated.

\* Sec. 35. AS 15.45.560 is amended to read:

**Sec. 15.45.560. Preparation of petition.** If [UPON CERTIFYING] the application is certified, the director shall prescribe the form of, and prepare, a petition containing (1) the name and office of the person to be recalled; [,] (2) the statement of the grounds for recall included in the application; [,] (3) the statement of warning required in AS 15.45.570; [,] (4) sufficient space for the printed name, date of birth, signatures, and addresses; [, AND] (5) sufficient space at the bottom of each page for the information required by AS 15.45.600(8); and (6) other specifications prescribed by the director to ensure [ASSURE] proper handling and control. Petitions, for purposes of circulation, shall be prepared by the director in a number reasonably calculated to allow full circulation throughout the state or throughout the

1 senate or house district of the official sought to be recalled and shall be sequentially  
2 numbered. Upon request of the recall committee, the lieutenant governor shall  
3 report to the recall committee the number of persons who voted in the preceding  
4 general election in the state or in the district of the official sought to be recalled.

5 [THE DIRECTOR SHALL NUMBER EACH PETITION AND SHALL KEEP A  
6 RECORD OF THE PETITIONS DELIVERED TO EACH SPONSOR.]

7 \* Sec. 36. AS 15.45 is amended by adding a new section to read:

8 Sec. 15.45.575. **Qualifications of circulator.** To circulate a petition booklet,  
9 a person shall be

- 10 (1) a citizen of the United States;  
11 (2) 18 years of age or older; and  
12 (3) a resident of the state as determined under AS 15.05.020.

13 \* Sec. 37. AS 15.45.580 is amended by adding new subsections to read:

14 (b) A circulator may not receive payment or agree to receive payment that is  
15 greater than \$1 a signature, and a person or an organization may not pay or agree to  
16 pay an amount that is greater than \$1 a signature, for the collection of signatures on a  
17 petition.

18 (c) A person or organization may not knowingly pay, offer to pay, or cause to  
19 be paid money or other valuable thing to a person to sign or refrain from signing a  
20 petition.

21 (d) A person or organization that violates (b) or (c) of this section is guilty of a  
22 class B misdemeanor.

23 (e) In this section,

- 24 (1) "organization" has the meaning given in AS 11.81.900;  
25 (2) "other valuable thing" has the meaning given in AS 15.56.020;  
26 (3) "person" has the meaning given in AS 11.81.900.

27 \* Sec. 38. AS 15.45.590 is amended to read:

28 Sec. 15.45.590. **Manner of signing and withdrawing name from petition.**  
29 Any qualified voter may subscribe to the petition by printing the voter's name, date  
30 of birth, and address, and by signing the voter's name [AND ADDRESS]. A person  
31 who has signed the petition may withdraw the person's name only by giving written

1 notice to the director before the date the petition is filed.

2 \* Sec. 39. AS 15.45.600 is amended to read:

3 **Sec. 15.45.600. Certification of circulator.** Before being filed, each petition  
4 shall be certified by an affidavit by the person who personally circulated the petition.  
5 The affidavit must [SHALL] state in substance that (1) the person signing the affidavit  
6 meets the residency, age, and citizenship qualifications of AS 15.45.575;  
7 [AS 15.05.010,] (2) the person is the only circulator of that petition or copy; [,] (3) the  
8 signatures were made in the circulator's actual presence; [, AND] (4) to the best of the  
9 circulator's knowledge, the signatures are those of the persons whose names they  
10 purport to be; (5) the signatures are of persons who were qualified voters on the  
11 date of signature; (6) the circulator has not entered into an agreement with a  
12 person or organization in violation of AS 15.45.580(b); (7) the circulator has not  
13 violated AS 15.45.580(c) with respect to that petition; and (8) before circulation  
14 of the petition, the circulator prominently placed, in the space provided under  
15 AS 15.45.560(5), if the circulator has received payment or agreed to receive  
16 payment for the collection of signatures on the petition, the name of each person  
17 or organization that has paid or agreed to pay the circulator for collection of  
18 signatures on the petition. In determining the sufficiency of the petition, the director  
19 may not count subscriptions on petitions not properly certified.

20 \* Sec. 40. AS 15.45.680 is amended to read:

21 **Sec. 15.45.680. Display of grounds [BASES] for and against recall.** The  
22 director shall provide each election board in the state or in the senate or house district  
23 of the person subject to recall with five [10] copies of the statement of the grounds for  
24 recall included in the application and five [10] copies of the statement of not more  
25 than 200 words made by the official subject to recall in justification of the official's  
26 conduct in office. The person subject to recall may provide the director with the  
27 statement within 10 days after the date the director gave notification that the petition  
28 was properly filed. The election board shall post one copy [THREE COPIES] of the  
29 statements for and against recall in a [THREE] conspicuous place [PLACES] in the  
30 polling place.

31 \* Sec. 41. AS 15.60 is amended by adding a new section to read:

1                   **Sec. 15.60.003. Voters unaffiliated with political parties.** The director shall  
2 consider a voter to be a voter registered as

3                   (1) "nonpartisan" and without a preference for a political party if the  
4 voter registers as nonpartisan on a voter registration form;

5                   (2) "undeclared" if the voter

6                   (A) registers as undeclared on a voter registration form;

7                   (B) fails to declare an affiliation with a political group or  
8 political party on a voter registration form; or

9                   (C) declares an affiliation with an entity other than a political  
10 party or political group on a voter registration form; or

11                   (3) "other" if the voter declares on a voter registration form an  
12 affiliation with a political group.

13 \* **Sec. 42.** AS 15.60 is amended by adding a new section to read:

14                   **Sec. 15.60.008. Recognized political party status.** (a) A political group that  
15 the director has not recognized as a political party may obtain recognized political  
16 party status if, on or before May 31 of the first election year for which the political  
17 group seeks recognition, the political group

18                   (1) files an application with the director;

19                   (2) submits bylaws to the director and the United States Department of  
20 Justice as required of political parties in AS 15.25.014; and

21                   (3) either

22                   (A) nominated a candidate for statewide office who received at  
23 least three percent of the total votes cast for that statewide office at the  
24 preceding general election; or

25                   (B) has registered voters in the state equal in number to at least  
26 three percent of the total votes cast for governor at the preceding general  
27 election at which a governor was elected.

28                   (b) The director shall verify that each political group seeking recognized  
29 political party status under (a) of this section and each recognized political party

30                   (1) nominated a candidate for statewide office who received at least  
31 three percent of the total votes cast for that statewide office at the preceding general

1 election; or

2 (2) has registered voters in the state equal in number to at least three  
3 percent of the total votes cast for governor at the preceding general election at which  
4 the governor was elected.

5 (c) The director shall perform a verification described in (b) of this section at  
6 least once a month after the date of certification of the preceding general election. For  
7 purposes of (b)(2) of this section, the director shall verify that the voters who have  
8 submitted registration to the division of elections are qualified under AS 15.05.010  
9 and have declared affiliation with the political group or recognized political party for  
10 which the verification is performed.

11 (d) Except as provided in (e) of this section, within 10 days after a verification  
12 under (c) of this section, the director shall provide to

13 (1) a political group seeking recognized political party status under (a)  
14 of this section written notification when the political group has obtained recognized  
15 political party status; and

16 (2) a recognized political party that no longer qualifies under (b) of this  
17 section for recognized political party status written notification that recognized  
18 political party status has been withdrawn, and an application to obtain recognized  
19 political party status under (a) of this section; if the application is not returned in  
20 accordance with (a) of this section within 45 days after the director sends the written  
21 notification, the director shall discontinue monthly verification under (c) of this  
22 section for that political group.

23 (e) Notwithstanding (d) of this section, from June 1 of an election year  
24 through the date of the first verification under (b) of this section that occurs after  
25 certification of the results of the general election, the director may not withdraw  
26 recognized political party status.

27 \* Sec. 43. AS 15.60.010(21) is amended to read:

28 (21) "political party" means an organized group of voters that  
29 represents a political program and that

30 (A) [EITHER] nominated a candidate for governor who  
31 received at least three percent of the total votes cast for governor at the

1 preceding general election at which a governor was elected;

2 (B) nominated a candidate for United States senator who  
3 received at least three percent of the total votes cast for United States  
4 senator at the preceding general election or at the most recent general  
5 election at which a governor was elected;

6 (C) nominated a candidate for United States representative  
7 who received at least three percent of the total votes cast for United States  
8 representative at the preceding general election or at the most recent  
9 general election at which a governor was elected; or

10 (D) has registered voters in the state equal in number to at least  
11 three percent of the total votes cast for governor at the preceding general  
12 election at which a governor was elected;

13 \* Sec. 44. AS 15.60.010 is amended by adding new paragraphs to read:

14 (38) "reregistration" means the submission of a registration form by a  
15 voter whose registration was inactivated on the master register maintained under  
16 AS 15.07 and the director's reactivation of that registration in accordance with that  
17 chapter; in this paragraph, "a voter whose registration was inactivated" does not  
18 include a voter whose registration was inactivated under AS 15.07.130 and whose  
19 ballot may be counted under AS 15.15.198;

20 (39) "statewide office" means the office of governor, lieutenant  
21 governor, United States senator, or United States representative.

22 \* Sec. 45. AS 29.05.110(b) is amended to read:

23 (b) A qualified voter who is registered to vote [HAS BEEN A RESIDENT  
24 OF THE AREA] within the proposed municipality at least [FOR] 30 days before the  
25 date of the election order may vote.

26 \* Sec. 46. AS 29.05.110(c) is amended to read:

27 (c) Areawide borough powers included in an incorporation petition are  
28 considered to be part of the incorporation question. In an election for the incorporation  
29 of a second class borough, each nonareawide power to be exercised is placed  
30 separately on the ballot. Adoption of a nonareawide power requires a majority of the  
31 votes cast on the question, and the vote is limited to the qualified voters who are

1           registered to vote [RESIDING] in the proposed borough but outside all cities in the  
2           proposed borough.

3           \* **Sec. 47.** AS 29.05.110 is amended by adding a new subsection to read:

4                       (f) In this section, "qualified voter" has the meaning in AS 15.60.010.

5           \* **Sec. 48.** The uncodified law of the State of Alaska is amended by adding a new section to  
6           read:

7                       **VOTING BY MAIL AND ELECTRONICALLY.** Not later than March 1, 2005, the  
8           director of the division of elections shall provide a report to the legislature on the feasibility,  
9           costs, and benefits of authorizing a system of voting by mail and electronically.

10          \* **Sec. 49.** AS 15.10.020(b) and AS 15.20.048 are repealed.

11          \* **Sec. 50.** The uncodified law of the State of Alaska is amended by adding a new section to  
12          read:

13                       **APPLICABILITY.** The changes made by secs. 18 - 40 of this Act apply to an  
14          application for an initiative, referendum, or recall filed with the lieutenant governor on or  
15          after the effective date of this Act.

16          \* **Sec. 51.** The uncodified law of the State of Alaska is amended by adding a new section to  
17          read:

18                       **TRANSITION.** An initiative, referendum, or recall for which an application was filed  
19          with the lieutenant governor before the effective date of this Act is subject to the provisions of  
20          AS 15.45 as they existed on the day before the effective date of this Act.

21          \* **Sec. 52.** The uncodified law of the State of Alaska is amended by adding a new section to  
22          read:

23                       **REVISOR'S INSTRUCTION.** The revisor of statutes is instructed to change the  
24          heading of art. 5 of AS 15.20 from "Article 5. Optically Scanned Voting" to "Article 5.  
25          Optically Scanned Voting; Voting Machine or Tally System Standards."

26          \* **Sec. 53.** This Act takes effect immediately under AS 01.10.070(c).

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Kurtz  
4/12/04

*Rep. Weir*  
*Cap. 102*

**CS FOR HOUSE BILL NO. 523(STA)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-THIRD LEGISLATURE - SECOND SESSION**

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to qualifications of voters, requirements and procedures regarding**  
2 **independent candidates for President and Vice-President of the United States, voter**  
3 **registration and voter registration records, voter residence, precinct boundary**  
4 **modification, recognized political parties, voters unaffiliated with political parties, early**  
5 **voting, absentee voting, ballot counting, voting by mail, voting machines, vote tally**  
6 **systems, initiative, referendum, recall, and definitions in the Alaska Election Code; and**  
7 **providing for an effective date."**

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

9 **\* Section 1. AS 15.05.020 is amended to read:**

10 **Sec. 15.05.020. Rules for determining residence of voter. For the purpose**  
11 **of determining residence for voting, the place of residence is governed by the**  
12 **following rules:**

13 **(1) A person may not be considered to have gained a residence solely**

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1 by reason of presence nor may a person lose it solely by reason of absence while in the  
2 civil or military service of this state or of the United States or of absence because of  
3 marriage to a person engaged in the civil or military service of this state or the United  
4 States, while a student at an institution of learning, while in an institution or asylum at  
5 public expense, while confined in public prison, while engaged in the navigation of  
6 waters of this state [,] or the United States or of the high seas, while residing upon an  
7 Indian or military reservation, or while residing in the Alaska Pioneers' Home.

8 (2) The residence of a person is that place in which the person's  
9 habitation is fixed, and to which, whenever absent, the person has the intention to  
10 return. If a person resides in one place, but does business in another, the former is the  
11 person's place of residence. Temporary work sites [CONSTRUCTION CAMPS] do  
12 not constitute a dwelling place.

13 (3) A change of residence is made only by the act of removal joined  
14 with the intent to remain in another place. There can only be one residence.

15 (4) A person does not lose residence if the person leaves home and  
16 goes to another country, state, or place in this state for temporary purposes only and  
17 with the intent of returning.

18 (5) A person does not gain residence in any place to which the person  
19 comes without the present intention to establish a permanent dwelling at that place.

20 (6) A person loses residence in this state if the person votes in another  
21 state's election, either in person or by absentee ballot, and will not be eligible to vote  
22 in this state until again qualifying under AS 15.05.010.

23 (7) [REPEALED

24 (8)] The term of residence is computed by including the day on which  
25 the person's residence begins and excluding the day of election.

26 ~~(8)~~ [(9) REPEALED

27 (10)] The address of a voter as it appears on the [AN] official voter  
28 registration record [CARD] is presumptive evidence of the person's voting residence.  
29 This presumption is negated only by the voter's [VOTER] notifying the director in  
30 writing of a change of voting residence.

31 \* Sec. 2. AS 15.07.060(a) is amended to read:

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1 (a) Each applicant who requests registration or reregistration shall supply the  
2 following information:

3 (1) the applicant's name and sex;

4 (2) if issued, the applicant's State of Alaska driver's license number or  
5 State of Alaska identification card number, or the last four digits of the applicant's  
6 social security number;

7 (3) the applicant's date of birth;

8 (4) the applicant's Alaska residence address, as specified in  
9 regulations adopted by the director [AND OTHER NECESSARY INFORMATION  
10 ESTABLISHING RESIDENCE, INCLUDING THE TERM OF RESIDENCE IN  
11 THE STATE AND IN THE DISTRICT, IF REQUESTED];

12 (5) a statement of whether the applicant has previously been  
13 registered to vote in another jurisdiction, and, if so, the jurisdiction and the address of  
14 the previous registration;

15 (6) a declaration that the applicant [REGISTRANT] will be 18 years  
16 of age or older within 90 days after [OF] the date of registration;

17 (7) a declaration that the applicant [REGISTRANT] is a citizen of the  
18 United States;

19 (8) the date of application;

20 (9) the applicant's signature or mark;

21 (10) any former name under which the applicant was registered to vote  
22 in the state;

23 (11) an attestation that the information provided by the applicant in (1)  
24 - (10) of this subsection is true; and

25 (12) a certification that the applicant understands that a false statement  
26 on the application may make the applicant subject to prosecution for a misdemeanor  
27 under this title or AS 11.

28 \* Sec. 3. AS 15.07 is amended by adding a new section to read:

29 Sec. 15.07.195. **Certain information in voter registration records**  
30 **confidential.** The following information set out in state voter registration records is  
31 confidential and is not open to public inspection:

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- 1 (1) the voter's date of birth;
- 2 (2) the voter's social security number, or any part of that number;
- 3 (3) the voter's driver's license number;
- 4 (4) the voter's telephone number, if shown in those records;
- 5 (5) the voter's voter identification number;
- 6 (6) the voter's place of birth;
- 7 (7) the voter's signature.

8 \* Sec. 4. AS 15.10.090 is amended to read:

9 **Sec. 15.10.090. Notice of precinct boundary designation and modification.**

10 The director shall give full public notice when precinct boundaries are designated and  
 11 when the boundaries of a precinct are modified or when a precinct is established or  
 12 abolished. Public notice must [SHALL] include

13 (1) [, BUT IS NOT LIMITED TO, THE] publication of notice on three  
 14 different days in a daily newspaper of general circulation, if [SUCH] a daily  
 15 newspaper of general circulation is published in the house district where the precinct  
 16 is located; however, if a daily newspaper of general circulation is not published in  
 17 the house district where the precinct is located, public notice must include [, BY]  
 18 posting written notice in a [THREE] conspicuous place [PLACES] in the designated  
 19 precinct;

20 (2) posting on the division of elections' site on the Internet; [,] and

21 (3) [BY] notification to appropriate municipal clerks.

22 \* Sec. 5. AS 15.15.030(7) is amended to read:

23 (7) The general election ballot shall be designed with the names of  
 24 candidates of each political party, and of any independent candidates qualified  
 25 under AS 15.30.026, for the office of President and Vice-President of the United  
 26 States placed in the same section on the ballot rather than the names of electors of  
 27 President and Vice-President.

28 \* Sec. 6. AS 15.15.350(a) is amended to read:

29 (a) The director may adopt regulations prescribing the manner in which the  
 30 precinct ballot count is accomplished so as to ensure [ASSURE] accuracy in the count  
 31 and to expedite the process. The election board shall account for all ballots by

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1 completing a ballot statement containing (1) the number of official ballots received;  
2 (2) the number of official ballots voted; (3) the number of official ballots spoiled; (4)  
3 the number of official ballots unused and either destroyed or returned for  
4 destruction to the elections supervisor or the election supervisor's designee. The  
5 board shall count the number of questioned ballots and [ HALL] compare that  
6 number to the number of questioned voters in the register. Discrepancies shall be  
7 noted and the numbers included in the certificate prescribed by AS 15.15.370. The  
8 election board, in hand-count precincts, shall count the ballots in a manner that allows  
9 watchers to see the ballots when opened and read. A person handling the ballot after it  
10 has been taken from the ballot box and before it is placed in the envelope for mailing  
11 may not have a marking device in hand or remove a ballot from the immediate vicinity  
12 of the polls.

13 \* Sec. 7. AS 15.20.064(a) is amended to read:

14 (a) On or after the 15th day before an election up to and including  
15 election day, a [A] qualified voter who meets the requirements set out in this section  
16 may vote early in the office of an election supervisor or in other locations designated  
17 by the director [ON OR AFTER THE 15TH DAY BEFORE AN ELECTION UP TO  
18 AND INCLUDING ELECTION DAY].

19 \* Sec. 8. AS 15.20.064(b) is amended to read:

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

- 22 (1) exhibition of proof of identification as required in AS 15.15.225;  
23 (2) verification that the voter's residence address appearing on the  
24 official registration list is current [AND WITHIN THE ELECTION SUPERVISOR'S  
25 JURISDICTION]; and  
26 (3) the voter's signing the early voting register.

27 \* Sec. 9. AS 15.20.066(b) is amended to read:

28 (b) An absentee ballot that is completed and returned by the voter by  
29 electronic transmission must

- 30 (1) contain the following statement: "I understand that, by using  
31 electronic transmission to return my marked ballot, I am voluntarily waiving a portion

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1 of my right to a secret ballot to the extent necessary to process my ballot, but expect  
2 that my vote will be held as confidential as possible, [.]" followed by the voter's  
3 signature and date of signature; and

4 (2) be accompanied by a statement executed under oath as to the  
5 voter's identity; the statement under oath must be witnessed by

6 (A) a commissioned or noncommissioned officer of the armed  
7 forces of the United States;

8 (B) an official authorized by federal law or the law of the state  
9 in which the absentee ballot is cast to administer an oath; or

10 (C) a [TWO] United States citizen [CITIZENS] who is [ARE]  
11 18 years of age or older.

12 \* Sec. 10. AS 15.20.081(d) is amended to read:

13 (d) Upon receipt of an absentee ballot by mail, the voter, in the presence of a  
14 notary public, commissioned officer of the armed forces including the National Guard,  
15 district judge or magistrate, United States postal official, registration official, or other  
16 person qualified to administer oaths, may proceed to mark the ballot in secret, to place  
17 the ballot in the secrecy sleeve, to place the secrecy sleeve in the envelope provided,  
18 and to sign the voter's certificate on the envelope in the presence of an official listed in  
19 this subsection who shall sign as attesting official and shall date the signature. If none  
20 of the officials listed in this subsection is reasonably accessible, an absentee voter  
21 shall sign the voter's certificate in the presence of one person who is a United States  
22 citizen and is [TWO PERSONS OVER THE AGE OF] 18 years of age or older, who  
23 shall sign as a witness [WITNESSES] and attest to the date on which the voter signed  
24 the certificate in the person's [THEIR] presence, and, in addition, the voter shall  
25 provide the certification prescribed in AS 09.63.020.

26 \* Sec. 11. AS 15.20.081(h) is amended to read:

27 (h) Except as provided in AS 15.20.480, an absentee ballot returned by mail  
28 from outside the United States or from an overseas voter qualifying under  
29 AS 15.05.011 [A MILITARY APO OR FPO ADDRESS] that has been marked and  
30 mailed not later than election day may not be counted unless the ballot is received by  
31 the election supervisor not later than the close of business on the 15th day following

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1 the election.

2 \* Sec. 12. AS 15.20.800(b) is amended to read.

3 (b) If the director conducts an election under (a) of this section by mail, the  
4 director shall send a ballot for each election described in (a) of this section to each  
5 person whose name appears on the official registration list prepared under  
6 AS 15.07.125 for that election. The director shall send ballots by first class,  
7 nonforwardable mail. The ballot shall be sent to the address stated on the official  
8 registration list unless the

9 (1) voter has notified the director or an election supervisor of a  
10 different address to which the ballot should be sent; or

11 (2) address on the official registration list has been identified as  
12 being an undeliverable address [THE DIRECTOR SHALL SEND BALLOTS BY  
13 FIRST CLASS, NONFORWARDABLE MAIL].

14 \* Sec. 13. AS 15.20 is amended by adding a new section to article 5 to read:

15 **Sec. 15.20.910. Standards for voting machines and vote tally systems.** The  
16 director may approve a voting machine or vote tally system for use in an election in  
17 the state upon consideration of factors relevant to the administration of state elections,  
18 including whether the Federal Election Commission has certified the voting machine  
19 or vote tally system to be in compliance with the voting system standards approved by  
20 the Federal Election Commission as required by 42 U.S.C. 15481(a)(5) (Help America  
21 Vote Act of 2002).

22 \* Sec. 14. AS 15.30 is amended by adding a new section to read:

23 **Sec. 15.30.026. Qualifications for independent candidates for President of**  
24 **the United States; selection of candidate for Vice-President; selection of electors.**

25 (a) A person who desires to be an independent candidate for President of the United  
26 States must file with the director at least 90 days before a presidential general election  
27 a petition signed by qualified voters of the state equal in number to at least one percent  
28 of the number of voters who cast ballots in an election under this chapter for President  
29 of the United States at the last presidential general election. The petition must state  
30 that the signers desire the named candidate for President of the United States to appear  
31 on the ballot as an independent candidate for president at the next succeeding

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1 presidential general election.

2 (b) In order to appear on the ballot, a candidate who has qualified for ballot  
3 status under (a) of this section shall certify the following information to the director on  
4 or before September 1 of the year of the presidential general election:

5 (1) the names of the electors for the independent candidate for  
6 President of the United States, equal to the number of senators and representatives to  
7 which the state is entitled in Congress;

8 (2) the name of a candidate for Vice-President, selected by the  
9 independent candidate.

10 \* Sec. 15. AS 15.30.050 is amended to read:

11 **Sec. 15.30.050. Interpretation of votes cast for candidates for President**  
12 **and Vice-President [VICE PRESIDENT].** In voting for presidential electors, a vote  
13 marked for the candidates for President and Vice-President [VICE PRESIDENT] is  
14 considered and counted as a vote for the presidential electors of the party or for the  
15 presidential electors named under AS 15.30.026, as appropriate.

16 \* Sec. 16. AS 15.30.090 is amended to read:

17 **Sec. 15.30.090. Duties of electors.** After any vacancies have been filled, the  
18 electors shall proceed to cast their votes for the candidates for the office of President  
19 and Vice-President [VICE PRESIDENT] of the party that [WHICH] selected them as  
20 candidates for electors, or for the candidates for the office of President and Vice-  
21 President under AS 15.30.026 if the electors were named under AS 15.30.026, and  
22 shall perform the duties of electors as required by the constitution and laws of the  
23 United States. The director shall provide administrative services and the Department  
24 of Law shall provide legal services necessary for the electors to perform their duties.

25 \* Sec. 17. AS 15.45.030 is amended to read:

26 **Sec. 15.45.030. Form of application.** The application must [SHALL]  
27 include the

28 (1) [THE] proposed bill; [TO BE INITIATED,]

29 (2) printed name, signature, address, and date of birth of not less  
30 than 100 qualified voters who will serve as sponsors; each signature page must  
31 include a statement that the sponsors are qualified voters who signed the application

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1 with the proposed bill attached; and [.]

2 (3) [THE] designation of an initiative committee consisting of three of  
3 the sponsors who subscribed to the application and [SHALL] represent all sponsors  
4 and subscribers in matters relating to the initiative; the designation must include the  
5 name, mailing address, and signature of each committee member [, AND

6 (4) THE SIGNATURES AND ADDRESSES OF NOT LESS THAN  
7 100 QUALIFIED VOTERS].

8 \* Sec. 18. AS 15.45.060 is amended to read:

9 Sec. 15.45.060. Designation of sponsors. The qualified voters who subscribe  
10 to the application in support of the proposed bill are designated as sponsors. The  
11 initiative committee may designate additional sponsors by giving written notice to the  
12 lieutenant governor of the names and addresses of those so designated.

13 \* Sec. 19. AS 15.45.090 is amended to read:

14 Sec. 15.45.090. Preparation of petition. If the application is certified, the  
15 lieutenant governor shall prescribe the form of and prepare petitions containing (1) a  
16 copy of the proposed bill if the number of words included in both the formal and  
17 substantive provisions of the bill is 500 or less; [.] (2) an impartial summary of the  
18 subject matter of the bill; [.] (3) the warning prescribed in AS 15.45.100; [.] (4)  
19 sufficient space for the printed name, date of birth, signature, and address; [.] (5)  
20 sufficient space at the bottom of each signature page for the information required by  
21 AS 15.45.130(8); [.] and (6) other specifications prescribed by the lieutenant governor  
22 to ensure [ASSURE] proper handling and control. Petitions, for purposes of  
23 circulation, shall be prepared by the lieutenant governor in a number reasonably  
24 calculated to allow full circulation throughout the state and shall be sequentially  
25 numbered [. THE LIEUTENANT GOVERNOR SHALL NUMBER EACH  
26 PETITION AND SHALL KEEP A RECORD OF THE PETITION DELIVERED TO  
27 EACH SPONSOR]. Upon request of the initiative committee, the lieutenant governor  
28 shall report to the initiative committee the number of persons who voted in the  
29 preceding general election.

30 \* Sec. 20. AS 15.45 is amended by adding a new section to read:

31 Sec. 15.45.105. Qualifications of circulator. To circulate a petition booklet,

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1 a person shall be

2 (1) a citizen of the United States;

3 (2) 18 years of age or older; and

4 (3) a resident of the state as determined under AS 15.05.020.

5 \* Sec. 21. AS 15.45.120 is amended to read:

6 **Sec. 15.45.120. Manner of signing and withdrawing name from petition.**

7 Any qualified voter may subscribe to the petition by printing the voter's name, date  
8 of birth, and address, and by signing the voter's name [AND ADDRESS]. A person  
9 who has signed the initiative petition may withdraw the person's name only by giving  
10 written notice to the lieutenant governor before the date the petition is filed.

11 \* Sec. 22. AS 15.45.130 is amended to read:

12 **Sec. 15.45.130. Certification of circulator.** Before being filed, each petition  
13 shall be certified by an affidavit by the person who personally circulated the petition.  
14 The affidavit must state in substance that (1) the person signing the affidavit meets the  
15 residency, age, and citizenship qualifications for circulating a petition under  
16 AS 15.45.105; [OF AS 15.05.010,] (2) the person is the only circulator of that  
17 petition; [,] (3) the signatures were made in the circulator's actual presence; [,] (4) to  
18 the best of the circulator's knowledge, the signatures are those of the persons whose  
19 names they purport to be; [,] (5) the signatures are of persons who were qualified  
20 voters on the date of signature; [,] (6) the circulator [PERSON] has not entered into  
21 an agreement with a person or organization in violation of AS 15.45.110(c); [,] (7) the  
22 circulator [PERSON] has not violated AS 15.45.110(d) with respect to that petition;  
23 [,] and (8) before circulation of the petition, the circulator prominently placed, in the  
24 space provided under AS 15.45.090(5) [BEFORE CIRCULATION OF THE  
25 PETITION, IN BOLD CAPITAL LETTERS, THE CIRCULATOR'S NAME AND],  
26 if the circulator has received payment or agreed to receive payment for the collection  
27 of signatures on the petition, the name of each person or organization that has paid or  
28 agreed to pay the circulator for collection of signatures on the petition. In determining  
29 the sufficiency of the petition, the lieutenant governor may not count subscriptions on  
30 petitions not properly certified.

31 \* Sec. 23. AS 15.45.200 is amended to read:

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1           **Sec. 15.45.200. Display of proposed law.** The director shall provide each  
2 election board with five [10] copies of the proposed law being initiated, and the  
3 election board shall display one copy [THREE COPIES] of the proposed law in a  
4 conspicuous place in the room where the election is held.

5 \* Sec. 24. AS 15.45.270 is amended to read:

6           **Sec. 15.45.270. Form of application.** The application must [SHALL]  
7 include

8                   (1) the act to be referred;

9                   (2) a statement of approval or rejection;

10                   (3) the printed name, signature, address, and date of birth of not  
11 less than 100 qualified voters who will serve as sponsors; each signature page  
12 must include a statement that the sponsors are qualified voters who signed the  
13 application with the act to be referred and the statement of approval or rejection  
14 [PROPOSED BILL] attached; and

15                   (4) [(3)] the designation of a referendum committee consisting of three  
16 of the sponsors who subscribed to the application and [SHALL] represent all  
17 sponsors and subscribers in matters relating to the referendum; the designation must  
18 include the name, address, and signature of each committee member [AND

19                   (4) THE SIGNATURES AND ADDRESSES OF NOT FEWER  
20 THAN 100 QUALIFIED VOTERS].

21 \* Sec. 25. AS 15.45.290 is amended to read:

22           **Sec. 15.45.290. Designation of sponsors.** The qualified voters who subscribe  
23 to the application in support of the referendum are designated as sponsors. The  
24 referendum committee may designate additional sponsors by giving notice to the  
25 lieutenant governor of the names and addresses of those so designated.

26 \* Sec. 26. AS 15.45.320 is amended to read:

27           **Sec. 15.45.320. Preparation of petition.** If the application is certified, the  
28 lieutenant governor shall, within seven calendar days after the date of certification,  
29 prescribe the form of, and prepare, a petition containing (1) a copy of the act to be  
30 referred, if the number of words included in both the formal and substantive  
31 provisions of the bill is 500 or less; [,] (2) the statement of approval or rejection;

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1        (3) an impartial summary of the subject matter of the act; (4) [, (3)] the warning  
 2        prescribed in AS 15.45.330; (5) [, (4)] sufficient space for the printed names, dates  
 3        of birth, signatures, and addresses; (6) sufficient space at the bottom of each page  
 4        for the information required by AS 15.45.360(8); [,] and (7) [(5)] other  
 5        specifications prescribed by the lieutenant governor to ensure [ASSURE] proper  
 6        handling and control. Petitions, for purposes of circulation, shall be prepared by the  
 7        lieutenant governor in a number reasonably calculated to allow full circulation  
 8        throughout the state and shall be sequentially numbered [. THE LIEUTENANT  
 9        GOVERNOR SHALL NUMBER EACH PETITION AND SHALL KEEP A  
 10        RECORD OF THE PETITIONS DELIVERED TO EACH SPONSOR]. Upon request  
 11        of the referendum committee, the lieutenant governor shall report to the referendum  
 12        committee [SPECIFY] the number of persons who voted in the preceding general  
 13        election.

14        \* Sec. 27. AS 15.45 is amended by adding a new section to read:

15                **Sec. 15.45.335. Qualifications of circulator.** To circulate a petition booklet,  
 16                a person shall be

- 17                        (1) a citizen of the United States;  
 18                        (2) 18 years of age or older; and  
 19                        (3) a resident of the state as determined under AS 15.05.020.

20        \* Sec. 28. AS 15.45.340 is amended by adding new subsections to read:

21                (b) A circulator may not receive payment or agree to receive payment that is  
 22                greater than \$1 a signature, and a person or an organization may not pay or agree to  
 23                pay an amount that is greater than \$1 a signature, for the collection of signatures on a  
 24                petition.

25                (c) A person or organization may not knowingly pay, offer to pay, or cause to  
 26                be paid money or other valuable thing to a person to sign or refrain from signing a  
 27                petition.

28                (d) A person or organization that violates (b) or (c) of this section is guilty of a  
 29                class B misdemeanor.

30                (e) In this section,

- 31                        (1) "organization" has the meaning given in AS 11.81.900;

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1 (2) "other valuable thing" has the meaning given in AS 15.56.030;

2 (3) "person" has the meaning given in AS 11.81.900.

3 \* Sec. 29. AS 15.45.350 is amended to read:

4 **Sec. 15.45.350. Manner of signing and withdrawing name from petition.**

5 Any qualified voter may subscribe to the petition by printing the voter's name, date  
6 of birth, and address, and by signing the voter's name [AND ADDRESS]. A person  
7 who has signed the referendum petition may withdraw the person's name only by  
8 giving written notice to the lieutenant governor before the date the petition is filed.

9 \* Sec. 30. AS 15.45.360 is amended to read:

10 **Sec. 15.45.360. Certification of circulator.** Before being filed, each petition  
11 shall be certified by an affidavit by the person who circulated the petition. The  
12 affidavit must [SHALL] state in substance that (1) the person signing the affidavit  
13 meets the residency, age, and citizenship qualifications for circulating a petition  
14 under AS 15.45.335; [OF AS 15.05.010,] (2) the person is the only circulator of the  
15 petition; [,] (3) the signatures were made in the circulator's actual presence; [, AND]  
16 (4) to the best of the circulator's knowledge, the signatures are the signatures of  
17 persons whose names they purport to be; (5) the signatures are of persons who were  
18 qualified voters on the date of signature; (6) the circulator has not entered into an  
19 agreement with a person or organization in violation of AS 15.45.340(b); (7) the  
20 circulator has not violated AS 15.45.340(c) with respect to that petition; and (8)  
21 before circulation of the petition, the circulator prominently placed, in the space  
22 provided under AS 15.45.320(6), if the circulator has received payment or agreed  
23 to receive payment for the collection of signatures on the petition, the name of  
24 each person or organization that has paid or agreed to pay the circulator for  
25 collection of signatures on the petition. In determining the sufficiency of the  
26 petition, the lieutenant governor may not count subscriptions on petitions not properly  
27 certified.

28 \* Sec. 31. AS 15.45.430 is amended to read:

29 **Sec. 15.45.430. Display of act being referred.** The director shall provide  
30 each election board with five [10] copies of the act being referred, and the election  
31 board shall display one copy [THREE COPIES] of the act in a conspicuous place in

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1 the room where the election is held.

2 \* Sec. 32. AS 15.45.500 is amended to read:

3 **Sec. 15.45.500. Form of application.** The application must include

4 (1) the name and office of the person to be recalled;

5 (2) the grounds for recall described in particular in not more than 200  
6 words;

7 (3) the printed name, signature, address, and date of birth of  
8 sponsors equal in number to 10 percent of those who voted in the preceding  
9 general election in the state or in the senate or house district of the official sought  
10 to be recalled; each signature page must include a statement that the sponsors are  
11 qualified voters who

12 (A) will serve as sponsors; and

13 (B) signed the application with

14 (i) the name and office of the person to be recalled;

15 and

16 (ii) the statement of grounds for recall attached; and

17 (4) the designation of a recall committee consisting of three of the  
18 sponsors who subscribed to the application and shall represent all sponsors and  
19 subscribers in matters relating to the recall; the designation must include the name,  
20 mailing address, and signature of each committee member

21 [(5) THE SIGNATURES OF AT LEAST 100 QUALIFIED VOTERS  
22 WHO SUBSCRIBE TO THE APPLICATION AS SPONSORS FOR PURPOSES OF  
23 CIRCULATION; AND

24 (6) THE SIGNATURES AND ADDRESSES OF QUALIFIED  
25 VOTERS EQUAL IN NUMBER TO 10 PERCENT OF THOSE WHO VOTED IN  
26 THE PRECEDING GENERAL ELECTION IN THE STATE OR IN THE SENATE  
27 OR HOUSE DISTRICT OF THE OFFICIAL SOUGHT TO BE RECALLED].

28 \* Sec. 33. AS 15.45 is amended by adding a new section to read:

29 **Sec. 15.45.515. Designation of sponsors.** The qualified voters who subscribe  
30 to the application in support of the recall are designated as sponsors. The recall  
31 committee may designate additional sponsors by giving notice to the lieutenant

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1 governor of the names, addresses, and dates of birth of those so designated.

2 \* Sec. 34. AS 15.45.560 is amended to read:

3 Sec. 15.45.560. Preparation of petition. If [UPON CERTIFYING] the  
4 application is certified, the director shall prescribe the form of, and prepare, a petition  
5 containing (1) the name and office of the person to be recalled; [,] (2) the statement of  
6 the grounds for recall included in the application; [,] (3) the statement of warning  
7 required in AS 15.45.570; [,] (4) sufficient space for the printed name, date of birth,  
8 signatures, and addresses; [, AND] (5) sufficient space at the bottom of each page  
9 for the information required by AS 15.45.600(8); and (6) other specifications  
10 prescribed by the director to ensure [ASSURE] proper handling and control.  
11 Petitions, for purposes of circulation, shall be prepared by the director in a number  
12 reasonably calculated to allow full circulation throughout the state or throughout the  
13 senate or house district of the official sought to be recalled and shall be sequentially  
14 numbered. Upon request of the recall committee, the lieutenant governor shall  
15 report to the recall committee the number of persons who voted in the preceding  
16 general election in the state or in the district of the official sought to be recalled.  
17 [THE DIRECTOR SHALL NUMBER EACH PETITION AND SHALL KEEP A  
18 RECORD OF THE PETITIONS DELIVERED TO EACH SPONSOR.]

19 \* Sec. 35. AS 15.45 is amended by adding a new section to read:

20 Sec. 15.45.575. Qualifications of circulator. To circulate a petition booklet,  
21 a person shall be

- 22 (1) a citizen of the United States;  
23 (2) 18 years of age or older; and  
24 (3) a resident of the state as determined under AS 15.05.020.

25 \* Sec. 36. AS 15.45.580 is amended by adding new subsections to read:

26 (b) A circulator may not receive payment or agree to receive payment that is  
27 greater than \$1 a signature, and a person or an organization may not pay or agree to  
28 pay an amount that is greater than \$1 a signature, for the collection of signatures on a  
29 petition.

30 (c) A person or organization may not knowingly pay, offer to pay, or cause to  
31 be paid money or other valuable thing to a person to sign or refrain from signing a

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1 petition.

2 (d) A person or organization that violates (b) or (c) of this section is guilty of a  
3 class B misdemeanor.

4 (e) In this section,

5 (1) "organization" has the meaning given in AS 11.81.900;

6 (2) "other valuable thing" has the meaning given in AS 15.56.030;

7 (3) "person" has the meaning given in AS 11.81.900.

8 \* Sec. 37. AS 15.45.590 is amended to read:

9 **Sec. 15.45.590. Manner of signing and withdrawing name from petition.**

10 Any qualified voter may subscribe to the petition by printing the voter's name, date  
11 of birth, and address, and by signing the voter's name [AND ADDRESS]. A person  
12 who has signed the petition may withdraw the person's name only by giving written  
13 notice to the director before the date the petition is filed.

14 \* Sec. 38. AS 15.45.600 is amended to read:

15 **Sec. 15.45.600. Certification of circulator.** Before being filed, each petition  
16 shall be certified by an affidavit by the person who personally circulated the petition.  
17 The affidavit must [SHALL] state in substance that (1) the person signing the affidavit  
18 meets the residency, age, and citizenship qualifications of AS 15.45.575;  
19 [AS 15.05.010,] (2) the person is the only circulator of that petition or copy; [,] (3) the  
20 signatures were made in the circulator's actual presence; [, AND] (4) to the best of the  
21 circulator's knowledge, the signatures are those of the persons whose names they  
22 purport to be; (5) the signatures are of persons who were qualified voters on the  
23 date of signature; (6) the circulator has not entered into an agreement with a  
24 person or organization in violation of AS 15.45.580(b); (7) the circulator has not  
25 violated AS 15.45.580(c) with respect to that petition; and (8) before circulation  
26 of the petition, the circulator prominently placed, in the space provided under  
27 AS 15.45.560(5), if the circulator has received payment or agreed to receive  
28 payment for the collection of signatures on the petition, the name of each person  
29 or organization that has paid or agreed to pay the circulator for collection of  
30 signatures on the petition. In determining the sufficiency of the petition, the director  
31 may not count subscriptions on petitions not properly certified.

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1 \* Sec. 39. AS 15.45.680 is amended to read:

2           **Sec. 15.45.680. Display of grounds [BASES] for and against recall.** The  
3 director shall provide each election board in the state or in the senate or house district  
4 of the person subject to recall with five [10] copies of the statement of the grounds for  
5 recall included in the application and five [10] copies of the statement of not more  
6 than 200 words made by the official subject to recall in justification of the official's  
7 conduct in office. The person subject to recall may provide the director with the  
8 statement within 10 days after the date the director gave notification that the petition  
9 was properly filed. The election board shall post one copy [THREE COPIES] of the  
10 statements for and against recall in a [THREE] conspicuous place [PLACES] in the  
11 polling place.

12 \* Sec. 10. AS 15.60 is amended by adding a new section to read:

13           **Sec. 15.60.003. Voters unaffiliated with political parties.** The director shall  
14 consider a voter to be a voter registered as

15                   (1) "nonpartisan" and without a preference for a political party if the  
16 voter registers as nonpartisan on a voter registration form;

17                   (2) "undeclared" if the voter

18                           (A) registers as undeclared on a voter registration form;

19                           (B) fails to declare an affiliation with a political group or  
20 political party on a voter registration form; or

21                           (C) declares an affiliation with an entity other than a political  
22 party or political group on a voter registration form; or

23                   (3) "other" if the voter declares on a voter registration form an  
24 affiliation with a political group;

25 \* Sec. 41. AS 15.60 is amended by adding a new section to read:

26           **Sec. 15.60.008. Recognized political party status.** (a) A political group that  
27 the director has not recognized as a political party may obtain recognized political  
28 party status if, on or before May 31 of the first election year for which the political  
29 group seeks recognition, the political group

30                   (1) files an application with the director;

31                   (2) submits bylaws to the director and the United States Department of

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1 Justice as required of political parties in AS 15.25.014; and

2 (3) either

3 (A) nominated a candidate for statewide office who received at  
4 least three percent of the total votes cast for that statewide office at the  
5 preceding general election; or

6 (B) has registered voters in the state equal in number to at least  
7 three percent of the total votes cast for governor at the preceding general  
8 election at which a governor was elected.

9 (b) The director shall verify that each political group seeking recognized  
10 political party status under (a) of this section and each recognized political party

11 (1) nominated a candidate for statewide office who received at least  
12 three percent of the total votes cast for that statewide office at the preceding general  
13 election; or

14 (2) has registered voters in the state equal in number to at least three  
15 percent of the total votes cast for governor at the preceding general election at which  
16 the governor was elected.

17 (c) The director shall perform a verification described in (b) of this section at  
18 least once a month after the date of certification of the preceding general election. For  
19 purposes of (b)(2) of this section, the director shall verify that the voters who have  
20 submitted registration to the division of elections are qualified under AS 15.05.010  
21 and have declared affiliation with the political group or recognized political party for  
22 which the verification is performed.

23 (d) Except as provided in (e) of this section, within 10 days after a verification  
24 under (c) of this section, the director shall provide to

25 (1) a political group seeking recognized political party status under (a)  
26 of this section written notification when the political group has obtained recognized  
27 political party status; and

28 (2) a recognized political party that no longer qualifies under (b) of this  
29 section for recognized political party status written notification that recognized  
30 political party status has been withdrawn, and an application to obtain recognized  
31 political party status under (a) of this section; if the application is not returned in

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1 accordance with (a) of this section within 45 days after the director sends the written  
2 notification, the director shall discontinue monthly verification under (c) of this  
3 section for that political group.

4 (e) Notwithstanding (d) of this section, from June 1 of an election year  
5 through the date of the first verification under (b) of this section that occurs after  
6 certification of the results of the general election, the director may not withdraw  
7 recognized political party status.

8 \* Sec. 42. AS 15.60.010(21) is amended to read:

9 (21) "political party" means an organized group of voters that  
10 represents a political program and that

11 (A) [EITHER] nominated a candidate for governor who  
12 received at least three percent of the total votes cast for governor at the  
13 preceding general election at which a governor was elected;

14 (B) nominated a candidate for United States senator who  
15 received at least three percent of the total votes cast for United States  
16 senator at the preceding general election or at the most recent general  
17 election at which a governor was elected;

18 (C) nominated a candidate for United States representative  
19 who received at least three percent of the total votes cast for United States  
20 representative at the preceding general election or at the most recent  
21 general election at which a governor was elected; or

22 (D) has registered voters in the state equal in number to at least  
23 three percent of the total votes cast for governor at the preceding general  
24 election at which a governor was elected;

25 \* Sec. 43. AS 15.60.010 is amended by adding new paragraphs to read:

26 (38) "reregistration" means the submission of a registration form by a  
27 voter whose registration was inactivated on the master register maintained under  
28 AS 15.07 and the director's reactivation of that registration in accordance with that  
29 chapter; in this paragraph, "a voter whose registration was inactivated" does not  
30 include a voter whose registration was inactivated under AS 15.07.130 and whose  
31 ballot may be counted under AS 15.15.198;

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1 (39) "statewide office" means the office of governor, lieutenant  
2 governor, United States senator, or United States representative.

3 \* Sec. 44. AS 29.05.110(b) is amended to read:

4 (b) A qualified voter who is registered to vote [HAS BEEN A RESIDENT  
5 OF THE AREA] within the proposed municipality at least [FOR] 30 days before the  
6 date of the election order may vote.

7 \* Sec. 45. AS 29.05.110(c) is amended to read:

8 (c) Areawide borough powers included in an incorporation petition are  
9 considered to be part of the incorporation question. In an election for the incorporation  
10 of a second class borough, each nonareawide power to be exercised is placed  
11 separately on the ballot. Adoption of a nonareawide power requires a majority of the  
12 votes cast on the question, and the vote is limited to the qualified voters who are  
13 registered to vote [RESIDING] in the proposed borough but outside all cities in the  
14 proposed borough.

15 \* Sec. 46. AS 29.05.110 is amended by adding a new subsection to read:

16 (f) In this section, "qualified voter" has the meaning in AS 15.60.010.

17 \* Sec. 47. The uncodified law of the State of Alaska is amended by adding a new section to  
18 read:

19 APPLICABILITY. The changes made by secs. 17 - 39 of this Act apply to an  
20 application for an initiative, referendum, or recall filed with the lieutenant governor on or  
21 after the effective date of this Act.

22 \* Sec. 48. The uncodified law of the State of Alaska is amended by adding a new section to  
23 read:

24 TRANSITION. An initiative, referendum, or recall for which an application was filed  
25 with the lieutenant governor before the effective date of this Act is subject to the provisions of  
26 AS 15.45 as they existed on the day before the effective date of this Act.

27 \* Sec. 49. The uncodified law of the State of Alaska is amended by adding a new section to  
28 read:

29 REVISOR'S INSTRUCTION. The revisor of statutes is instructed to change the  
30 heading of art. 5 of AS 15.20 from "Article 5. Optically Scanned Voting" to "Article 5.  
31 Optically Scanned Voting; Voting Machine or Tally System Standards."

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\* Sec. 50. This Act takes effect immediately under AS 01.10.070(c).

23-GH2021\H  
Kurtz  
4/7/04

**CS FOR HOUSE BILL NO. 523(STA)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-THIRD LEGISLATURE - SECOND SESSION**

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to qualifications of voters, requirements and procedures regarding**  
2 **independent candidates for President and Vice-President of the United States, voter**  
3 **registration and voter registration records, voter residence, precinct boundary**  
4 **modification, recognized political parties, voters unaffiliated with political parties, early**  
5 **voting, absentee voting, ballot counting, voting by mail, voting machines, vote tally**  
6 **systems, initiative, referendum, recall, and definitions in the Alaska Election Code; and**  
7 **providing for an effective date."**

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

9 **\* Section 1. AS 15.05.020 is amended to read:**

10 **Sec. 15.05.020. Rules for determining residence of voter. For the purpose**  
11 **of determining residence for voting, the place of residence is governed by the**  
12 **following rules:**

13 **(1) A person may not be considered to have gained a residence solely**

1 by reason of presence nor may a person lose it solely by reason of absence while in the  
2 civil or military service of this state or of the United States or of absence because of  
3 marriage to a person engaged in the civil or military service of this state or the United  
4 States, while a student at an institution of learning, while in an institution or asylum at  
5 public expense, while confined in public prison, while engaged in the navigation of  
6 waters of this state [,] or the United States or of the high seas, while residing upon an  
7 Indian or military reservation, or while residing in the Alaska Pioneers' Home.

8 (2) The residence of a person is that place in which the person's  
9 habitation is fixed, and to which, whenever absent, the person has the intention to  
10 return. If a person resides in one place, but does business in another, the former is the  
11 person's place of residence. Temporary work sites [CONSTRUCTION CAMPS] do  
12 not constitute a dwelling place.

13 (3) A change of residence is made only by the act of removal joined  
14 with the intent to remain in another place. There can only be one residence.

15 (4) A person does not lose residence if the person leaves home and  
16 goes to another country, state, or place in this state for temporary purposes only and  
17 with the intent of returning.

18 (5) A person does not gain residence in any place to which the person  
19 comes without the present intention to establish a permanent dwelling at that place.

20 (6) A person loses residence in this state if the person votes in another  
21 state's election, either in person or by absentee ballot, and will not be eligible to vote  
22 in this state until again qualifying under AS 15.05.010.

23 (7) [REPEALED

24 (8)] The term of residence is computed by including the day on which  
25 the person's residence begins and excluding the day of election.

26 (8) [(9) REPEALED

27 (10)] The address of a voter as it appears on the [AN] official voter  
28 registration record [CARD] is presumptive evidence of the person's voting residence.  
29 This presumption is negated only by the voter's [VOTER] notifying the director in  
30 writing of a change of voting residence.

31 \* Sec. 2. AS 15.07.060(a) is amended to read:

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

- (1) the applicant's name and sex;
- (2) if issued, the applicant's State of Alaska driver's license number or State of Alaska identification card number, or the last four digits of the applicant's social security number;
- (3) the applicant's date of birth;
- (4) the applicant's Alaska residence address, as specified in regulations adopted by the director [AND OTHER NECESSARY INFORMATION ESTABLISHING RESIDENCE, INCLUDING THE TERM OF RESIDENCE IN THE STATE AND IN THE DISTRICT, IF REQUESTED];
- (5) a statement of whether the applicant has previously been registered to vote in another jurisdiction, and, if so, the jurisdiction and the address of the previous registration;
- (6) a declaration that the applicant [REGISTRANT] will be 18 years of age or older within 90 days after [OF] the date of registration;
- (7) a declaration that the applicant [REGISTRANT] is a citizen of the United States;
- (8) the date of application;
- (9) the applicant's signature or mark;
- (10) any former name under which the applicant was registered to vote in the state;
- (11) an attestation that the information provided by the applicant in (1) - (10) of this subsection is true; and
- (12) a certification that the applicant understands that a false statement on the application may make the applicant subject to prosecution for a misdemeanor under this title or AS 11.

\* Sec. 3. AS 15.07 is amended by adding a new section to read:

**Sec. 15.07.195. Certain information in voter registration records confidential.** The following information set out in state voter registration records is confidential and is not open to public inspection:

- 1 (1) the voter's date of birth;
- 2 (2) the voter's social security number, or any part of that number;
- 3 (3) the voter's driver's license number;
- 4 (4) the voter's telephone number, if shown in those records;
- 5 (5) the voter's voter identification number;
- 6 (6) the voter's place of birth;
- 7 (7) the voter's signature.

8 \* Sec. 4. AS 15.10.090 is amended to read:

9 **Sec. 15.10.090. Notice of precinct boundary designation and modification.**

10 The director shall give full public notice when precinct boundaries are designated and  
11 when the boundaries of a precinct are modified or when a precinct is established or  
12 abolished. Public notice must [SHALL] include

13 (1) [, BUT IS NOT LIMITED TO, THE] publication of notice on three  
14 different days in a daily newspaper of general circulation, if [SUCH] a daily  
15 newspaper of general circulation is published in the house district where the precinct  
16 is located; however, if a daily newspaper of general circulation is not published in  
17 the house district where the precinct is located, public notice must include [, BY]  
18 posting written notice in a [THREE] conspicuous place [PLACES] in the designated  
19 precinct;

20 (2) posting on the division of elections' site on the Internet; [,] and

21 (3) [BY] notification to appropriate municipal clerks.

22 \* Sec. 5. AS 15.15.030(7) is amended to read:

23 (7) The general election ballot shall be designed with the names of  
24 candidates of each political party, and of any independent candidates qualified  
25 under AS 15.30.026, for the office of President and Vice-President of the United  
26 States placed in the same section on the ballot rather than the names of electors of  
27 President and Vice-President.

28 \* Sec. 6. AS 15.15.350(a) is amended to read:

29 (a) The director may adopt regulations prescribing the manner in which the  
30 precinct ballot count is accomplished so as to ensure [ASSURE] accuracy in the count  
31 and to expedite the process. The election board shall account for all ballots by

1 completing a ballot statement containing (1) the number of official ballots received;  
2 (2) the number of official ballots voted; (3) the number of official ballots spoiled; (4)  
3 the number of official ballots unused and either destroyed or returned for  
4 destruction to the elections supervisor or the election supervisor's designee. The  
5 board shall count the number of questioned ballots and [SHALL] compare that  
6 number to the number of questioned voters in the register. Discrepancies shall be  
7 noted and the numbers included in the certificate prescribed by AS 15.15.370. The  
8 election board, in hand-count precincts, shall count the ballots in a manner that allows  
9 watchers to see the ballots when opened and read. A person handling the ballot after it  
10 has been taken from the ballot box and before it is placed in the envelope for mailing  
11 may not have a marking device in hand or remove a ballot from the immediate vicinity  
12 of the polls.

13 \* Sec. 7. AS 15.20.064(a) is amended to read:

14 (a) On or after the 15th day before an election up to and including  
15 election day, a [A] qualified voter who meets the requirements set out in this section  
16 may vote early in the office of an election supervisor or in other locations designated  
17 by the director [ON OR AFTER THE 15TH DAY BEFORE AN ELECTION UP TO  
18 AND INCLUDING ELECTION DAY].

19 \* Sec. 8. AS 15.20.064(b) is amended to read:

20 (b) The election supervisor or other election official shall issue a ballot to the  
21 voter upon  
22 (1) exhibition of proof of identification as required in AS 15.15.225;  
23 (2) verification that the voter's residence address appearing on the  
24 official registration list is current [AND WITHIN THE ELECTION SUPERVISOR'S  
25 JURISDICTION]; and  
26 (3) the voter's signing the early voting register.

27 \* Sec. 9. AS 15.20.066(b) is amended to read:

28 (b) An absentee ballot that is completed and returned by the voter by  
29 electronic transmission must  
30 (1) contain the following statement: "I understand that, by using  
31 electronic transmission to return my marked ballot, I am voluntarily waiving a portion

1 of my right to a secret ballot to the extent necessary to process my ballot, but expect  
2 that my vote will be held as confidential as possible, [.]" followed by the voter's  
3 signature and date of signature; and

4 (2) be accompanied by a statement executed under oath as to the  
5 voter's identity; the statement under oath must be witnessed by

6 (A) a commissioned or noncommissioned officer of the armed  
7 forces of the United States;

8 (B) an official authorized by federal law or the law of the state  
9 in which the absentee ballot is cast to administer an oath; or

10 (C) a [TWO] United States citizen [CITIZENS] who is [ARE]  
11 18 years of age or older.

12 \* Sec. 10. AS 15.20.081(d) is amended to read:

13 (d) Upon receipt of an absentee ballot by mail, the voter, in the presence of a  
14 notary public, commissioned officer of the armed forces including the National Guard,  
15 district judge or magistrate, United States postal official, registration official, or other  
16 person qualified to administer oaths, may proceed to mark the ballot in secret, to place  
17 the ballot in the secrecy sleeve, to place the secrecy sleeve in the envelope provided,  
18 and to sign the voter's certificate on the envelope in the presence of an official listed in  
19 this subsection who shall sign as attesting official and shall date the signature. If none  
20 of the officials listed in this subsection is reasonably accessible, an absentee voter  
21 shall sign the voter's certificate in the presence of one person who is a United States  
22 citizen and is [TWO PERSONS OVER THE AGE OF] 18 years of age or older, who  
23 shall sign as a witness [WITNESSES] and attest to the date on which the voter signed  
24 the certificate in the person's [THEIR] presence, and, in addition, the voter shall  
25 provide the certification prescribed in AS 09.63.020.

26 \* Sec. 11. AS 15.20.081(h) is amended to read:

27 (h) Except as provided in AS 15.20.480, an absentee ballot returned by mail  
28 from outside the United States or from an overseas voter qualifying under  
29 AS 15.05.011 [A MILITARY APO OR FPO ADDRESS] that has been marked and  
30 mailed not later than election day may not be counted unless the ballot is received by  
31 the election supervisor not later than the close of business on the 15th day following

1 the election.

2 \* **Sec. 12.** AS 15.20.800(b) is amended to read.

3 (b) If the director conducts an election under (a) of this section by mail, the  
4 director shall send a ballot for each election described in (a) of this section to each  
5 person whose name appears on the official registration list prepared under  
6 AS 15.07.125 for that election. The director shall send ballots by first class,  
7 nonforwardable mail. The ballot shall be sent to the address stated on the official  
8 registration list unless the

9 (1) voter has notified the director or an election supervisor of a  
10 different address to which the ballot should be sent; or

11 (2) address on the official registration list has been identified as  
12 being an undeliverable address [THE DIRECTOR SHALL SEND BALLOTS BY  
13 FIRST CLASS, NONFORWARDABLE MAIL].

14 \* **Sec. 13.** AS 15.20 is amended by adding a new section to article 5 to read:

15 **Sec. 15.20.910. Standards for voting machines and vote tally systems.** The  
16 director may approve a voting machine or vote tally system for use in an election in  
17 the state upon consideration of factors relevant to the administration of state elections,  
18 including whether the Federal Election Commission has certified the voting machine  
19 or vote tally system to be in compliance with the voting system standards approved by  
20 the Federal Election Commission as required by 42 U.S.C. 15481(a)(5) (Help America  
21 Vote Act of 2002).

22 \* **Sec. 14.** AS 15.30 is amended by adding a new section to read:

23 **Sec. 15.30.026. Qualifications for independent candidates for President of**  
24 **the United States; selection of candidate for Vice-President; selection of electors.**

25 (a) A person who desires to be an independent candidate for President of the United  
26 States must file with the director at least 90 days before a presidential general election  
27 a petition signed by qualified voters of the state equal in number to at least one percent  
28 of the number of voters who cast ballots in an election under this chapter for President  
29 of the United States at the last presidential general election. The petition must state  
30 that the signers desire the named candidate for President of the United States to appear  
31 on the ballot as an independent candidate for president at the next succeeding

1 presidential general election.

2 (b) In order to appear on the ballot, a candidate who has qualified for ballot  
3 status under (a) of this section shall certify the following information to the director on  
4 or before September 1 of the year of the presidential general election:

5 (1) the names of the electors for the independent candidate for  
6 President of the United States, equal to the number of senators and representatives to  
7 which the state is entitled in Congress;

8 (2) the name of a candidate for Vice-President, selected by the  
9 independent candidate.

10 \* Sec. 15. AS 15.30.050 is amended to read:

11 **Sec. 15.30.050. Interpretation of votes cast for candidates for President**  
12 **and Vice-President [VICE PRESIDENT].** In voting for presidential electors, a vote  
13 marked for the candidates for President and Vice-President [VICE PRESIDENT] is  
14 considered and counted as a vote for the presidential electors of the party or for the  
15 presidential electors named under AS 15.30.026, as appropriate.

16 \* Sec. 16. AS 15.30.090 is amended to read:

17 **Sec. 15.30.090. Duties of electors.** After any vacancies have been filled, the  
18 electors shall proceed to cast their votes for the candidates for the office of President  
19 and Vice-President [VICE PRESIDENT] of the party that [WHICH] selected them as  
20 candidates for electors, or for the candidates for the office of President and Vice-  
21 President under AS 15.30.026 if the electors were named under AS 15.30.026, and  
22 shall perform the duties of electors as required by the constitution and laws of the  
23 United States. The director shall provide administrative services and the Department  
24 of Law shall provide legal services necessary for the electors to perform their duties.

25 \* Sec. 17. AS 15.45.030 is amended to read:

26 **Sec. 15.45.030. Form of application.** The application must [SHALL]  
27 include the

28 (1) [THE] proposed bill; [TO BE INITIATED,]

29 (2) printed name, signature, address, and date of birth of not less  
30 than 100 qualified voters who will serve as sponsors; each signature page must  
31 include a statement that the sponsors are qualified voters who signed the application

1 with the proposed bill attached; and [,]

2 (3) [THE] designation of an initiative committee consisting of three of  
3 the sponsors who subscribed to the application and [SHALL] represent all sponsors  
4 and subscribers in matters relating to the initiative; the designation must include the  
5 name, mailing address, and signature of each committee member [, AND

6 (4) THE SIGNATURES AND ADDRESSES OF NOT LESS THAN  
7 100 QUALIFIED VOTERS].

8 \* Sec. 18. AS 15.45.060 is amended to read:

9 Sec. 15.45.060. **Designation of sponsors.** The qualified voters who subscribe  
10 to the application in support of the proposed bill are designated as sponsors. The  
11 initiative committee may designate additional sponsors by giving written notice to the  
12 lieutenant governor of the names and addresses of those so designated.

13 \* Sec. 19. AS 15.45.090 is amended to read:

14 Sec. 15.45.090. **Preparation of petition.** If the application is certified, the  
15 lieutenant governor shall prescribe the form of and prepare petitions containing (1) a  
16 copy of the proposed bill if the number of words included in both the formal and  
17 substantive provisions of the bill is 500 or less; [,] (2) an impartial summary of the  
18 subject matter of the bill; [,] (3) the warning prescribed in AS 15.45.100; [,] (4)  
19 sufficient space for the printed name, date of birth, signature, and address; [,] (5)  
20 sufficient space at the bottom of each signature page for the information required by  
21 AS 15.45.130(8); [,] and (6) other specifications prescribed by the lieutenant governor  
22 to ensure [ASSURE] proper handling and control. Petitions, for purposes of  
23 circulation, shall be prepared by the lieutenant governor in a number reasonably  
24 calculated to allow full circulation throughout the state and shall be sequentially  
25 numbered [. THE LIEUTENANT GOVERNOR SHALL NUMBER EACH  
26 PETITION AND SHALL KEEP A RECORD OF THE PETITION DELIVERED TO  
27 EACH SPONSOR]. Upon request of the initiative committee, the lieutenant governor  
28 shall report to the initiative committee the number of persons who voted in the  
29 preceding general election.

30 \* Sec. 20. AS 15.45 is amended by adding a new section to read:

31 Sec. 15.45.105. **Qualifications of circulator.** To circulate a petition booklet,

1 a person shall be

2 (1) a citizen of the United States;

3 (2) 18 years of age or older; and

4 (3) a resident of the state as determined under AS 15.05.020.

5 \* Sec. 21. AS 15.45.120 is amended to read:

6 **Sec. 15.45.120. Manner of signing and withdrawing name from petition.**

7 Any qualified voter may subscribe to the petition by printing the voter's name, date  
8 of birth, and address, and by signing the voter's name [AND ADDRESS]. A person  
9 who has signed the initiative petition may withdraw the person's name only by giving  
10 written notice to the lieutenant governor before the date the petition is filed.

11 \* Sec. 22. AS 15.45.130 is amended to read:

12 **Sec. 15.45.130. Certification of circulator.** Before being filed, each petition  
13 shall be certified by an affidavit by the person who personally circulated the petition.  
14 The affidavit must state in substance that (1) the person signing the affidavit meets the  
15 residency, age, and citizenship qualifications for circulating a petition under  
16 AS 15.45.105; [OF AS 15.05.010,] (2) the person is the only circulator of that  
17 petition; [,] (3) the signatures were made in the circulator's actual presence; [,] (4) to  
18 the best of the circulator's knowledge, the signatures are those of the persons whose  
19 names they purport to be; [,] (5) the signatures are of persons who were qualified  
20 voters on the date of signature; [,] (6) the circulator [PERSON] has not entered into  
21 an agreement with a person or organization in violation of AS 15.45.110(c); [,] (7) the  
22 circulator [PERSON] has not violated AS 15.45.110(d) with respect to that petition;  
23 [,] and (8) before circulation of the petition, the circulator prominently placed, in the  
24 space provided under AS 15.45.090(5) [BEFORE CIRCULATION OF THE  
25 PETITION, IN BOLD CAPITAL LETTERS, THE CIRCULATOR'S NAME AND],  
26 if the circulator has received payment or agreed to receive payment for the collection  
27 of signatures on the petition, the name of each person or organization that has paid or  
28 agreed to pay the circulator for collection of signatures on the petition. In determining  
29 the sufficiency of the petition, the lieutenant governor may not count subscriptions on  
30 petitions not properly certified.

31 \* Sec. 23. AS 15.45.200 is amended to read:

1           **Sec. 15.45.200. Display of proposed law.** The director shall provide each  
2 election board with five [10] copies of the proposed law being initiated, and the  
3 election board shall display one copy [THREE COPIES] of the proposed law in a  
4 conspicuous place in the room where the election is held.

5 \* **Sec. 24.** AS 15.45.270 is amended to read:

6           **Sec. 15.45.270. Form of application.** The application must [SHALL]  
7 include

8                   (1) the act to be referred;

9                   (2) a statement of approval or rejection;

10                   (3) the printed name, signature, address, and date of birth of not  
11 less than 100 qualified voters who will serve as sponsors; each signature page  
12 must include a statement that the sponsors are qualified voters who signed the  
13 application with the act to be referred and the statement of approval or rejection  
14 [PROPOSED BILL] attached; and

15                   (4) [(3)] the designation of a referendum committee consisting of three  
16 of the sponsors who subscribed to the application and [SHALL] represent all  
17 sponsors and subscribers in matters relating to the referendum; the designation must  
18 include the name, address, and signature of each committee member [AND

19                   (4) THE SIGNATURES AND ADDRESSES OF NOT FEWER  
20 THAN 100 QUALIFIED VOTERS].

21 \* **Sec. 25.** AS 15.45.290 is amended to read:

22           **Sec. 15.45.290. Designation of sponsors.** The qualified voters who subscribe  
23 to the application in support of the referendum are designated as sponsors. The  
24 referendum committee may designate additional sponsors by giving notice to the  
25 lieutenant governor of the names and addresses of those so designated.

26 \* **Sec. 26.** AS 15.45.320 is amended to read:

27           **Sec. 15.45.320. Preparation of petition.** If the application is certified, the  
28 lieutenant governor shall, within seven calendar days after the date of certification,  
29 prescribe the form of, and prepare, a petition containing (1) a copy of the act to be  
30 referred, if the number of words included in both the formal and substantive  
31 provisions of the bill is 500 or less; [,] (2) the statement of approval or rejection;

1        (3) an impartial summary of the subject matter of the act; (4) [, (3)] the warning  
 2        prescribed in AS 15.45.330; (5) [, (4)] sufficient space for the printed names, dates  
 3        of birth, signatures, and addresses; (6) sufficient space at the bottom of each page  
 4        for the information required by AS 15.45.360(8); [,] and (7) [(5)] other  
 5        specifications prescribed by the lieutenant governor to ensure [ASSURE] proper  
 6        handling and control. Petitions, for purposes of circulation, shall be prepared by the  
 7        lieutenant governor in a number reasonably calculated to allow full circulation  
 8        throughout the state and shall be sequentially numbered [. THE LIEUTENANT  
 9        GOVERNOR SHALL NUMBER EACH PETITION AND SHALL KEEP A  
 10        RECORD OF THE PETITIONS DELIVERED TO EACH SPONSOR]. Upon request  
 11        of the referendum committee, the lieutenant governor shall report to the referendum  
 12        committee [SPECIFY] the number of persons who voted in the preceding general  
 13        election.

14        \* **Sec. 27.** AS 15.45 is amended by adding a new section to read:

15                **Sec. 15.45.335. Qualifications of circulator.** To circulate a petition booklet,  
 16        a person shall be

- 17                        (1) a citizen of the United States;  
 18                        (2) 18 years of age or older; and  
 19                        (3) a resident of the state as determined under AS 15.05.020.

20        \* **Sec. 28.** AS 15.45.340 is amended by adding new subsections to read:

21                (b) A circulator may not receive payment or agree to receive payment that is  
 22        greater than \$1 a signature, and a person or an organization may not pay or agree to  
 23        pay an amount that is greater than \$1 a signature, for the collection of signatures on a  
 24        petition.

25                (c) A person or organization may not knowingly pay, offer to pay, or cause to  
 26        be paid money or other valuable thing to a person to sign or refrain from signing a  
 27        petition.

28                (d) A person or organization that violates (b) or (c) of this section is guilty of a  
 29        class B misdemeanor.

30                (e) In this section,

- 31                        (1) "organization" has the meaning given in AS 11.81.900;

1 (2) "other valuable thing" has the meaning given in AS 15.56.030;

2 (3) "person" has the meaning given in AS 11.81.900.

3 \* Sec. 29. AS 15.45.350 is amended to read:

4 **Sec. 15.45.350. Manner of signing and withdrawing name from petition.**

5 Any qualified voter may subscribe to the petition by printing the voter's name, date  
6 of birth, and address, and by signing the voter's name [AND ADDRESS]. A person  
7 who has signed the referendum petition may withdraw the person's name only by  
8 giving written notice to the lieutenant governor before the date the petition is filed.

9 \* Sec. 30. AS 15.45.360 is amended to read:

10 **Sec. 15.45.360. Certification of circulator.** Before being filed, each petition  
11 shall be certified by an affidavit by the person who circulated the petition. The  
12 affidavit must [SHALL] state in substance that (1) the person signing the affidavit  
13 meets the residency, age, and citizenship qualifications for circulating a petition  
14 under AS 15.45.335; [OF AS 15.05.010,] (2) the person is the only circulator of the  
15 petition; [,] (3) the signatures were made in the circulator's actual presence; [, AND]  
16 (4) to the best of the circulator's knowledge, the signatures are the signatures of  
17 persons whose names they purport to be; (5) the signatures are of persons who were  
18 qualified voters on the date of signature; (6) the circulator has not entered into an  
19 agreement with a person or organization in violation of AS 15.45.340(b); (7) the  
20 circulator has not violated AS 15.45.340(c) with respect to that petition; and (8)  
21 before circulation of the petition, the circulator prominently placed, in the space  
22 provided under AS 15.45.320(6), if the circulator has received payment or agreed  
23 to receive payment for the collection of signatures on the petition, the name of  
24 each person or organization that has paid or agreed to pay the circulator for  
25 collection of signatures on the petition. In determining the sufficiency of the  
26 petition, the lieutenant governor may not count subscriptions on petitions not properly  
27 certified.

28 \* Sec. 31. AS 15.45.430 is amended to read:

29 **Sec. 15.45.430. Display of act being referred.** The director shall provide  
30 each election board with five [10] copies of the act being referred, and the election  
31 board shall display one copy [THREE COPIES] of the act in a conspicuous place in

1 the room where the election is held.

2 \* Sec. 32. AS 15.45.500 is amended to read:

3 **Sec. 15.45.500. Form of application.** The application must include

4 (1) the name and office of the person to be recalled;

5 (2) the grounds for recall described in particular in not more than 200  
6 words;

7 (3) the printed name, signature, address, and date of birth of  
8 sponsors equal in number to 10 percent of those who voted in the preceding  
9 general election in the state or in the senate or house district of the official sought  
10 to be recalled; each signature page must include a statement that the sponsors are  
11 qualified voters who

12 (A) will serve as sponsors; and

13 (B) signed the application with

14 (i) the name and office of the person to be recalled;

15 and

16 (ii) the statement of grounds for recall attached; and

17 (4) the designation of a recall committee consisting of three of the  
18 sponsors who subscribed to the application and shall represent all sponsors and  
19 subscribers in matters relating to the recall; the designation must include the name,  
20 mailing address, and signature of each committee member

21 [(5) THE SIGNATURES OF AT LEAST 100 QUALIFIED VOTERS  
22 WHO SUBSCRIBE TO THE APPLICATION AS SPONSORS FOR PURPOSES OF  
23 CIRCULATION; AND

24 (6) THE SIGNATURES AND ADDRESSES OF QUALIFIED  
25 VOTERS EQUAL IN NUMBER TO 10 PERCENT OF THOSE WHO VOTED IN  
26 THE PRECEDING GENERAL ELECTION IN THE STATE OR IN THE SENATE  
27 OR HOUSE DISTRICT OF THE OFFICIAL SOUGHT TO BE RECALLED].

28 \* Sec. 33. AS 15.45 is amended by adding a new section to read:

29 **Sec. 15.45.515. Designation of sponsors.** The qualified voters who subscribe  
30 to the application in support of the recall are designated as sponsors. The recall  
31 committee may designate additional sponsors by giving notice to the lieutenant

1 governor of the names, addresses, and dates of birth of those so designated.

2 \* Sec. 34. AS 15.45.560 is amended to read:

3 Sec. 15.45.560. Preparation of petition. If [UPON CERTIFYING] the  
4 application is certified, the director shall prescribe the form of, and prepare, a petition  
5 containing (1) the name and office of the person to be recalled; [,] (2) the statement of  
6 the grounds for recall included in the application; [,] (3) the statement of warning  
7 required in AS 15.45.570; [,] (4) sufficient space for the printed name, date of birth,  
8 signatures, and addresses; [, AND] (5) sufficient space at the bottom of each page  
9 for the information required by AS 15.45.600(8); and (6) other specifications  
10 prescribed by the director to ensure [ASSURE] proper handling and control.  
11 Petitions, for purposes of circulation, shall be prepared by the director in a number  
12 reasonably calculated to allow full circulation throughout the state or throughout the  
13 senate or house district of the official sought to be recalled and shall be sequentially  
14 numbered. Upon request of the recall committee, the lieutenant governor shall  
15 report to the recall committee the number of persons who voted in the preceding  
16 general election in the state or in the district of the official sought to be recalled.  
17 [THE DIRECTOR SHALL NUMBER EACH PETITION AND SHALL KEEP A  
18 RECORD OF THE PETITIONS DELIVERED TO EACH SPONSOR.]

19 \* Sec. 35. AS 15.45 is amended by adding a new section to read:

20 Sec. 15.45.575. Qualifications of circulator. To circulate a petition booklet,  
21 a person shall be

- 22 (1) a citizen of the United States;  
23 (2) 18 years of age or older; and  
24 (3) a resident of the state as determined under AS 15.05.020.

25 \* Sec. 36. AS 15.45.580 is amended by adding new subsections to read:

26 (b) A circulator may not receive payment or agree to receive payment that is  
27 greater than \$1 a signature, and a person or an organization may not pay or agree to  
28 pay an amount that is greater than \$1 a signature, for the collection of signatures on a  
29 petition.

30 (c) A person or organization may not knowingly pay, offer to pay, or cause to  
31 be paid money or other valuable thing to a person to sign or refrain from signing a

1 petition.

2 (d) A person or organization that violates (b) or (c) of this section is guilty of a  
3 class B misdemeanor.

4 (e) In this section,

5 (1) "organization" has the meaning given in AS 11.81.900;

6 (2) "other valuable thing" has the meaning given in AS 15.56.030;

7 (3) "person" has the meaning given in AS 11.81.900.

8 \* Sec. 37. AS 15.45.590 is amended to read:

9 **Sec. 15.45.590. Manner of signing and withdrawing name from petition.**

10 Any qualified voter may subscribe to the petition by printing the voter's name, date  
11 of birth, and address, and by signing the voter's name [AND ADDRESS]. A person  
12 who has signed the petition may withdraw the person's name only by giving written  
13 notice to the director before the date the petition is filed.

14 \* Sec. 38. AS 15.45.600 is amended to read:

15 **Sec. 15.45.600. Certification of circulator.** Before being filed, each petition  
16 shall be certified by an affidavit by the person who personally circulated the petition.  
17 The affidavit must [SHALL] state in substance that (1) the person signing the affidavit  
18 meets the residency, age, and citizenship qualifications of AS 15.45.575;  
19 [AS 15.05.010,] (2) the person is the only circulator of that petition or copy; [,] (3) the  
20 signatures were made in the circulator's actual presence; [, AND] (4) to the best of the  
21 circulator's knowledge, the signatures are those of the persons whose names they  
22 purport to be; (5) the signatures are of persons who were qualified voters on the  
23 date of signature; (6) the circulator has not entered into an agreement with a  
24 person or organization in violation of AS 15.45.580(b); (7) the circulator has not  
25 violated AS 15.45.580(c) with respect to that petition; and (8) before circulation  
26 of the petition, the circulator prominently placed, in the space provided under  
27 AS 15.45.560(5), if the circulator has received payment or agreed to receive  
28 payment for the collection of signatures on the petition, the name of each person  
29 or organization that has paid or agreed to pay the circulator for collection of  
30 signatures on the petition. In determining the sufficiency of the petition, the director  
31 may not count subscriptions on petitions not properly certified.

1 \* **Sec. 39.** AS 15.45.680 is amended to read:

2           **Sec. 15.45.680. Display of grounds [BASES] for and against recall.** The  
3 director shall provide each election board in the state or in the senate or house district  
4 of the person subject to recall with five [10] copies of the statement of the grounds for  
5 recall included in the application and five [10] copies of the statement of not more  
6 than 200 words made by the official subject to recall in justification of the official's  
7 conduct in office. The person subject to recall may provide the director with the  
8 statement within 10 days after the date the director gave notification that the petition  
9 was properly filed. The election board shall post one copy [THREE COPIES] of the  
10 statements for and against recall in a [THREE] conspicuous place [PLACES] in the  
11 polling place.

12 \* **Sec. 40.** AS 15.60 is amended by adding a new section to read:

13           **Sec. 15.60.003. Voters unaffiliated with political parties.** The director shall  
14 consider a voter to be a voter registered as

15                   (1) "nonpartisan" and without a preference for a political party if the  
16 voter registers as nonpartisan on a voter registration form;

17                   (2) "undeclared" if the voter

18                               (A) registers as undeclared on a voter registration form;

19                               (B) fails to declare an affiliation with a political group or  
20 political party on a voter registration form; or

21                               (C) declares an affiliation with an entity other than a political  
22 party or political group on a voter registration form; or

23                   (3) "other" if the voter declares on a voter registration form an  
24 affiliation with a political group.

25 \* **Sec. 41.** AS 15.60 is amended by adding a new section to read:

26           **Sec. 15.60.008. Recognized political party status.** (a) A political group that  
27 the director has not recognized as a political party may obtain recognized political  
28 party status if, on or before May 31 of the first election year for which the political  
29 group seeks recognition, the political group

30                   (1) files an application with the director;

31                   (2) submits bylaws to the director and the United States Department of

1 Justice as required of political parties in AS 15.25.014; and

2 (3) either

3 (A) nominated a candidate for statewide office who received at  
4 least three percent of the total votes cast for that statewide office at the  
5 preceding general election; or

6 (B) has registered voters in the state equal in number to at least  
7 three percent of the total votes cast for governor at the preceding general  
8 election at which a governor was elected.

9 (b) The director shall verify that each political group seeking recognized  
10 political party status under (a) of this section and each recognized political party

11 (1) nominated a candidate for statewide office who received at least  
12 three percent of the total votes cast for that statewide office at the preceding general  
13 election; or

14 (2) has registered voters in the state equal in number to at least three  
15 percent of the total votes cast for governor at the preceding general election at which  
16 the governor was elected.

17 (c) The director shall perform a verification described in (b) of this section at  
18 least once a month after the date of certification of the preceding general election. For  
19 purposes of (b)(2) of this section, the director shall verify that the voters who have  
20 submitted registration to the division of elections are qualified under AS 15.05.010  
21 and have declared affiliation with the political group or recognized political party for  
22 which the verification is performed.

23 (d) Except as provided in (e) of this section, within 10 days after a verification  
24 under (c) of this section, the director shall provide to

25 (1) a political group seeking recognized political party status under (a)  
26 of this section written notification when the political group has obtained recognized  
27 political party status; and

28 (2) a recognized political party that no longer qualifies under (b) of this  
29 section for recognized political party status written notification that recognized  
30 political party status has been withdrawn, and an application to obtain recognized  
31 political party status under (a) of this section; if the application is not returned in

1 accordance with (a) of this section within 45 days after the director sends the written  
2 notification, the director shall discontinue monthly verification under (c) of this  
3 section for that political group.

4 (c) Notwithstanding (d) of this section, from June 1 of an election year  
5 through the date of the first verification under (b) of this section that occurs after  
6 certification of the results of the general election, the director may not withdraw  
7 recognized political party status.

8 \* Sec. 42. AS 15.60.010(21) is amended to read:

9 (21) "political party" means an organized group of voters that  
10 represents a political program and that either nominated a candidate for statewide  
11 office [GOVERNOR] who received at least three percent of the total votes cast for  
12 that office [GOVERNOR] at the preceding general election or has registered voters in  
13 the state equal in number to at least three percent of the total votes cast for governor at  
14 the preceding general election at which a governor was elected;

15 \* Sec. 43. AS 15.60.010 is amended by adding new paragraphs to read:

16 (38) "reregistration" means the submission of a registration form by a  
17 voter whose registration was inactivated on the master register maintained under  
18 AS 15.07 and the director's reactivation of that registration in accordance with that  
19 chapter; in this paragraph, "a voter whose registration was inactivated" does not  
20 include a voter whose registration was inactivated under AS 15.07.130 and whose  
21 ballot may be counted under AS 15.15.198;

22 (39) "statewide office" means the office of governor, lieutenant  
23 governor, United States senator, or United States representative.

24 \* Sec. 44. AS 29.05.110(b) is amended to read:

25 (b) A qualified voter who is registered to vote [HAS BEEN A RESIDENT  
26 OF THE AREA] within the proposed municipality at least [FOR] 30 days before the  
27 date of the election order may vote.

28 \* Sec. 45. AS 29.05.110(c) is amended to read:

29 (c) Areawide borough powers included in an incorporation petition are  
30 considered to be part of the incorporation question. In an election for the incorporation  
31 of a second class borough, each nonareawide power to be exercised is placed

1 separately on the ballot. Adoption of a nonareawide power requires a majority of the  
2 votes cast on the question, and the vote is limited to the qualified voters who are  
3 registered to vote [RESIDING] in the proposed borough but outside all cities in the  
4 proposed borough.

5 \* Sec. 46. AS 29.05.110 is amended by adding a new subsection to read:

6 (f) In this section, "qualified voter" has the meaning in AS 15.60.010.

7 \* Sec. 47. The uncodified law of the State of Alaska is amended by adding a new section to  
8 read:

9 APPLICABILITY. The changes made by secs. 17 - 39 of this Act apply to an  
10 application for an initiative, referendum, or recall filed with the lieutenant governor on or  
11 after the effective date of this Act.

12 \* Sec. 48. The uncodified law of the State of Alaska is amended by adding a new section to  
13 read:

14 TRANSITION. An initiative, referendum, or recall for which an application was filed  
15 with the lieutenant governor before the effective date of this Act is subject to the provisions of  
16 AS 15.45 as they existed on the day before the effective date of this Act.

17 \* Sec. 49. The uncodified law of the State of Alaska is amended by adding a new section to  
18 read:

19 REVISOR'S INSTRUCTION. The revisor of statutes is instructed to change the  
20 heading of art. 5 of AS 15.20 from "Article 5. Optically Scanned Voting" to "Article 5.  
21 Optically Scanned Voting; Voting Machine or Tally System Standards."

22 \* Sec. 50. This Act takes effect immediately under AS 01.10.070(c).

23-GH2021\D  
Kurtz  
3/15/04

**CS FOR HOUSE BILL NO. 523(STA)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-THIRD LEGISLATURE - SECOND SESSION**

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered:**  
**Referred:**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to qualifications of voters, voter registration, voter residence, precinct**  
2 **boundary modification, recognized political parties, voters unaffiliated with political**  
3 **parties, early voting, absentee voting, ballot counting, voting by mail, voting machines,**  
4 **vote tally systems, initiative, referendum, recall, and definitions in the Alaska Election**  
5 **Code; and providing for an effective date."**

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 **\* Section 1. AS 15.05.020 is amended to read:**

8 **Sec. 15.05.020. Rules for determining residence of voter.** For the purpose  
9 of determining residence for voting, the place of residence is governed by the  
10 following rules:

11 (1) A person may not be considered to have gained a residence solely  
12 by reason of presence nor may a person lose it solely by reason of absence while in the  
13 civil or military service of this state or of the United States or of absence because of

1 marriage to a person engaged in the civil or military service of this state or the United  
2 States, while a student at an institution of learning, while in an institution or asylum at  
3 public expense, while confined in public prison, while engaged in the navigation of  
4 waters of this state, [OR] the United States, or [OF] the high seas, while residing upon  
5 an Indian or military reservation, or while residing in the Alaska Pioneers' Home.

6 (2) The residence of a person is that place in which the person's  
7 habitation is fixed, and to which, whenever absent, the person has the intention to  
8 return. If a person resides in one place, but does business in another, the former is the  
9 person's place of residence. Temporary work sites [CONSTRUCTION CAMPS] do  
10 not constitute a dwelling place.

11 (3) A change of residence is made only by the act of removal joined  
12 with the intent to remain in another place. There can only be one residence.

13 (4) A person does not lose residence if the person leaves home and  
14 goes to another country, state, or place in this state for temporary purposes only and  
15 with the intent of returning.

16 (5) A person does not gain residence in any place to which the person  
17 comes without the present intention to establish a permanent dwelling at that place.

18 (6) A person loses residence in this state if the person votes in another  
19 state's election, either in person or by absentee ballot, and will not be eligible to vote  
20 in this state until again qualifying under AS 15.05.010.

21 (7) [REPEALED

22 (8)] The term of residence is computed by including the day on which  
23 the person's residence begins and excluding the day of election.

24 (8) [(9) REPEALED

25 (10)] The address of a voter as it appears on the [AN] official voter  
26 registration record [CARD] is presumptive evidence of the person's voting residence.  
27 This presumption is negated only by the voter's [VOTER] notifying the director in  
28 writing of a change of voting residence.

29 \* Sec. 2. AS 15.07.060(a) is amended to read:

30 (a) Each applicant who requests registration or reregistration shall supply the  
31 following information:

- 1 (1) the applicant's name and sex;
- 2 (2) if issued, the applicant's State of Alaska driver's license number or  
3 State of Alaska identification card number, or the last four digits of the applicant's  
4 social security number;
- 5 (3) the applicant's date of birth;
- 6 (4) the applicant's Alaska residence address, as specified in  
7 regulations adopted by the director [AND OTHER NECESSARY INFORMATION  
8 ESTABLISHING RESIDENCE, INCLUDING THE TERM OF RESIDENCE IN  
9 THE STATE AND IN THE DISTRICT, IF REQUESTED];
- 10 (5) a statement of whether the applicant has previously been  
11 registered to vote in another jurisdiction, and, if so, the jurisdiction and the address of  
12 the previous registration;
- 13 (6) a declaration that the applicant [REGISTRANT] will be 18 years  
14 of age or older within 90 days after [OF] the date of registration;
- 15 (7) a declaration that the applicant [REGISTRANT] is a citizen of the  
16 United States;
- 17 (8) the date of application;
- 18 (9) the applicant's signature or mark;
- 19 (10) any former name under which the applicant was registered to vote  
20 in the state;
- 21 (11) an attestation that the information provided by the applicant in (1)  
22 - (10) of this subsection is true; and
- 23 (12) a certification that the applicant understands that a false statement  
24 on the application may make the applicant subject to prosecution for a misdemeanor  
25 under this title or AS 11.

26 \* Sec. 3. AS 15.10.090 is amended to read:

27 **Sec. 15.10.090. Notice of precinct boundary designation and modification.**

28 The director shall give full public notice when precinct boundaries are designated and  
29 when the boundaries of a precinct are modified or when a precinct is established or  
30 abolished. Public notice must [SHALL] include

- 31 (1) [, BUT IS NOT LIMITED TO, THE] publication of notice on three

1 different days in a daily newspaper of general circulation, if [SUCH] a daily  
2 newspaper of general circulation is published in the house district where the precinct  
3 is located; however, if a daily newspaper of general circulation is not published in  
4 the house district where the precinct is located, public notice must include [, BY]  
5 posting written notice in a [THREE] conspicuous place [PLACES] in the designated  
6 precinct;

7 (2) posting on the division of elections' site on the Internet; [,] and

8 (3) [BY] notification to appropriate municipal clerks.

9 \* Sec. 4. AS 15.15.350(a) is amended to read:

10 (a) The director may adopt regulations prescribing the manner in which the  
11 precinct ballot count is accomplished so as to ensure [ASSURE] accuracy in the count  
12 and to expedite the process. The election board shall account for all ballots by  
13 completing a ballot statement containing (1) the number of official ballots received;  
14 (2) the number of official ballots voted; (3) the number of official ballots spoiled; (4)  
15 the number of official ballots unused and destroyed or returned for destruction to  
16 the elections supervisor or the election supervisor's designee. The board shall  
17 count the number of questioned ballots and [SHALL] compare that number to the  
18 number of questioned voters in the register. Discrepancies shall be noted and the  
19 numbers included in the certificate prescribed by AS 15.15.370. The election board,  
20 in hand-count precincts, shall count the ballots in a manner that allows watchers to see  
21 the ballots when opened and read. A person handling the ballot after it has been taken  
22 from the ballot box and before it is placed in the envelope for mailing may not have a  
23 marking device in hand or remove a ballot from the immediate vicinity of the polls.

24 \* Sec. 5. AS 15.20.064(a) is amended to read:

25 (a) On or after the 15th day before an election up to and including  
26 election day, a [A] qualified voter who meets the requirements set out in this section  
27 may vote early in the office of an election supervisor or in other locations designated  
28 by the director [ON OR AFTER THE 15TH DAY BEFORE AN ELECTION UP TO  
29 AND INCLUDING ELECTION DAY].

30 \* Sec. 6. AS 15.20.064(b) is amended to read:

31 (b) The election supervisor or other election official shall issue a ballot to the

1 voter upon

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

3 (2) verification that the voter's residence address appearing on the  
4 official registration list is current [AND WITHIN THE ELECTION SUPERVISOR'S  
5 JURISDICTION]; and

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

7 \* Sec. 7. AS 15.20.066(b) is amended to read:

8 (b) An absentee ballot that is completed and returned by the voter by  
9 electronic transmission must

10 (1) contain the following statement: "I understand that, by using  
11 electronic transmission to return my marked ballot, I am voluntarily waiving a portion  
12 of my right to a secret ballot to the extent necessary to process my ballot, but expect  
13 that my vote will be held as confidential as possible, [.]" followed by the voter's  
14 signature and date of signature; and

15 (2) be accompanied by a statement executed under oath as to the  
16 voter's identity; the statement under oath must be witnessed by

17 (A) a commissioned or noncommissioned officer of the armed  
18 forces of the United States;

19 (B) an official authorized by federal law or the law of the state  
20 in which the absentee ballot is cast to administer an oath; or

21 (C) a [TWO] United States citizen [CITIZENS] who is [ARE]  
22 18 years of age or older.

23 \* Sec. 8. AS 15.20.081(d) is amended to read:

24 (d) Upon receipt of an absentee ballot by mail, the voter, in the presence of a  
25 notary public, commissioned officer of the armed forces including the National Guard,  
26 district judge or magistrate, United States postal official, registration official, or other  
27 person qualified to administer oaths, may proceed to mark the ballot in secret, to place  
28 the ballot in the secrecy sleeve, to place the secrecy sleeve in the envelope provided,  
29 and to sign the voter's certificate on the envelope in the presence of an official listed in  
30 this subsection who shall sign as attesting official and shall date the signature. If none  
31 of the officials listed in this subsection is reasonably accessible, an absentee voter

1 shall sign the voter's certificate in the presence of one person who is a United States  
2 citizen and is [TWO PERSONS OVER THE AGE OF] 18 years of age or older, who  
3 shall sign as a witness [WITNESSES] and attest to the date on which the voter signed  
4 the certificate in the person's [THEIR] presence, and, in addition, the voter shall  
5 provide the certification prescribed in AS 09.63.020.

6 \* Sec. 9. AS 15.20.081(h) is amended to read:

7 (h) Except as provided in AS 15.20.480, an absentee ballot returned by mail  
8 from outside the United States or from an overseas voter qualifying under  
9 AS 15.05.011 [A MILITARY APO OR FPO ADDRESS] that has been marked and  
10 mailed not later than election day may not be counted unless the ballot is received by  
11 the election supervisor not later than the close of business on the 15th day following  
12 the election.

13 \* Sec. 10. AS 15.20.800(b) is amended to read.

14 (b) If the director conducts an election under (a) of this section by mail, the  
15 director shall send a ballot for each election described in (a) of this section to each  
16 person whose name appears on the official registration list prepared under  
17 AS 15.07.125 for that election. The director shall send ballots by first class,  
18 nonforwardable mail. The ballot shall be sent to the address stated on the official  
19 registration list unless the

20 (1) voter has notified the director or an election supervisor of a  
21 different address to which the ballot should be sent; or

22 (2) address on the official registration list has been identified as  
23 being an undeliverable address [THE DIRECTOR SHALL SEND BALLOTS BY  
24 FIRST CLASS, NONFORWARDABLE MAIL].

25 \* Sec. 11. AS 15.20 is amended by adding a new section to article 5 to read:

26 Sec. 15.20.910. **Standards for voting machines and vote tally systems.** The  
27 director may approve a voting machine or vote tally system for use in an election in  
28 the state upon consideration of factors relevant to the administration of state elections,  
29 including whether the Federal Election Commission has certified the voting machine  
30 or vote tally system to be in compliance with the voting system standards approved by  
31 the Federal Election Commission as required by 42 U.S.C. 15481(a)(5) (Help America

1 Vote Act of 2002).

2 \* **Sec. 12.** AS 15.45.030 is amended to read:

3 **Sec. 15.45.030. Form of application.** The application must [SHALL]  
4 include the

5 (1) [THE] proposed bill; [TO BE INITIATED,]

6 (2) printed name, signature, address, and date of birth of not less  
7 than 100 qualified voters who will serve as sponsors; each signature page must  
8 include a statement that the sponsors are qualified voters who signed the application  
9 with the proposed bill attached; and [,]

10 (3) [THE] designation of an initiative committee consisting of three of  
11 the sponsors who subscribed to the application and [SHALL] represent all sponsors  
12 and subscribers in matters relating to the initiative; the designation must include the  
13 name, mailing address, and signature of each committee member [, AND

14 (4) THE SIGNATURES AND ADDRESSES OF NOT LESS THAN  
15 100 QUALIFIED VOTERS].

16 \* **Sec. 13.** AS 15.45.060 is amended to read:

17 **Sec. 15.45.060. Designation of sponsors.** The qualified voters who subscribe  
18 to the application in support of the proposed bill are designated as sponsors. The  
19 initiative committee may designate additional sponsors by giving written notice to the  
20 lieutenant governor of the names and addresses of those so designated.

21 \* **Sec. 14.** AS 15.45.090 is amended to read:

22 **Sec. 15.45.090. Preparation of petition.** If the application is certified, the  
23 lieutenant governor shall prescribe the form of and prepare petitions containing (1) a  
24 copy of the proposed bill if the number of words included in both the formal and  
25 substantive provisions of the bill is 500 or less; [,] (2) an impartial summary of the  
26 subject matter of the bill; [,] (3) the warning prescribed in AS 15.45.100; [,] (4)  
27 sufficient space for the printed name, date of birth, signature, and address; [,] (5)  
28 sufficient space at the bottom of each signature page for the information required by  
29 AS 15.45.130(8); [,] and (6) other specifications prescribed by the lieutenant governor  
30 to ensure [ASSURE] proper handling and control. Petitions, for purposes of  
31 circulation, shall be prepared by the lieutenant governor in a number reasonably

1 calculated to allow full circulation throughout the state and shall be sequentially  
 2 numbered [. THE LIEUTENANT GOVERNOR SHALL NUMBER EACH  
 3 PETITION AND SHALL KEEP A RECORD OF THE PETITION DELIVERED TO  
 4 EACH SPONSOR]. Upon request of the initiative committee, the lieutenant governor  
 5 shall report to the initiative committee the number of persons who voted in the  
 6 preceding general election.

7 \* Sec. 15. AS 15.45 is amended by adding a new section to read:

8 **Sec. 15.45.105. Qualifications of circulator.** To circulate a petition booklet,  
 9 a person shall be

10 (1) 18 years of age or older; and

11 (2) a resident of the state as determined under AS 15.05.020.

12 \* Sec. 16. AS 15.45.120 is amended to read:

13 **Sec. 15.45.120. Manner of signing and withdrawing name from petition.**

14 Any qualified voter may subscribe to the petition by printing the voter's name, date  
 15 of birth, and address, and by signing the voter's name [AND ADDRESS]. A person  
 16 who has signed the initiative petition may withdraw the person's name only by giving  
 17 written notice to the lieutenant governor before the date the petition is filed.

18 \* Sec. 17. AS 15.45.130 is amended to read:

19 **Sec. 15.45.130. Certification of circulator.** Before being filed, each petition  
 20 shall be certified by an affidavit by the person who personally circulated the petition.  
 21 The affidavit must state in substance that (1) the person signing the affidavit meets the  
 22 residency and [,] age [, AND CITIZENSHIP] qualifications for circulating a petition  
 23 under AS 15.45.105; [OF AS 15.05.010,] (2) the person is the only circulator of that  
 24 petition; [,] (3) the signatures were made in the circulator's actual presence; [,] (4) to  
 25 the best of the circulator's knowledge, the signatures are those of the persons whose  
 26 names they purport to be; [,] (5) the signatures are of persons who were qualified  
 27 voters on the date of signature; [,] (6) the circulator [PERSON] has not entered into  
 28 an agreement with a person or organization in violation of AS 15.45.110(c); [,] (7) the  
 29 circulator [PERSON] has not violated AS 15.45.110(d) with respect to that petition;  
 30 [,] and (8) before circulation of the petition, the circulator prominently placed, in the  
 31 space provided under AS 15.45.090(5) [BEFORE CIRCULATION OF THE

1 PETITION, IN BOLD CAPITAL LETTERS], the circulator's name and, if the  
2 circulator has received payment or agreed to receive payment for the collection of  
3 signatures on the petition, the name of each person or organization that has paid or  
4 agreed to pay the circulator for collection of signatures on the petition. In determining  
5 the sufficiency of the petition, the lieutenant governor may not count subscriptions on  
6 petitions not properly certified.

7 \* Sec. 18. AS 15.45.200 is amended to read:

8 **Sec. 15.45.200. Display of proposed law.** The director shall provide each  
9 election board with five [10] copies of the proposed law being initiated, and the  
10 election board shall display one copy [THREE COPIES] of the proposed law in a  
11 conspicuous place in the room where the election is held.

12 \* Sec. 19. AS 15.45.270 is amended to read:

13 **Sec. 15.45.270. Form of application.** The application must [SHALL]  
14 include

15 (1) the act to be referred;

16 (2) a statement of approval or rejection;

17 (3) the printed name, signature, address, and date of birth of not  
18 less than 100 qualified voters who will serve as sponsors; each signature page  
19 must include a statement that the sponsors are qualified voters who signed the  
20 application with the act to be referred and the statement of approval or rejection  
21 [PROPOSED BILL] attached; and

22 (4) [(3)] the designation of a referendum committee consisting of three  
23 of the sponsors who subscribed to the application and [SHALL] represent all  
24 sponsors and subscribers in matters relating to the referendum: the designation must  
25 include the name, address, and signature of each committee member [AND

26 (4) THE SIGNATURES AND ADDRESSES OF NOT FEWER  
27 THAN 100 QUALIFIED VOTERS].

28 \* Sec. 20. AS 15.45.290 is amended to read:

29 **Sec. 15.45.290. Designation of sponsors.** The qualified voters who subscribe  
30 to the application in support of the referendum are designated as sponsors. The  
31 referendum committee may designate additional sponsors by giving notice to the

1 lieutenant governor of the names and addresses of those so designated.

2 \* Sec. 21. AS 15.45.320 is amended to read:

3 **Sec. 15.45.320. Preparation of petition.** If the application is certified, the  
4 lieutenant governor shall, within seven calendar days after the date of certification,  
5 prescribe the form of, and prepare, a petition containing (1) a copy of the act to be  
6 referred, if the number of words included in both the formal and substantive  
7 provisions of the bill is 500 or less; [,] (2) the statement of approval or rejection;  
8 (3) an impartial summary of the subject matter of the act; (4) [, (3)] the warning  
9 prescribed in AS 15.45.330; (5) [, (4)] sufficient space for the printed names, dates  
10 of birth, signatures, and addresses; (6) sufficient space at the bottom of each page  
11 for the information required by AS 15.45.360(8); [,] and (7) [(5)] other  
12 specifications prescribed by the lieutenant governor to ensure [ASSURE] proper  
13 handling and control. Petitions, for purposes of circulation, shall be prepared by the  
14 lieutenant governor in a number reasonably calculated to allow full circulation  
15 throughout the state and shall be sequentially numbered [ THE LIEUTENANT  
16 GOVERNOR SHALL NUMBER EACH PETITION AND SHALL KEEP A  
17 RECORD OF THE PETITIONS DELIVERED TO EACH SPONSOR]. Upon request  
18 of the referendum committee, the lieutenant governor shall report to the referendum  
19 committee [SPECIFY] the number of persons who voted in the preceding general  
20 election.

21 \* Sec. 22. AS 15.45 is amended by adding a new section to read:

22 **Sec. 15.45.335. Qualifications of circulator.** To circulate a petition booklet,  
23 a person shall be

24 (1) 18 years of age or older; and

25 (2) a resident of the state as determined under AS 15.05.020.

26 \* Sec. 23. AS 15.45.340 is amended by adding new subsections to read:

27 (b) A circulator may not receive payment or agree to receive payment that is  
28 greater than \$1 a signature, and a person or an organization may not pay or agree to  
29 pay an amount that is greater than \$1 a signature, for the collection of signatures on a  
30 petition.

31 (c) A person or organization may not knowingly pay, offer to pay, or cause to

1 be paid money or other valuable thing to a person to sign or refrain from signing a  
2 petition.

3 (d) A person or organization that violates (b) or (c) of this section is guilty of a  
4 class B misdemeanor.

5 (e) In this section,

6 (1) "organization" has the meaning given in AS 11.81.900;

7 (2) "other valuable thing" has the meaning given in AS 15.56.030;

8 (3) "person" has the meaning given in AS 11.81.900.

9 \* Sec. 24. AS 15.45.350 is amended to read:

10 **Sec. 15.45.350. Manner of signing and withdrawing name from petition.**

11 Any qualified voter may subscribe to the petition by printing the voter's name, date  
12 of birth, and address, and by signing the voter's name [AND ADDRESS]. A person  
13 who has signed the referendum petition may withdraw the person's name only by  
14 giving written notice to the lieutenant governor before the date the petition is filed.

15 \* Sec. 25. AS 15.45.360 is amended to read:

16 **Sec. 15.45.360. Certification of circulator.** Before being filed, each petition  
17 shall be certified by an affidavit by the person who circulated the petition. The  
18 affidavit must [SHALL] state in substance that (1) the person signing the affidavit  
19 meets the residency and [,] age [, AND CITIZENSHIP] qualifications for circulating  
20 a petition under AS 15.45.335; [OF AS 15.05.010,] (2) the person is the only  
21 circulator of the petition; [,] (3) the signatures were made in the circulator's actual  
22 presence; [, AND] (4) to the best of the circulator's knowledge, the signatures are the  
23 signatures of persons whose names they purport to be; (5) the signatures are of  
24 persons who were qualified voters on the date of signature; (6) the circulator has  
25 not entered into an agreement with a person or organization in violation of  
26 AS 15.45.340(b); (7) the circulator has not violated AS 15.45.340(c) with respect  
27 to that petition; and (8) before circulation of the petition, the circulator  
28 prominently placed, in the space provided under AS 15.45.320(6), the circulator's  
29 name and, if the circulator has received payment or agreed to receive payment  
30 for the collection of signatures on the petition, the name of each person or  
31 organization that has paid or agreed to pay the circulator for collection of

1        signatures on the petition. In determining the sufficiency of the petition, the  
2 lieutenant governor may not count subscriptions on petitions not properly certified.

3 \* Sec. 26. AS 15.45.430 is amended to read:

4            **Sec. 15.45.430. Display of act being referred.** The director shall provide  
5 each election board with five [10] copies of the act being referred, and the election  
6 board shall display one copy [THREE COPIES] of the act in a conspicuous place in  
7 the room where the election is held.

8 \* Sec. 27. AS 15.45.500 is amended to read:

9            **Sec. 15.45.500. Form of application.** The application must include

10                    (1) the name and office of the person to be recalled;

11                    (2) the grounds for recall described in particular in not more than 200  
12 words;

13                    (3) the printed name, signature, address, and date of birth of  
14 sponsors equal in number to 10 percent of those who voted in the preceding  
15 general election in the state or in the senate or house district of the official sought  
16 to be recalled; each signature page must include a statement that the sponsors are  
17 qualified voters who signed the application with

18                                    (A) the name and office of the person to be recalled; and

19                                    (B) the statement of grounds for recall attached; and

20                    (4) the designation of a recall committee consisting of three of the  
21 sponsors who subscribed to the application and [SHALL] represent all sponsors and  
22 subscribers in matters relating to the recall; the designation must include the name,  
23 mailing address, and signature of each committee member

24                                    [(5) THE SIGNATURES OF AT LEAST 100 QUALIFIED VOTERS  
25 WHO SUBSCRIBE TO THE APPLICATION AS SPONSORS FOR PURPOSES OF  
26 CIRCULATION; AND

27                                    (6) THE SIGNATURES AND ADDRESSES OF QUALIFIED  
28 VOTERS EQUAL IN NUMBER TO 10 PERCENT OF THOSE WHO VOTED IN  
29 THE PRECEDING GENERAL ELECTION IN THE STATE OR IN THE SENATE  
30 OR HOUSE DISTRICT OF THE OFFICIAL SOUGHT TO BE RECALLED].

31 \* Sec. 28. AS 15.45 is amended by adding a new section to read:

1           **Sec. 15.45.515. Designation of sponsors.** The qualified voters who subscribe  
 2 to the application in support of the recall are designated as sponsors. The recall  
 3 committee may designate additional sponsors by giving notice to the lieutenant  
 4 governor of the names, addresses, and dates of birth of those so designated.

5 \* **Sec. 29.** AS 15.45.560 is amended to read:

6           **Sec. 15.45.560. Preparation of petition.** If [UPON CERTIFYING] the  
 7 application is certified, the director shall prescribe the form of, and prepare, a petition  
 8 containing (1) the name and office of the person to be recalled; [,] (2) the statement of  
 9 the grounds for recall included in the application; [,] (3) the statement of warning  
 10 required in AS 15.45.570; [,] (4) sufficient space for the printed name, date of birth,  
 11 signatures, and addresses; [, AND] (5) sufficient space at the bottom of each page  
 12 for the information required by AS 15.45.600(8); and (6) other specifications  
 13 prescribed by the director to ensure [ASSURE] proper handling and control.  
 14 Petitions, for purposes of circulation, shall be prepared by the director in a number  
 15 reasonably calculated to allow full circulation throughout the state or throughout the  
 16 senate or house district of the official sought to be recalled and shall be sequentially  
 17 numbered. Upon request of the recall committee, the lieutenant governor shall  
 18 report to the recall committee the number of persons who voted in the preceding  
 19 general election in the state or in the district of the official sought to be recalled.  
 20 [THE DIRECTOR SHALL NUMBER EACH PETITION AND SHALL KEEP A  
 21 RECORD OF THE PETITIONS DELIVERED TO EACH SPONSOR.]

22 \* **Sec. 30.** AS 15.45 is amended by adding a new section to read:

23           **Sec. 15.45.575. Qualifications of circulator.** To circulate a petition booklet,  
 24 a person shall be

25                   (1) 18 years of age or older; and

26                   (2) a resident of the state as determined under AS 15.05.020.

27 \* **Sec. 31.** AS 15.45.580 is amended by adding new subsections to read:

28           (b) A circulator may not receive payment or agree to receive payment that is  
 29 greater than \$1 a signature, and a person or an organization may not pay or agree to  
 30 pay an amount that is greater than \$1 a signature, for the collection of signatures on a  
 31 petition.

1 (c) A person or organization may not knowingly pay, offer to pay, or cause to  
2 be paid money or other valuable thing to a person to sign or refrain from signing a  
3 petition.

4 (d) A person or organization that violates (b) or (c) of this section is guilty of a  
5 class B misdemeanor.

6 (e) In this section,

7 (1) "organization" has the meaning given in AS 11.81.900;

8 (2) "other valuable thing" has the meaning given in AS 15.56.030;

9 (3) "person" has the meaning given in AS 11.81.900.

10 \* **Sec. 32.** AS 15.45.590 is amended to read:

11 **Sec. 15.45.590. Manner of signing and withdrawing name from petition.**

12 Any qualified voter may subscribe to the petition by printing the voter's name, date  
13 of birth, and address, and by signing the voter's name [AND ADDRESS]. A person  
14 who has signed the petition may withdraw the person's name only by giving written  
15 notice to the director before the date the petition is filed.

16 \* **Sec. 33.** AS 15.45.600 is amended to read:

17 **Sec. 15.45.600. Certification of circulator.** Before being filed, each petition  
18 shall be certified by an affidavit by the person who personally circulated the petition.  
19 The affidavit must [SHALL] state in substance that (1) the person signing the affidavit  
20 meets the residency and [,] age [, AND CITIZENSHIP] qualifications of  
21 AS 15.45.575; [AS 15.05.010,] (2) the person is the only circulator of that petition or  
22 copy; [,] (3) the signatures were made in the circulator's actual presence; [, AND] (4)  
23 to the best of the circulator's knowledge, the signatures are those of the persons whose  
24 names they purport to be; (5) the signatures are of persons who were qualified  
25 voters on the date of signature; (6) the circulator has not entered into an  
26 agreement with a person or organization in violation of AS 15.45.580(b); (7) the  
27 circulator has not violated AS 15.45.580(c) with respect to that petition; and (8)  
28 before circulation of the petition, the circulator prominently placed, in the space  
29 provided under AS 15.45.560(5), the circulator's name and, if the circulator has  
30 received payment or agreed to receive payment for the collection of signatures on  
31 the petition, the name of each person or organization that has paid or agreed to

1        pay the circulator for collection of signatures on the petition. In determining the  
2        sufficiency of the petition, the director may not count subscriptions on petitions not  
3        properly certified.

4        \* **Sec. 34.** AS 15.45.680 is amended to read:

5                **Sec. 15.45.680. Display of grounds [BASES] for and against recall.** The  
6        director shall provide each election board in the state or in the senate or house district  
7        of the person subject to recall with five [10] copies of the statement of the grounds for  
8        recall included in the application and five [10] copies of the statement of not more  
9        than 200 words made by the official subject to recall in justification of the official's  
10       conduct in office. The person subject to recall may provide the director with the  
11       statement within 10 days after the date the director gave notification that the petition  
12       was properly filed. The election board shall post one copy [THREE COPIES] of the  
13       statements for and against recall in a [THREE] conspicuous place [PLACES] in the  
14       polling place.

15       \* **Sec. 35.** AS 15.60 is amended by adding a new section to read:

16                **Sec. 15.60.003. Voters unaffiliated with political parties.** The director shall  
17        consider a voter to be a voter registered as

18                (1) "nonpartisan" and without a preference for a political party if the  
19        voter registers as nonpartisan on a voter registration form;

20                (2) "undeclared" if the voter

21                        (A) registers as undeclared on a voter registration form;

22                        (B) fails to declare an affiliation with a political group or  
23        political party on a voter registration form; or

24                        (C) declares an affiliation with an entity other than a political  
25        party or political group on a voter registration form; or

26                (3) "other" if the voter declares on a voter registration form an  
27        affiliation with a political group.

28       \* **Sec. 36.** AS 15.60 is amended by adding a new section to read:

29                **Sec. 15.60.008. Recognized political party status.** (a) A political group that  
30        the director has not recognized as a political party may obtain recognized political  
31        party status if, on or before May 31 of the first election year for which the political

1 group seeks recognition, the political group

2 (1) files an application with the director;

3 (2) submits bylaws to the director and the United States Department of  
4 Justice as required of political parties in AS 15.25.014; and

5 (3) either

6 (A) nominated a candidate for statewide office who received at  
7 least three percent of the total votes cast for that statewide office at the  
8 preceding general election; or

9 (B) has registered voters in the state equal in number to at least  
10 three percent of the total votes cast for governor at the preceding general  
11 election at which a governor was elected.

12 (b) The director shall verify that each political group seeking recognized  
13 political party status under (a) of this section and each recognized political party

14 (1) nominated a candidate for statewide office who received at least  
15 three percent of the total votes cast for that statewide office at the preceding general  
16 election; or

17 (2) has registered voters in the state equal in number to at least three  
18 percent of the total votes cast for governor at the preceding general election at which  
19 the governor was elected.

20 (c) The director shall perform a verification described in (b) of this section at  
21 least once a month after the date of certification of the preceding general election. For  
22 purposes of (b)(2) of this section, the director shall verify that the voters who have  
23 submitted registration to the division of elections are qualified under AS 15.05.010  
24 and have declared affiliation with the political group or recognized political party for  
25 which the verification is performed.

26 (d) Except as provided in (e) of this section, within 10 days after a verification  
27 under (c) of this section, the director shall provide to

28 (1) a political group seeking recognized political party status under (a)  
29 of this section written notification when the political group has obtained recognized  
30 political party status; and

31 (2) a recognized political party that no longer qualifies under (b) of this

1 section for recognized political party status written notification that recognized  
2 political party status has been withdrawn, and an application to obtain recognized  
3 political party status under (a) of this section; if the application is not returned in  
4 accordance with (a) of this section within 45 days after the director sends the written  
5 notification, the director shall discontinue monthly verification under (c) of this  
6 section for that political group.

7 (e) Notwithstanding (d) of this section, from June 1 of an election year  
8 through the date of the first verification under (b) of this section that occurs after  
9 certification of the results of the general election, the director may not withdraw  
10 recognized political party status.

11 \* Sec. 37. AS 15.60.010(21) is amended to read:

12 (21) "political party" means an organized group of voters that  
13 represents a political program and that either nominated a candidate for statewide  
14 office [GOVERNOR] who received at least three percent of the total votes cast for  
15 that office [GOVERNOR] at the preceding general election or has registered voters in  
16 the state equal in number to at least three percent of the total votes cast for governor at  
17 the preceding general election at which a governor was elected;

18 \* Sec. 38. AS 15.60.010 is amended by adding new paragraphs to read:

19 (38) "reregistration" means the submission of a registration form by a  
20 voter whose registration was inactivated on the master register maintained under  
21 AS 15.07 and the director's reactivation of that registration in accordance with that  
22 chapter; in this paragraph, "a voter whose registration was inactivated" does not  
23 include a voter whose registration was inactivated under AS 15.07.130 and whose  
24 ballot may be counted under AS 15.15.198;

25 (39) "statewide office" means the office of governor, lieutenant  
26 governor, United States senator, or United States representative.

27 \* Sec. 39. The uncodified law of the State of Alaska is amended by adding a new section to  
28 read:

29 APPLICABILITY. The changes made by secs. 12 - 34 of this Act apply to an  
30 application for an initiative, referendum, or recall filed with the lieutenant governor on or  
31 after the effective date of this Act.

1 \* **Sec. 40.** The uncodified law of the State of Alaska is amended by adding a new section to  
2 read:

3       TRANSITION. An initiative, referendum, or recall for which an application was filed  
4 with the lieutenant governor before the effective date of this Act is subject to the provisions of  
5 AS 15.45 as they existed on the day before the effective date of this Act.

6 \* **Sec. 41.** The uncodified law of the State of Alaska is amended by adding a new section to  
7 read:

8       REVISOR'S INSTRUCTION. The revisor of statutes is instructed to change the  
9 heading of art. 5 of AS 15.20 from "Article 5. Optically Scanned Voting" to "Article 5.  
10 Optically Scanned Voting; Voting Machine or Tally System Standards."

11 \* **Sec. 42.** This Act takes effect immediately under AS 01.01.070(c).

# FISCAL NOTE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: HB 523  
(H) Publish Date: 2/26/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: LAW  
Title "An Act relating to qualifications of voters, voter registration, voter residence, precinct boundary...." RDU CIVIL  
Component Labor & State Affairs  
Sponsor Rules Committee  
Requester Governor Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0  
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*  
This bill updates Title 15, the elections statutes, to reflect the current practices of the division of elections and to bring the statutes into compliance with recent court decisions and federal law.  
  
Passage of this legislation will have no foreseeable impact on the Department of Law.

Prepared by: Kathryn A. Daughetee, Director Phone 465-3673  
Division Administrative Services Date/Time 2/12/04 2:36 PM  
Approved by: Kathryn Daughetee for Gregg D. Renkes, Attorney General Date 2/12/2004  
Agency Department of Law

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: HB 523  
 (H) Publish Date: 2/26/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: GOV  
 Title An Act relating to qualifications of voters, RDU Elections  
voter registration and residence, precinct boundary mod... Component Elections  
 Sponsor Rules Committee  
 Requester Governor Component No. 21

**Expenditures/Revenues (Thousands of Dollars)**

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	14.1		14.1		14.1	
Travel						
Contractual	13.9		13.9		13.9	
Supplies						
Equipment	53.5		5.0		5.0	
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>81.5</b>	<b>0.0</b>	<b>33.0</b>	<b>0.0</b>	<b>33.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF			33.0		33.0	
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (HAVA Election Fund)	81.5					
<b>TOTAL</b>	<b>81.5</b>	<b>0.0</b>	<b>33.0</b>	<b>0.0</b>	<b>33.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*

The Division of Elections anticipates the cost for expanding early voting to statewide locations will be approximately \$81.5. The initial cost of \$81.5 to expand Early Voting will be funded from federal dollars from the Help America Vote Act of 2002. In future years, the Division will need an increase from GF appropriations of \$33.0 to maintain the level of service for expanding Early Voting during an on Election year. This incremental increase is needed to support future personnel, contractual and equipment services under the Division's primary and general budget.

Prepared by: Leonard G. Jones Phone 465-3051  
 Division: Division of Elections Date/Time 2/23/04 3:30 PM  
 Approved by: Laura A. Glaiser, Director Date 2/23/2004  
 Agency: Office of the Lt. Governor, Division of Elections

"Dear Speaker Kott:

Under the authority of article III, section 18, of the Alaska Constitution, I am transmitting a bill relating to the state's elections statutes.

This bill would update statutes on qualifications of voters, voter registration, voter residence, precinct boundary modification, recognized political parties, voters unaffiliated with political parties, early and absentee voting, ballot counting, voting by mail, initiatives, referendums, recalls, and definitions.

The updates are necessary to reflect current practices of the Division of Elections and to bring the statutes into compliance with recent court decisions and federal law.

Section 1 of the bill would amend two provisions in AS 15.05.020 on rules for determining the residence of a voter. It would amend AS 15.05.020(2) to clarify that "temporary work sites" do not constitute a dwelling place; this provision formerly referenced "construction camps." Section 1 also would amend AS 15.05.020(10) to reference the official voter registration "record," rather than "card."

Section 2 of the bill would amend AS 15.07.060(a)(4) on required registration information, to specify that the applicant must provide the applicant's Alaska residence address.

Section 3 of the bill would amend AS 15.10.090 on notice of precinct boundary designation and modification, to require that notice be published on the Division of Elections' Internet web site, to provide that written notice need not be posted in a physical place if notice is published in a newspaper, and to reduce the number of places where notice is posted from three places to one place.

Section 4 of the bill would amend AS 15.15.350(a), on the general procedure for a ballot count, to require that the accounting for all ballots prepared by the election board include the number of ballots returned to the elections supervisor for destruction.

Sections 5 and 6 of the bill would amend AS 15.20.064 on early voting, to allow the director of elections to designate other locations, in addition to election supervisor offices, for early voting.

Section 7 of the bill would amend AS 15.20.066(b) on absentee voting by electronic transmission, to lower the number of witnesses required from two to one.

Sections 8 and 9 of the bill would amend AS 15.20.081(d) on absentee voting by mail or electronic transmission, to lower the number of witnesses required from two to one, and AS 15.20.081(h) to change the reference to military addresses from "APO or FPO address" to an "overseas voter qualifying under AS 15.05.011."

Section 10 of the bill would amend AS 15.20.800 on voting by mail to specify that a ballot will not be sent to a voter whose address has been identified as undeliverable.

Section 11 of the bill would add a proposed new section, AS 15.20.910, on voting system standards, incorporating recent federal requirements under the Help America Vote Act.

Section 12 of the bill would amend AS 15.45.030 on the form of the application for an initiative petition, to require additional information from the sponsors.

Section 13 of the bill would amend AS 15.45.060 on designation of sponsors for an initiative, to specify that sponsors support the bill proposed by the initiative application.

Section 14 of the bill would amend AS 15.45.090 on preparation of petitions, to require the printed name and date of birth of those signing an initiative petition. This section also would require that initiative petitions be sequentially numbered, and removes the requirement that the lieutenant governor keep a record of petitions delivered to sponsors. These amendments are proposed to comply with the state Superior Court's decision in the case of *Hinterberger v. State*, 3AN-03-4092 CI (October 21, 2003).

Section 15 of the bill would add a proposed new section, AS 15.45.105, to specify the qualifications of an initiative petition circulator.

Section 16 of the bill would amend AS 15.45.120 on the manner of signing and withdrawing a name from an initiative petition, to require additional information from initiative petition signers.

Section 17 of the bill would amend AS 15.45.130 on the certification of circulators for an initiative petition, to reference the proposed new section on qualifications of an initiative petition circulator, and to delete the requirement that the circulator's name be prominently displayed on the petition. This latter requirement has not been enforced for some time in order to comply with the United States Supreme Court opinion in *Buckley v. American Constitutional Law Foundation*, 525 U.S. 182 (1999), under advice from a formal opinion of the state attorney general's office, 2000 Op. Att'y Gen. No. 3 (September 22).

Section 18 of the bill would amend AS 15.45.200 on display of the proposed law, to reduce the number of copies of a law proposed by an initiative displayed in the polling place from three to one.

Section 19 of the bill would amend AS 15.45.270 on the form of the application, to conform the requirements for a referendum application to those required for an initiative application.

Section 20 of the bill would amend AS 15.45.290 on designation of sponsors, to conform the requirements for a referendum sponsor to those required for an initiative sponsor.

Section 21 of the bill would amend AS 15.45.320 on preparation of a petition, to conform the requirements for a referendum petition to those required for an initiative petition.

Section 22 of the bill would add a proposed new section, AS 15.45.335, to set out the qualifications for a circulator of a referendum petition.

Section 23 of the bill would amend AS 15.45.340 on circulation, to incorporate the prohibitions and penalties applicable to initiative petitions and apply these to circulation of referendum petitions.

Section 24 of the bill would amend AS 15.45.350 on the manner of signing and withdrawing a name from a petition, to require additional information for signing a referendum petition.

Section 25 of the bill would amend AS 15.45.360 on the certification of circulators, to conform the requirements for circulation of a referendum petition to those required for circulation of an initiative petition.

Section 26 of the bill would amend AS 15.45.430 on display of the act being referred to in the referendum, to reduce the number of copies of the act displayed in the polling place from three to one.

Section 27 of the bill would amend AS 15.45.500 on the form of the application, to specify similar requirements for a recall application to those required for an initiative application, including deleting the requirement that recall petition circulators be registered voters.

Section 28 of the bill would add a proposed new section, AS 15.45.515, on the designation of sponsors for a recall application using language similar to the statute on initiative petition sponsors.

Section 29 of the bill would amend AS 15.45.560 on preparation of the recall petition, to impose requirements similar to the requirements for an initiative petition.

Section 30 of the bill would add a proposed new section, AS 15.45.575, on qualifications of circulators to set out the qualifications for circulation of a recall petition.

Section 31 of the bill would amend AS 15.45.580 on circulation, to add requirements on circulation of a recall petition similar to those for circulation of initiative petitions.

Section 32 of the bill would amend AS 15.45.590 on the manner of signing and withdrawing a name from a petition, to require additional information from recall petition signers.

Section 33 of the bill would amend AS 15.45.600 on certification of circulators for a recall petition, to add similar requirements to those for circulation of an initiative petition.

Section 34 of the bill would amend AS 15.45.680 on display of grounds for and against recall, to reduce the number of copies displayed in the polling place from three to one.

Section 35 of the bill would add a proposed new section, AS 15.60.003, to set up categories for voters who are unaffiliated with political parties.

Section 36 of the bill would add a proposed new section, AS

15.60.008, to set out the requirements for recognized political party status.

Section 37 of the bill would amend the definition of "political party" in AS 15.60.010(21) to use the election for any statewide office, rather than solely the Office of Governor, as the benchmark for attaining the voter support necessary for political party status.

Section 38 of the bill would amend AS 15.60.010 by adding new definitions of "re-registration" and "statewide office" for the purposes of AS 15 on elections.

Section 39 of the bill would provide that the changes made by sections 12 - 34 of the bill apply to an application for an initiative, referendum, or recall that is filed with the lieutenant governor on or after the effective date of the bill.

Section 40 of the bill would provide that the elections statutes, as they existed before the amendments made by sections 12 - 34 of this bill, would apply to an initiative, referendum, or recall for which the application was filed before the effective date of the bill.

Section 41 of the bill sets out a revisor's instruction related to the addition of proposed AS 15.20.910 in section 11 of the bill.

Section 42 of the bill would establish an immediate effective date for the bill.

I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski  
Governor"

**Subject: Fw: hb523/Hearing Today**

**Date:** Wed, 21 Apr 2004 07:59:13 -0800

**From:** Jim Sykes <[jsykes@ak.net](mailto:jsykes@ak.net)>

**To:** [terry.harvey@legis.state.ak.us](mailto:terry.harvey@legis.state.ak.us)

----- Original Message -----

From: Jim Sykes

To: [Representative Bruce Weyhrauch@legis.state.ak.us](mailto:Representative_Bruce_Weyhrauch@legis.state.ak.us)

Sent: Wednesday, April 21, 2004 7:48 AM

Subject: hb523/Hearing Today

DT: 4/21/2004

TO: Rep. Bruce Weyhrauch, Chair  
House State Affairs Committee

FR: Jim Sykes

RE: HB 523

Hello Chairman Weyhrauch,

I will be online again today to speak to a couple of items on HB 523 near the end of the bill on political party status to which I invite your further consideration. Please distribute copies to all other committee members.

Pages 19 and 20, Section 43. The intent is to provide political party recognition for four years after a 3% statewide vote. It only provides two years if the 3% is gained during a non-Governor election year. It would simplify Division of elections tracking to simply provide 4 years for whichever statewide race qualified for 3%. The state has historically recognized party status for 4 years. The Libertarians got 6 years from 1982 until 1988, as I recall.

It would be logical to assume someone would go to court and argue that getting ballot status on a US House race in a non-Governor year should not be less valuable than obtaining ballot status in a Governor year election. It would be both more simple and straightforward to recognize ballot status for 4 years whenever more than 3% is obtained in a statewide race for Governor, US House or US Senate.

Secondly, Page 18, Sec 42 15.60.008 (3) (B) and the same provision on Page 20, Sec 43 AS15.60.01(21) (D) Both sections require a 3% registration test which is equal in number for a voter test, also 3%.

It is well recognized that it is many times more difficult to register people to a particular political party than it is to attract people to a candidate at the polls. Only 5 states have requirements that speak to both ballot test and registration test, but in no case is the registration test anywhere near the level of the ballot

test. I hope you received a statistical summary of ballot access requirements across the 50 states that I faxed last week.

States with ballot test AND registration test requirements

State	Vote Req	Registration Req.	% of Registration to vote test. to vote req.
AK	3%	3%	100.00
AZ	5%	2/3 of 1%	13.33
CO	1%	1000 reg. Voters	approx 1/10 of 1%
MA	3%	1%	33.33
NM	5%	plus 0.3% regis.	6.00

For quite a long time a majority of Alaskans have registered to no political party. Across the nation independent registrations are on the rise. There is no doubt that registering people to a specific political party is much more difficult to do than attract voters to a candidate in an election. For example Green Party statewide races have attracted as high of a percentage as 12.5% of the statewide vote, and yet registered voters are about 1% of the total.

Courts across the country have increasingly recognized the right for people to have fewer restrictions when it comes to ballot access rather than more restrictions.

I believe the committee is on the right track to guarantee Alaskans have reasonable access to the ballot. A small political party can be active without doing a statewide race every year. A more reasonable registration test would allow more stability and probably mean less work for the division of elections, in terms of tracking the recognition of political parties. Having the 1% registration test is not likely to invite more political parties than we already have, since it still requires a significant effort to register thousands of voters. It is worth noting that Colorado, with a considerably higher population, only requires 1,000 registered voters to qualify a party.

Your work in this area is very important, and thank you for your full consideration to these principles. If you have any questions I will endeavor to answer them as best I can. Thank you.

Sincerely,

Jim Sykes

Fw: hb523/Hearing Today

745-6962

## THE EFFECTS OF BALLOT POSITION ON ELECTION OUTCOMES

Jonathan GS Koppell\*  
Yale School of Management  
*Yale University*  
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Jennifer A. Steen\*  
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\*Note: This project originated as research in support of the plaintiff in *Koppell v. New York State Board of Elections* (97 F. Supp. 2d 477). G. Oliver Koppell, father of one co-author and father-in-law of the other, challenged New York State's practice of awarding by lottery the top ballot position in primary election contests. The authors are proud to have collaborated with Dr. Henry Bain, the godfather of ballot rotation research, on earlier iterations of this research that served as the basis of Dr. Bain's expert testimony on behalf of plaintiff Koppell. The court ruled that the state's assignment of the top ballot position to a single, randomly selected candidate did not violate the U.S. Constitution.

### Abstract

This paper presents evidence of name-order effects in balloting from a study of the 1998 Democratic primary in New York City, in which the order of candidates' names was rotated by precinct. In 71 of 79 individual nominating contests, candidates received a greater proportion of the vote when listed first than when listed in any other position. In seven of those 71 contests the advantage to first position exceeded the winner's margin of victory, suggesting that ballot position determined the election outcomes.

The 2000 presidential election shined a spotlight on a rarely-contemplated aspect of the American political system: ballot design. The format of the ballot in Palm Beach County, Florida appears to have influenced the outcome of the 2000 presidential election, in violation of (at least) two fundamental principles of democracy. First, democracy requires a “level playing field” on which no candidate holds an *a priori* advantage over others, particularly one conferred by the state. In the words of Wand, Herron and Brady, “Under any reasonable standard of fairness, ballot format should not determine the outcome of an election” (2000, G3). Second, the candidate preferred by the most people should win an election. It is troubling when a candidate who is favored by a plurality of voters loses an election because the ballot format steers indifferent or confused voters in a particular direction.

These principles have been discussed *ad nauseum* in relation to the infamous “butterfly ballot” and the 2000 presidential election tally in Florida (e.g., Brady et al. 2001; Wand et al. 2001). They are equally relevant to another aspect of ballot format, the order in which candidates’ names are listed. Political professionals have long taken for granted that the top spot on the ballot provides an advantage to the candidate whose name occupies it. In several instances, candidates have brought lawsuits to prevent their incumbent opponents from enjoying this advantage.<sup>1</sup> Still, most states assign one candidate in every primary election the top spot instead of rotating the order of candidates’ names.<sup>2</sup> If the conventional wisdom of the politerati is correct, this practice creates an obvious inequity in many American elections.

In this paper we test the notion that election results are influenced by the order in which candidates’ names appear on the ballot. Specifically, we consider whether occupying the first position on a vertical primary ballot adds to candidates’ vote tallies. We do this through a quantitative analysis of election results from the 1998 Democratic primary in New York City – a

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<sup>1</sup> *Holtzman v. Power*, 62 Misc. 2d 1020; *Gould v. Grubb*, 14 Cal. 3d 661; *Clough v. Guzzi*, 416 F. Supp. at 1059.

<sup>2</sup> Only fourteen states rotate candidate name order in statewide primary elections; two more (New York and Kentucky) use rotation in some jurisdictions but not others. In the remaining 36 states, the order of candidates’ names is uniform on all ballots, determined either by alphabetic ordering or lottery. A complete list of ballot placement methods, with references to the relevant sections of state election codes, is available at <http://www2.bc.edu/~steenje/ballot.htm>, or from the authors upon request.

jurisdiction that rotates precinct-by-precinct the order in which candidates' names are listed on the primary ballots.

Our findings differ from the most recent and widely cited article on name-order effects. We strongly disagree with Miller and Krosnick's conclusion that the magnitude of name-order effects are not substantively significant (1998, 291-92). We argue that Miller and Krosnick overstate the implications of their study, which only considers general elections. We find that the effect of name-order on primary election outcomes is significantly larger than Miller and Krosnick's estimate for general elections; furthermore, the magnitude of name-order effects is large enough to turn the outcome in some races. This phenomenon may not adversely affect any particular class of citizens, but it undermines equality among individual candidates. This is no less offensive to the democratic principle of fair play than, say, a state program that would provide a single candidate in each election contest – determined by lottery – with a cash grant.

#### **Previous Studies of Name-Order Effects**

The study of name-order effects predates Miller and Krosnick's coining of the term, but most of the earlier studies are methodologically flawed (for a detailed critique of the literature, see Miller and Krosnick 1998, 295-97). Furthermore, the literature is contradictory, with no clear patterns in the findings across studies. The existing works consider a wide variety of electoral contexts, including primaries for several offices in Michigan (Bain and Hecock 1957), Democratic and Republican county central committees in California (Byrne and Pueschel 1974), elections up and down the ballot in two Colorado counties (Darcy 1986), primary contests for local office in Oregon (Elverum 1983), all offices in contention in the 1992 general election in Ohio (Miller and Krosnick 1998), Los Angeles Junior College Board (Mueller 1970), Ohio state senate primaries (White 1950), and, perhaps least significant but most amusing, the election of officers of the American Anthropological Association in 1951 (Gold 1952). (A survey of the ballot position literature, including studies of voting in international settings, is presented in Darcy and McAllister 1990).

Miller and Krosnick offer the most recent addition to the name-order effects literature with their 1998 article on the 1992 general election in Ohio. They outline a compelling theory of name-order effects and find evidence of widespread position effect in the 1992 Ohio general election.

We embrace the theory of name-order effects developed by Jon Krosnick and his collaborators (see Krosnick and Alwin 1987; Miller and Krosnick 1998) that draws upon Herbert Simon's (1957) "satisficing" principle and treats voting as a cognitive task. According to the theory, actors faced with a choice among alternatives will conserve resources and select the most accessible satisfactory option presented, even if it is not optimal. If choices are presented orally, as in a telephone interview, the last option presented is most accessible and a "recency effect" is expected; if choices are presented visually, as in an election ballot, the first option presented is most accessible and a "primacy effect" is expected. As Miller and Krosnick note, "if a citizen feels compelled to vote in races regarding which he or she has no substantive bases for choice at all, he or she may simply settle for the first name listed, because no reason is apparent suggesting that the candidate is unacceptable" (1998, 294-95). Thus they predict that the magnitude of position bias depends on how many voters do not have substantive bases for choice.

We see one important shortcoming in Miller and Krosnick's study, their interpretation of their own findings.<sup>3</sup> Miller and Krosnick find that name-order effects are statistically significant, but substantively insignificant. They conclude, "the magnitude of name-order effects observed here suggests that they have probably done little to undermine the democratic process in contemporary America" (1998, 291-92). We believe that this optimistic conclusion is premature.

Even as they dismiss the potential mischief of name-order effects, Miller and Krosnick point out that name-order effects are stronger in non-partisan elections: "these effects were smaller when a cue was available to help people cast substantively meaningful votes" (1998, 312). Yet their study

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<sup>3</sup> Miller and Krosnick also make one methodological error: in their statistical analysis they fail to weight each observation by the size of the precinct. This may not be a serious flaw if the precincts studied were of roughly uniform size, but we cannot judge that since Miller and Krosnick do not report any information about the number of voters represented in their study.

does not reveal anything about the magnitude of name-order effects in a large, important class of elections in which partisan cues are unavailable to voters, partisan primaries.

The importance of primary elections for democracy should not be minimized. In many jurisdictions one major party enjoys a clear advantage over the other, so the only potential venue for meaningful competition is the dominant party's primary (Herrnson 2000, 24; Jacobson 2001, 16). Perhaps more significantly, primaries shape the alternatives that will ultimately be presented to the voters in elections for major offices, including, for example, U.S. Senate and Governor in the nation's third most populous state (as in this study). Consequently, one cannot judge the extent to which assigning the top slot to a single candidate undermines the democratic process without determining how ballot position affects outcomes in primary elections.

#### Data and Method

For this study we analyzed precinct-level election results from the 1998 Democratic primary in New York City.<sup>4</sup> While candidate name-order is uniform across most of New York State, in New York City the names of candidates are rotated by precinct.<sup>5</sup> That is, each candidate for each office is listed first in a nearly equal number of small precincts. This procedure produces observational data that is as close to experimental as one can get without actually randomizing the assignment of ballot formats, thereby providing an exceptional opportunity to examine the electoral consequences of ballot position.

In 1998, there were 79 contested Democratic primary elections in the City of New York. The contested offices included Governor, Lieutenant Governor, Attorney General, U.S. Senator, U.S. Representative (three districts), New York State Senator (5 districts), New York State Assembly (21 districts) and Civil Court Judge (four contests). There were also four Democratic Party offices

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<sup>4</sup> The basic unit of election administration is called an "election district" in New York City, but to avoid confusion with legislative districts we refer to them here as "precincts."

<sup>5</sup> The peculiar dual system resulted from a political compromise that stemmed out a court decision invalidating a 1970 statute that had granted the first ballot position to incumbent office holders (*Holtzman v. Power*, Court of Appeals of New York, 27 N.Y.2d 628; 261 N.E.2d 666; 1970). In its place, the state legislature imposed the rotation system. But since the "incumbent-first" rule applied only in New York City, the change to the rotation system was applied only in New York City. As a result, all primary elections conducted in New York City – even those for statewide office – rotate the order in which candidates' names are listed.

in contention: Male District Leader (16 districts), Female District Leader (12 districts), State Committeeman (eight districts) and State Committeewoman (six districts).

Election administration is organized around State Assembly districts, each of which is divided into precincts.<sup>6</sup> New York City has, in total, 5,616 precincts distributed across 58 Assembly Districts (ADs). The average number of precincts per Assembly District is 92 and the average number of voters per precinct is about 83.<sup>7</sup>

The assignment of precincts to ballot formats is not strictly random. Each Assembly District is divided into geographically contiguous, sequentially numbered precincts. However, it would be bizarre indeed if the characteristics of a precinct were related to that precinct's number. Precincts reported an average of 81.4 votes in 1998, thus neighborhoods in which voters shared characteristics (e.g., race, ethnicity) were never presented a single ballot format. Furthermore, if some characteristic is shared by the population of, say, every third precinct in a given Assembly district, that characteristic would only confound results for races with three candidates. Only the rotation of candidates in a three-person race would align with the mysterious characteristic associated with every third precinct.<sup>8</sup>

Our statistical analysis is very simple, but somewhat unconventional. It is customary to consider individual candidates as the recipients of votes; instead, we considered ballot positions as recipients of votes, regardless of whose name appears in them. When candidate names are rotated, each slot on the ballot (the first, second, third or fourth position) is occupied by each candidate in the same number of precincts. Each slot should therefore receive one  $n$ th of the votes in an  $n$ -candidate primary if ballot placement exerts no effect on candidate performance. For example, in a four-person contest, such as the race for Attorney General, each position should receive 25% of the

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<sup>6</sup> Each of the five boroughs of New York City (Queens, Brooklyn, Staten Island, Manhattan and the Bronx) is a distinct county; the Assembly Districts do not cross county lines.

<sup>7</sup> Our data includes neither total registered voters nor total ballots cast in each ED, so we approximate the number of "voters" as the maximum number of individual ballots cast for any single office. For 70% of precincts, that office is U.S. Senate.

<sup>8</sup> It would be desirable to use demographic variables to test for qualitative differences among the groups of precincts sharing ballot formats. Unfortunately, the only level for which we have demographic data is congressional district, and there is insufficient covariation between congressional district and ballot format to use census variables to evaluate differences between formats.

vote in the absence of position effect.<sup>9</sup> The sampling distribution of the vote under the null hypothesis is therefore very straightforward: the expected vote percent for first position (or any other),  $\pi$ , is  $1/n$  and the standard error is  $\sqrt{\frac{\pi(1-\pi)}{P}}$ , where  $P$  is the number of observed precincts.<sup>10</sup> Using these parameters we conducted standard Z-tests on the observed percentages for first position.

### Findings

We found compelling evidence that ballot position affects candidates' vote tallies. Our findings also confirm that several variables contribute to the magnitude of position effect.

Table 1 presents the tallies for each statewide office by ballot position. For all three statewide races with four candidates, the first position received significantly more than 25% of the votes. In the Governor's race, the first position took 27.3% of the vote. In the Attorney General's race, the first position received 27.2%, and in the U.S. Senate campaign the first position received 26.8%. In the Lieutenant Governor's race, with only three candidates, the first position took 34.9% of the vote. In all four primaries, the vote for candidates in the first position significantly exceeded the position-neutral expectation of  $1/n$ , with p-values less than .001 in two cases (Governor and Attorney General) and less than .01 in two (Lieutenant Governor and U.S. Senator).

[Table 1 ABOUT HERE]

The results of our analysis leave no room for doubt regarding the existence of position effect. In all four of the statewide contests, the first position fared better than the other ballot positions. We can very confidently reject the null hypothesis of no position bias in primaries for statewide office.

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<sup>9</sup> There are slight variations in the proportion of precincts with each ballot format when one ballot format appeared in extra precincts, as when the number of precincts is not a whole multiple of the number of candidates or when a district lies in two counties. There are also slight variations in the proportion of total voters with each format, since the number of voters per precinct is not uniform. However, when we accounted for these variations our results were nearly identical to those presented here.

<sup>10</sup> Since precincts contain varying numbers of voters (the mean is 76 and standard deviation is 54), we weighted each observation by the number of total votes cast in the precinct.

In elections for local office, including Congress, state legislature, judgeships and four party positions, the primacy effect is substantively larger, although in many cases not statistically significant.<sup>11</sup> Table 2 lists the vote percentage by position for the 75 contested primary elections at the local level. In 67 of the 75, the first position received more than its expected percentage of the vote. The median advantage to first position in down-ballot elections was 3.6%; the first-position effect ranged from -10.6% to 11.4%. Despite the high threshold for statistical significance, we found that in 17 of the 75 local races the first position vote was significantly higher than the expectation.

[Table 2 ABOUT HERE]

These observations are not mutually independent because there are many instances of overlapping districts. We only have one unique observation per precinct, but, for example, in the 54th Assembly district, precincts 30 and 31 contributed to the tallies in the contest primaries for two judgeships, U.S. House (10th CD), State Senate (17th SD), Assembly, Male District Leader and Female District Leader (all AD 54). To evaluate the joint significance of these findings, we created four precinct-level variables, votes for all down-ballot candidates in first position, votes for all such candidates in second position, votes for candidates in third position and votes for candidates in fourth position. We then created four more variables, the expected votes for each position given no positional effect. For each ballot position, this benchmark was calculated as:

$$\text{Expected vote} = \sum_i \frac{\text{Total votes cast for all candidates in contest } i}{\text{Number of candidates in contest } i}$$

Using these computed figures, we were able to calculate both an observed and an expected vote percent, assume a sampling distribution for each ballot slot, and test whether the observed percent were significantly greater than the expected percent. The benchmark expectation is that 45.4% of all

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<sup>11</sup> Because there are fewer observations per contest in local nominations the sampling distribution of the position vote is “flatter” – that is to say, it has a larger standard error. The statistical test for local offices is considerably more powerful, so one would not expect the results to be as dramatic, in terms of p-values, as those in the statewide contests, even if the magnitude of effect is the same or greater.

votes in down-ballot races should be cast for first position.<sup>12</sup> In reality, 47.9% of all votes were cast for first position. Given the expectation of 45.4% and 3,836 individual precincts, the probability of observing 47.9% or more is less than .001.<sup>13</sup>

### Position Effect and Candidate Advantage

We have discussed name-order bias in the abstract, referring to positions instead of candidates, for the sake of quantitative analysis but this should not obscure the fact that the beneficiaries of first-position effect are individual candidates. All 12 statewide candidates received “extra” votes when listed first. The political implications of position effect may be more vividly demonstrated by shifting our attention briefly to results by candidate.

Among the 180 candidates in contested primaries, 161 received a larger percentage of the vote when listed first. Table 3 lists the vote tally for the statewide candidates in our dataset, by the order in which their names appeared on the ballot.<sup>14</sup> For example, Catherine Abate, a Democratic candidate for Attorney General, received 27.1% of the total vote, but when listed first she captured 29.3%. The boost for individual candidates ranged from -11.6% to 14.5%, with an average of 3.4%, as depicted in Figure 1.

[Table 3 ABOUT HERE]

[Figure 1 ABOUT HERE]

Inspecting the by-candidate results revealed one of the most important aspects of our findings: in seven of the 79 contests, the first-position advantage exceeded the margin of victory. That is to say, the first-position effect was large enough to change the outcome of the election. One of those elections was the hotly contested primary to succeed Chuck Schumer in the U.S. House of Representatives.<sup>15</sup> The estimated position effect was 2.1%, and the winner’s margin of victory was

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<sup>12</sup> More details about how we calculated the observed and expected votes are available at <http://www2.bc.edu/~steenje/ballot.htm>, or from the authors upon request.

<sup>13</sup> N=3,836 instead of 5,616 (the total number of precincts in New York City) because there were no contested Democratic primaries below the statewide offices in 1,780 precincts.

<sup>14</sup> Vote tallies for local candidates are available at <http://www2.bc.edu/~steenje/ballot.htm>, or from the authors upon request.

<sup>15</sup> The others were both district-level civil court judge nominations and four elections to Democratic party offices (Male District Leader for the 36th Assembly district, Male District Leader for the 37th Assembly district, State Committeeman from the 74th Assembly district, and State Committeewoman from the 31st Assembly district).

just 1.1%. On ballots on which Melinda Katz was listed first, Katz prevailed with 3,575 votes and her nearest opponent, Anthony Weiner, received 3,282. When Weiner was listed first, he received 3,729 votes to Katz' 3,110. Weiner won the primary (with a margin of less than 500 votes out of 45,113 cast), but if the ballots had not been rotated and Katz had drawn the top slot, it is probable that she, not Weiner, would now be a Member of Congress.

#### **Variations in Name Order Effect**

The effect of ballot position on election outcomes is not uniform across contests. According to Miller and Krosnick's theory, these variations may be explained in part by variations in voters' information about the candidates, *ergo* their substantive bases for choosing among options. With more information regarding the candidates, voters are less likely to be influenced by the position of the names because they are more likely to enter the booth with pre-formed intent to vote for one candidate or another. To test the hypothesis that voter information decreases the ballot position effect, we considered two kinds of indicators of voter information, those related to the offices sought and those related to the electorate's characteristics.

#### Level of Office

Voters are more likely to have some information upon which to base a decision in the more prominent contests either because they seek out information or the contests feature more vigorously waged campaigns that include television commercials, direct mail, street campaigning and significant news coverage. Candidates for Governor and U.S. Senator naturally receive much more media attention and advertise themselves more than do candidates for state central committee. Voters may also seek out information about the top-of-the-ticket races because they perceive these contests as more important.

As an indirect indicator of salience we use the relative ballot placement of blocks of candidates for the same office.<sup>16</sup> Figure 2 presents the average position effect by office, depicting a clear trend of increasing position effect with decreasing prominence of the office sought. In the

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<sup>16</sup> Furthermore, offices are listed in the ballot in roughly the order of salience to the electorate, so if cognitive fatigue is a factor in position effect, the down-ballot races would be more susceptible.

four statewide primaries position bias is roughly two percent, while in the local party offices it is almost four percent.

[Figure 2 ABOUT HERE]

### Conclusion

In this paper, we have clearly demonstrated the existence of position effect on a wide-range of contests in the 1998 Democratic primary in New York City. The evidence leaves little doubt regarding this phenomenon. Moreover, we conclude the effect – while it may appear small – can be determinative in close contests. This offends democratic notions that all candidates should compete on a level playing field.

Those who accept lotteries or alphabetic ordering for ballot position as an unavoidable part of our election system should reconsider this acceptance of the *status quo*. If a jurisdiction with as many simultaneously contested elections as New York City – and 14 states – can successfully carry out rotation, there is no reason other election officials could not do the same across the country.

Of course, the problem of position effect does not exist in a vacuum. While rotation of candidate names would certainly solve the position effect problem, it could frustrate some other practices intended to make voting easier. Most obvious, printing accurate sample ballots for each voter would be almost impossible. Congress is encouraging states to provide sample ballots to reduce the likelihood of problems such as those experienced by Florida voters in 2000 (Seelye 2001). Indeed, some jurisdictions legally require production of a ballot facsimile that exactly reproduces the actual ballot (e.g., Fla. Stat. §101.20 (2001)). This could prove challenging were rotation also implemented.

Some of the proposed changes that have emerged in the wake of the 2000 election would, however, be entirely consistent with rotation. Electronic voting technologies – especially those that employ a screen-based display of candidate names – would, in fact, make rotation much easier. Such a device could rotate candidate names *by voter*. That could eliminate position effect *and* provide terrific data to political scientists who study this phenomenon in the future.

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<sup>17</sup> In AD's 24, 33, 59, 60, 61, 62, 63, 65, 66 and 73 only the statewide nominations were contested, so there are only 12 formats in each of these districts. In AD's 76 and 79 all 13 nominations were contested and, consequently, there were 48 and 43 different formats, respectively. In AD 39, nine nominations were contested but because of the patchwork of congressional and state senate districts, there were 91 unique ballot formats.

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**Table 1. Percentage of vote for candidates in each position, statewide primaries**

	Ballot Position				Total votes cast for this office	Number of precincts with votes for this office	Advantage to first position
	1	2	3	4			
<b>Governor</b>	27.3%	24.0%	23.5%	25.3%	427,871	5,460	2.3% ***
<b>U.S. Senator</b>	26.8%	25.1%	24.0%	24.0%	444,410	5,460	1.8% **
<b>Lt. Governor</b>	34.9%	33.3%	31.8%		305,331	5,442	1.6% **
<b>Atty. General</b>	27.2%	25.2%	23.9%	23.7%	395,820	5,456	2.2% ***

\*\* p<.01  
 \*\*\* p<.001

**Table 2. Percentage of vote for candidates in each position, local offices**

(Note: Table 2 continues on one additional pages)

Office	District	Ballot Position				Total votes cast for this office	Number of precincts	Advantage to first position
		1	2	3	4			
U.S. Representative	9	27.1%	24.5%	24.5%	23.8%	45,113	498	2.1%
	10	37.1%	31.6%	31.4%		33,477	514	3.7% *
	17	50.0%	50.0%			23,267	348	0.0%
State Senator	17	56.6%	43.4%			9,209	251	6.6% *
	14	36.8%	31.4%	31.8%		17,657	208	3.5%
	19	54.1%	45.9%			14,647	213	4.1%
	30	51.6%	48.4%			28,071	240	1.6%
State Assemblymember	32	50.3%	49.7%			17,119	216	0.3%
	29	55.5%	44.5%			5,833	85	5.5%
	31	53.3%	46.7%			4,368	75	3.3%
	34	51.5%	48.5%			3,761	77	1.5%
	36	53.3%	46.7%			8,627	75	3.3%
	42	35.5%	34.3%	30.1%		5,774	54	2.2%
	43	53.7%	46.3%			6,531	62	3.7%
	45	24.5%	24.3%	26.8%	24.5%	9,816	103	-0.5%
	46	38.3%	30.7%	31.7%		6,802	84	4.9%
	51	54.5%	45.5%			4,549	93	4.5%
	52	51.3%	48.7%			7,787	108	1.3%
	54	39.5%	29.6%			4,303	102	6.2% +
	55	50.8%	49.2%			5,632	104	0.8%
	56	52.3%	47.7%			6,465	89	2.3%
	58	53.3%	46.7%			6,157	64	3.3%
68	53.6%	46.4%			6,571	99	3.6%	
69	51.7%	48.3%			10,606	95	1.7%	
72	40.5%	59.5%			6,977	55	-9.5%	
75	55.2%	44.8%			7,311	71	5.2%	
76	41.6%	58.4%			4,692	85	-8.4%	
78	54.2%	45.8%			4,234	68	4.2%	
79	40.6%	30.7%	28.7%		6,416	95	7.3% +	
Civil Court Judge (Countywide)	Bronx	48.6%	51.4%			42,332	877	-1.4%
	Brooklyn	51.5%	48.5%			100,006	1,875	1.5%
Civil Court Judge (District)	1	39.0%	30.2%	30.8%		16,386	269	5.6% *
	2	52.9%	47.1%			19,685	420	2.9%

Office	District	Ballot Position				Total votes cast for this office	Number of precincts	Advantage to first position
		1	2	3	4			
Male District Leader	29	53.0%	47.0%			4,575	85	3.0%
	31	55.2%	44.8%			2,360	75	5.2%
	36	53.6%	46.4%			5,229	75	3.6%
	37	56.8%	43.2%			2,815	81	6.8%
	41	52.4%	47.6%			7,810	110	2.4%
	42	38.1%	32.2%	29.7%		4,293	54	4.7%
	46	53.3%	46.7%			5,200	82	3.3%
	51	53.2%	46.8%			3,848	93	3.2%
	54	41.2%	30.1%	28.7%		3,750	101	7.8% *
	55	52.0%	48.0%			5,399	104	2.0%
	56	52.5%	47.5%			6,181	89	2.5%
	68	57.8%	42.2%			5,267	99	7.8% +
	76	56.7%	43.3%			3,269	85	6.7%
	78	52.7%	47.3%			3,634	68	2.7%
	79	57.8%	42.2%			3,271	93	7.8% +
82	55.1%	44.9%			4,115	116	5.1%	
Female District Leader	29	55.4%	44.6%			4,789	85	5.4%
	31	53.2%	46.8%			2,584	75	3.2%
	36	56.5%	43.5%			4,209	75	6.5%
	41	53.2%	46.8%			7,809	110	3.2%
	46	50.9%	49.1%			5,696	83	0.9%
	54	44.7%	27.2%	28.1%		3,812	102	11.4% **
	68	56.5%	43.5%			4,975	99	6.5% +
	72	39.4%	60.6%			3,521	55	-10.6%
	76	59.3%	40.7%			3,135	85	9.3% *
	78	53.4%	46.6%			2,187	67	3.4%
	79	57.6%	42.4%			3,999	95	7.6% +
	82	54.4%	45.6%			4,469	116	4.4%
State Committeeman	29	53.1%	46.9%			2,976	41	3.1%
	31	38.5%	32.6%	28.9%		1,771	38	5.2%
	36	55.1%	44.9%			4,348	39	5.1%
	74	61.3%	38.7%			5,317	76	11.3% *
	75	43.4%	56.6%			5,695	71	-6.6%
	76	60.0%	40.0%			3,421	85	10.0% *
	78	44.1%	55.9%			3,132	68	-5.9%
	79	58.7%	41.3%			3,699	94	8.7% *
	State Committeewoman	29	54.6%	45.4%			3,506	41
31		54.5%	45.5%			1,530	38	4.5%
75		60.0%	40.0%			5,168	71	10.0% *
76		54.6%	45.4%			3,591	85	4.6%
78		44.0%	56.0%			2,668	68	-6.0%
79	58.6%	41.4%			3,686	94	8.6% *	

+p<.10 \* p<.05 \*\* p<.01 \*\*\* p<.001

**Table 3. Position advantage for individual candidates in statewide contests**

OFFICE	DIST	NAME	POSITION				Total	1st - Total
			1	2	3	4		
Governor		Betsy McCaughey Ross	18.3%	15.4%	14.8%	15.9%	16.1%	2.2%
		Charles J Hynes	19.1%	15.7%	15.9%	18.0%	17.1%	2.0%
		James L Larocca	7.3%	5.0%	4.8%	6.0%	5.8%	1.5%
		Peter F Vallone	63.7%	59.8%	59.3%	61.1%	61.0%	2.7%
Lieutenant Governor		Charles King	38.5%	36.3%	35.0%		36.6%	1.9%
		Clyde Rabideau	17.4%	16.3%	15.2%		16.3%	1.1%
		Sandra Frankel	48.6%	47.6%	45.3%		47.1%	1.5%
Attorney General		Catherine Abate	29.3%	27.2%	25.8%	25.9%	27.1%	2.2%
		Eliot Spitzer	41.9%	39.3%	38.6%	38.0%	39.4%	2.5%
		Evan A Davis	10.9%	9.8%	8.5%	8.5%	9.4%	1.5%
		G Oliver Koppell	26.3%	24.6%	23.0%	22.4%	24.1%	2.2%
U.S. Senator		Charles E Schumer	55.6%	53.9%	51.9%	51.8%	53.3%	2.3%
		Eric Ruano Melendez	6.6%	5.9%	4.4%	3.9%	5.2%	1.4%
		Geraldine A Ferraro	20.5%	17.5%	17.1%	18.1%	18.3%	2.2%
		Mark Green	24.1%	23.2%	23.0%	22.4%	23.2%	0.9%

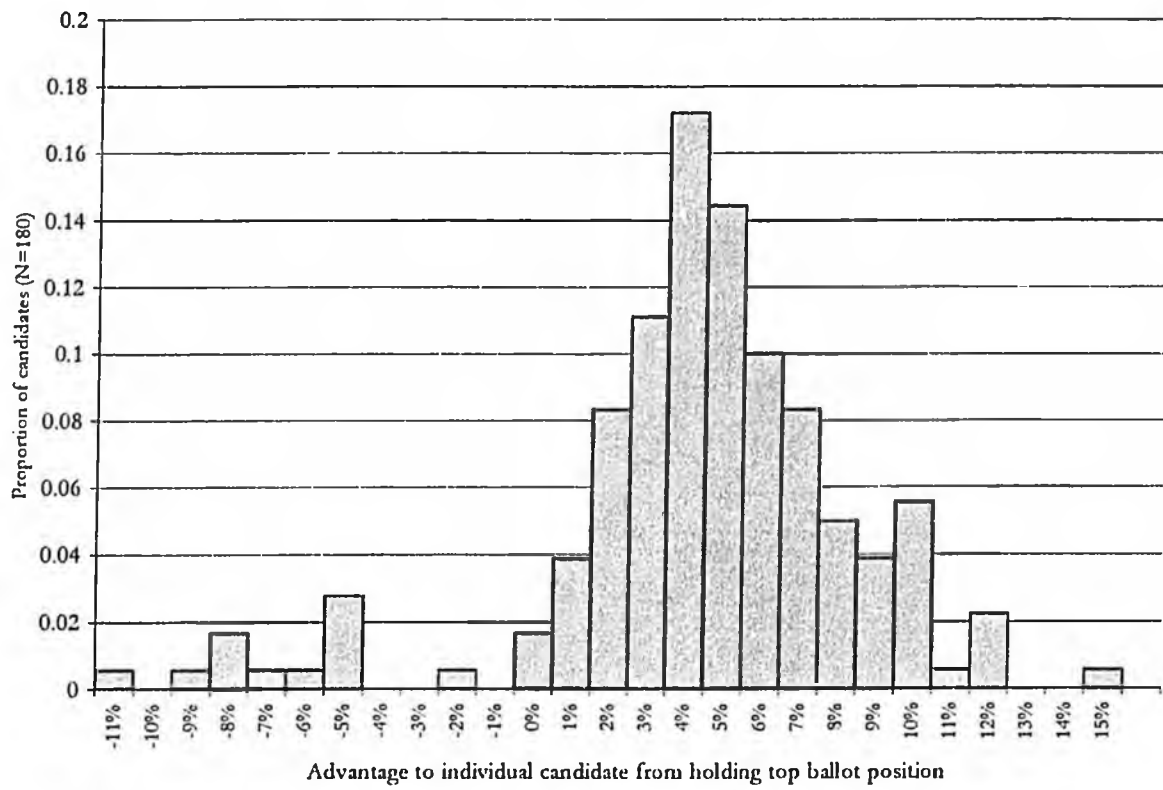
**Table 4. Bivariate correlations, position effect and indicators of political knowledge**

	Pearson Correlation
Percent of residents holding bachelors degree	-.614***
Number of households with income of \$150,000 or more	-.510*
Number of households in which a language other than English is spoken	.491*
Median value of owner-occupied housing units	-.454*
Median household income	-.406*

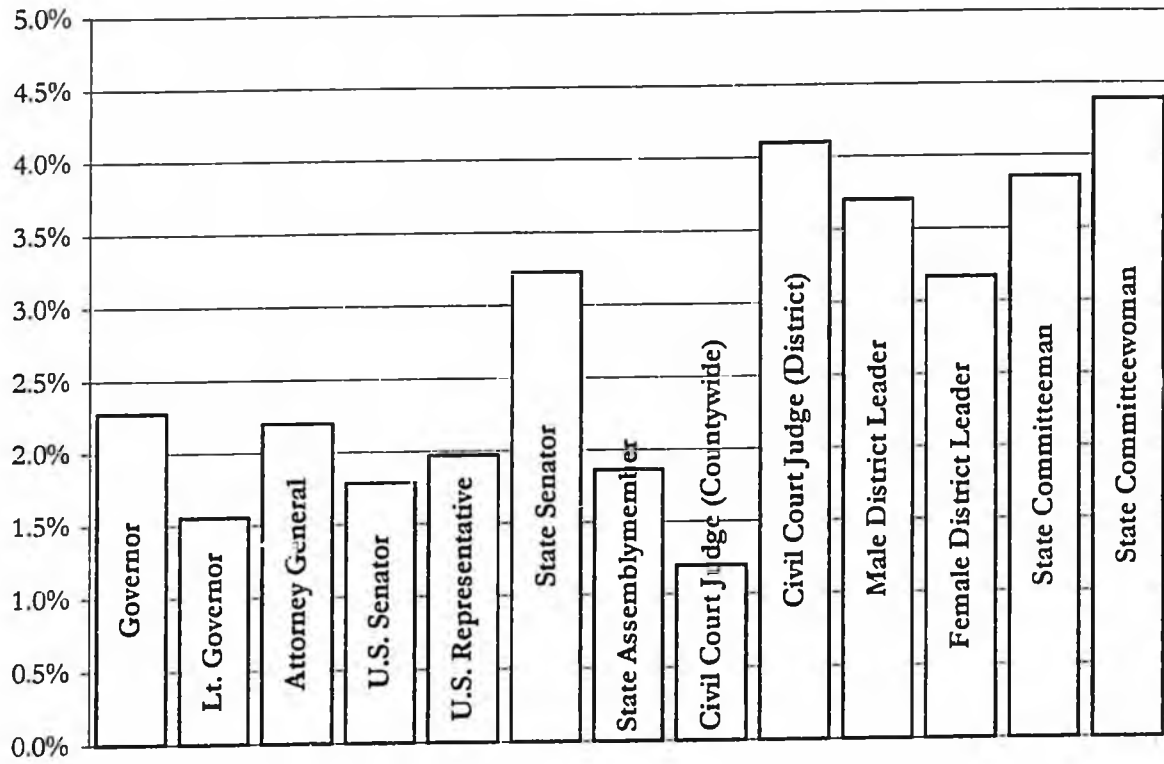
N=14 (congressional districts)

\* p<.05 \*\*\* p<.01

Figure 1. Histogram of individual candidates' position advantage



**Figure 2. Average bonus to first position, by office**





## Determination of Order on Ballots

### Importance in "Mark Choice" Voting

In systems where voters have to mark their choice of preferred candidate or party on a ballot, determining the order in which accepted candidates, parties or groups appear on the ballot (either for ballot papers or machine or electronic systems) is the link between the nominations process and final election materials design and the voting and vote counting systems set up.

As candidate or party position on the ballot may affect voting behaviour (there are perceptions that some voters merely follow the order on the ballot in marking their vote), it is critical that legislation and regulations determining the method by which candidate/party order on the ballot is determined is equitable and that procedures are applied transparently by election administrators. Basic methods for creating the order on the ballot include:

- some form of alphabetical listing
- random draw
- rotating ballot positions

### Alphabetical Order

Alphabetically-based ballot orders raise equity questions, as they may be susceptible to manipulation, through name-based choice of candidates or taking alphabetical considerations into account when naming parties or groups. Safeguards are required both internally within the election processes of nomination and party registration and, perhaps, externally in relation to persons changing their names.

However, such methods do provide a simple, easily verifiable method for determining order on the ballot, with transparency being simply achieved through publication by the electoral administration of the list of accepted candidates, parties, or groups in the required alphabetical order.

### **Random Allocation of Order**

A truly random draw for positions on the ballot will prevent any name bias in ballot order. For equity benefits of a random draw to be realised, it is critical that election administrations conduct the draw in the presence of candidates or parties participating in the election, and it is accessible to the public. This may delay the determination of ballot order. In devising the procedures for random draws, the process must be kept obviously transparent. Basic requirements to be implemented by the electoral administration would include:

- draw to be made by persons, preferably electoral administration staff, independent of any political participants in the election;
- equipment used to be available for public inspection prior to and after the draw and constantly visible during the draw;
- equipment used to be of a durable nature (e.g., paper candidate name slips are not advisable; equal size and weight balls or tiles should be used);
- formal recording of draw results to be witnessed by candidate or party representatives present;
- additional integrity measures should be considered, such as a double randomisation process (a draw for each party or candidate's number and a second draw of these numbers for ballot position for each party or candidate).

For examples of control sheets for double randomisation draws, see [Draw for Ballot Paper Order \(candidates\), Australia \(individual candidate constituency\)](#) and [Draw for Ballot Paper Order \(party lists\) - Australia \(list election\)](#)

The use of existing apparatus of known integrity maintained by lottery or similar organisations may minimise equipment costs.

### **Rotating Positions on Ballot**

Using rotating ballot positions negates any positioning advantage, and its implementation would depend on whether the measured impact on election equity outweighs administrative disadvantages. For inexperienced voters it may be confusing. For administration of voting operations it makes ballot counts more complex and has significant cost disadvantages in ballot materials printing and collation, ballot

systems design, and, to some extent, voter education and election staffing. Appropriate transparency mechanisms are also more difficult and costly to implement; verifiable processes to ensure that equal numbers of each rotation's ballot papers, or machine or computer-generated ballot forms are available in each voting station must be maintained and available for public inspection.

### **Public Information and Data Transfer**

Following the determination, the order on the ballot should immediately be made publicly available. The determination and publicising of the order should be made with the shortest possible delay after the closing time for nominations, both to counter any perceptions of manipulation of the order, or acceptance of late nominations, and to allow early finalisation of voting material and systems information at a time-critical stage in the election process.

It is vital that accuracy be maintained in transferring the candidate and party order on the ballot to voting materials (see Production of Ballots). Similar accuracy must be maintained in transferring the same candidate/party sequence to forms and materials used to assist in and record vote counts, to reduce the possibility of error in transferring data. This obviously will not be possible where the order on the ballot is rotated; particular care needs to be taken in devising vote tallying procedures and in training vote counting staff under such systems.

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# Ballot Design Options

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## Prepared for *Human Factors Research on Voting Machines and Ballot Designs: An Exploratory Study*

### 1. Introduction

Does ballot design "matter"? Does the design of ballots influence how voters cast their ballots, and thereby affect the outcome of an election?

Anecdotal evidence indicates that ballot design may be a very important factor in American elections. Probably the most well-known ballot design question is the now infamous "butterfly" ballot design, from the 2000 Florida election.<sup>2</sup> The "butterfly" ballot design was argued to have confused many voters, especially the elderly (who might have had trouble with the visual layout of the "butterfly" ballot) and low-information voters (who might have been misled by poor instructions and cognitive confusion). Unfortunately, while there was a great deal of rhetoric about the potential impact of the "butterfly" ballot design, there has not been anywhere near as much scientific research in to the exact impact such a ballot design might have had nor whom it might have affected most.

But other examples abound where ballot design issues may have played a role in some recent election. An excellent case is the 2001 June mayoral runoff election in the City of Compton, California.<sup>3</sup> The Compton City Clerk, in an apparent misunderstanding of California state elections law regarding ballot design, failed to correctly randomize the name of candidates on the runoff election ballot. Following state elections law, the Compton City Clerk requested and used the appropriate randomized list of candidate names in the March 2001 primary election, but he again used the same randomized list for the June 2001 runoff election (according to the court ruling in this case, the Clerk should have requested and used a second randomized list for the runoff election).

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<sup>2</sup> A full discussion of the "butterfly" ballot is in Richard A. Posner, *Breaking the Deadlock: The 2000 Election, The Constitution, and the Courts*. Princeton, NJ: Princeton University Press.

<sup>3</sup> In the interests of full disclosure, the author was an expert witness in the City of Compton's defense of this case, and provided testimony regarding this ballot design question. The judge's decision was issued on February 8, 2002 in Los Angeles County Superior Court, and is currently under appeal.

The sitting incumbent mayor, Omar Bradley, was listed second on the runoff election ballot; his challenger, Eric Perrodin, was listed first and won the election by a slim 261 vote margin. The expert witness for Bradley, Jon Krosnick, testified that this incorrect ordering of candidate names on the runoff ballot could have accounted for at least the 261 vote margin, and perhaps many more ballots for Perrodin. The court was convinced by Krosnick's testimony, and on this basis alone, ruled in Bradley's favor, threw out the results of the June 2001 runoff election, and reinstated Bradley as mayor of the City of Compton.

These are just two examples of ways in which ballot design has been argued to affect two recent elections. But they point to two areas of election administration that have been largely neglected by social science. Much more research on these two areas, and other areas, of ballot design are necessary. At a time in which many election jurisdictions are investing considerable sums of money in the purchase of new voting systems, clearly more insight into how ballots are designed is necessary. In the remainder of this essay, I take up a series of what I consider to be the important general topics regarding ballot design. I conclude the essay by outlining some general principles for scientific study of these ballot design topics.

## **2. Candidate Name Order**

The recent City of Compton court case cited above is an important example about the limitations of current scientific knowledge of ballot design impacts on election outcomes. Importantly, there are an enormous variety of procedures for ordering the names of candidates on ballot across the United States. For example, in the State of California, the election code provides strict rules for randomization and rotation of candidate names on statewide ballots, randomization and limited rotation for state legislative races, and only randomization for local races.

For each election cycle, the Secretary of State's office issues a randomized alphabet. In statewide races (for example, gubernatorial races), the randomized alphabet is used in Assembly District 1 (of 80) for the candidate ordering on the ballot; rotation occurs across Assembly Districts, so that in Assembly District 2, the first letter on the original list is moved to last, effectively rotating the candidate list across Assembly Districts. But for a state legislative race (for example a State Senate election), the Secretary of State's random list is utilized for the entire Senate district, unless that district cuts across county lines; if the district does cut county lines, the list is rotated for each successive county the Senate district lies in. But for local races, no rotation is mandated, and rarely occurs in most local races.<sup>4</sup>

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<sup>4</sup> Exceptions to this rule sometimes occur for countywide races in California. In Los Angeles County, the practice is to rotate the list across the various Assembly Districts that constitute Los Angeles County.

Other states, though, have dramatically different election laws regarding candidate name order. One well-studied state is Ohio, where candidate name order is a matter of county election law.<sup>5</sup> Many Ohio counties randomize and rotate candidate names by precincts.

Rotation and randomization procedures have been instituted in many election jurisdictions to alleviate a phenomenon that political psychologists call a "primacy effect". This phenomenon has been well-documented in survey methodology, where there is often a noticeable bias for respondents to provide the first response option from a list, especially in low-information situations or for poorly informed respondents.<sup>6</sup> While the survey methodologists have studied this phenomenon extensively in recent years, it is clear that candidates running for office, and many previous court decisions, have been aware of the possibility of a bias towards the first-named candidate on a ballot, even if they did not pin a precise psychological term to the phenomena.<sup>7</sup>

Miller and Krosnick compiled an extensive literature review of ballot order effects from social science. Of the thirty or so studies they examined, they argue that only two did not suffer from problematic methodological flaws, but "surprisingly, these (two) investigations found no name-order effects at all" (p. 297).<sup>8</sup> Miller and Krosnick's study, a recent and thorough examination of the problem, only focused on three counties in Ohio, and found significant name-order effects in 48% of the 118 races they studied. Importantly, Miller and Krosnick found that the variance across the races could be explained by county-specific differences, by whether races were partisan, involved an incumbent, and had substantial media attention.

Unfortunately, election administrators do spend considerable resources in each election trying to minimize or eliminate candidate name-order effects. The costs of rotating candidate names across all of the precincts in a county, for example,

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<sup>5</sup> Joanne M. Miller and Jon A. Krosnick, 1998. "The Impact of Candidate Name Order on Election Outcomes", *Public Opinion Quarterly*, 62: 291-330.

<sup>6</sup> Jon A. Krosnick, 1991. "Response Strategies for Coping with the Cognitive Demands of Attitude Measures in Surveys." *Applied Cognitive Psychology*, 5:213-36.

<sup>7</sup> There is an extensive literature on ballot order effects, in particular, the potential bias for the first-named candidate on a ballot. One of the most widely cited pieces from this early literature is the short monograph by Henry M. Bain and Donald S. Hecock, 1957, *Ballot Position and Voter's Choice*, Detroit: Wayne State University Press. In California, the state Supreme Court issued an important ruling that set the stage for the development of the current randomization and rotation system in 1975 in the case of *Gould v. Grubb*, 14 Cal. 3d 661. This case was relied upon extensively in the Compton decision, and involved a challenge to a Santa Monica law that allowed incumbents to be listed first on a ballot; the court ruled that this practice violated the equal protection clause, but left it up to the trial court to determine the exact extent of the exact effect this practice had on Santa Monica elections.

<sup>8</sup> The two studies cited by Miller and Krosnick as not being methodologically flawed are Robert Darcy, 1986, "Position Effects with Party Column Ballots," *Western Political Quarterly*, 39: 648-62 and David Gold, 1952, "A Note on the Rationality of Anthropologists in Voting for Officers," *American Sociological Review*, 17: 99-100.

involves substantial printing costs in counties using paper-based ballots or programming costs where electronic systems are employed. These costs are incurred, furthermore, in spite of social science research that finds only weak evidence for candidate name-order effects and which has not studied at all the impact that different candidate name-order procedures have on possible primacy effects. For example, is it sufficient to rotate in a county across state legislative districts, or should rotation be done across precincts? Or, should randomization and rotation be done for only certain races?

This is clearly an area of ballot design that needs substantial social science research, in short order. Instead of seeing the vast differences in randomization and rotation practices within and across states as a hurdle for scientific study, researchers clearly need to exploit those differences as important variance to use to explain any name-order effects that can be shown in empirical research. Furthermore, controlled laboratory experiments are necessary to examine with precision the impacts of different name-ordering procedures, as well as the set of mitigating factors on name-ordering effects. For example, maybe California's election law has the situation backwards: if it can be shown that name-ordering effects are most likely in non-partisan and low-information contests, then randomization and rotation should be done for local or municipal races, not for statewide contests!

### **3. Ballot Design for Individual Candidate Races**

In addition to the question about the ordering of candidate names on a ballot, there are other important questions about how ballots are designed for each individual race. Most importantly, how useful is it for ballots to contain information other than the candidate's name --- the party affiliation of the candidate, whether a candidate is the incumbent or not, and the occupation of the candidate? Social science has not provided a great deal of insight into the exact importance of these different cues on ballots, despite the presence of a great deal of social science theory about why such cues might be helpful for voter decisionmaking.<sup>9</sup> But which cues are better to provide for voters, and in which order should they be used? And when it comes to information like the candidate's occupation, who should be given the task of compiling that information --- the election official or the candidate?<sup>10</sup>

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<sup>9</sup> The literature about how partisan, incumbency, and other cues can help poorly informed voters is too extensive to even summarize in this context. Much of the relevant literature is summarized in R. Michael Alvarez, 1997, *Information and Elections*, Ann Arbor: The University of Michigan Press.

<sup>10</sup> For example, the 2002 Democratic Official Sample Ballot for the March 5, 2002 Democratic primary in California is instructive. The primary race for Insurance Commissioner, a race where there is no incumbent, involves John Garamendi, and the line below his name in the sample ballot reads "Businessman/Rancher"; in fact, Garamendi had been California's first elected Insurance Commissioner and most recently was Deputy Secretary of Interior in the Clinton administration. His opponents include Bill Winslow ("Attorney/Insurance Consultant"), Thomas Calderon

Furthermore, there are many typographical questions to ask about the design of individual candidate races. What is an appropriate font size to use? Should the candidate names be in bold face --- and what about their partisan affiliation and other potential voter cues? How close should their name be to the place the voter makes her mark? Should an individual candidate race be kept on one page, or should it span facing pages (for example, the "butterfly" ballot)? These are all important ballot design questions, albeit very specific ones. Each deserves careful study, with the idea being the elaboration of clear design principles for ballot construction.

#### **4. Design of Entire Ballots**

This is a critical question for the design of both paper-based and electronic voting systems. How should the entire ballot be laid out? How can a ballot be developed that is useable, minimizes voter errors, and is cost effective? This is important in many jurisdictions, as Americans are being called upon to vote on more issues and in more candidate races, thus making for longer and more complicated ballots.

With paper-based voting systems, the layout of the entire ballot can be one of the most important administrative decisions made by election officials. In jurisdictions with paper or optically scanned ballots, officials try to reduce costs by packing long ballots onto single pages, even if they have to use small type face, oversized paper stock, and virtually no instructions. Unfortunately, decisions made to pack a long ballot onto a single page of paper for cost considerations might lead to a higher risk of voter mistakes.

Thus, for paper-based voting systems, scientific studies of voter responses to the layout of the entire ballot are necessary. Technical questions of layout must be examined, including appropriate type faces (especially for voters with diminished eyesight), design for differentiating one race from other races, an appropriate number of columns per page.

The design of the entire ballot, though, is equally important for electronic voting systems, especially "touchscreen" voting systems. In sharp contrast to contemporary paper ballots where many races and ballot measures are packed onto a single page of paper, most touchscreen voting systems are constructed so that each race is on a single screen. A voter thus navigates through the ballot, usually in a linear manner, by viewing one race on a screen and by then touching an icon on the screen to move to the next race or screen.

There has been no research that I am aware of regarding if the page-by-page design of touchscreen voting machines leads to a different voting experience

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("Member, California Legislature"), and Tom Umberg ("Prosecutor"). Are these descriptions used by California voters? Are they informative? Can they be more informative?

relative to the typical paper-based system where all of the races are on a single page. There have been some indications in research that undervote rates, especially on down-ticket races, might be quite high on electronic voting machines.<sup>11</sup> However, systematic studies (while necessary) have not been done on the exact differences between the impact of each ballot design.

One common criticism of touchscreen voting layout designs, furthermore, is that they sometimes have poorly designed summary screens. In most touchscreen voting systems on the market today, once a voter has navigated through the entire ballot they can receive a summary screen to examine their entire set of votes before finally casting their ballot. These summary screens vary dramatically between different touchscreen systems; some list only the specific candidates or issues voted on, others highlight undervoted races, and they use different typefaces and colors. Furthermore, exactly how a voter navigates their way back into the ballot to change a vote or undervote also varies between systems.

Each of these ballot layout features in touchscreen systems requires scientific study. To my knowledge, neither election administrators nor election system vendors undertake serious studies of the impact that these design decisions in their touchscreen systems have on the quality of votes cast or on the quality of the voting experience. Also, the basic design of a page-by-page ballot, relative to having the entire ballot on a single page, needs to be studied carefully.

There is a second important question about entire ballot design that deserves further research --- the impact of party-line versus non-party line ballots, and how party-line ballots themselves are designed. The impact of party-line ballots has been researched in political science, both in the context of the Australian ballot reform and in regarding the rise in split-ticket voting.<sup>12</sup> However, much of this research has been historical, and quasi-experimental; there have been no studies that I am aware of that examine the impact of party-line ballots in carefully controlled experimental conditions.

Furthermore, there are vast differences across election jurisdictions that allow for party-line ballots, both in the placement of the party choice on the ballot and in the instructions that are given to voters about how to vote a party-line. These

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<sup>11</sup> See Caltech/MIT Voting Technology Project, July 2001, *Votign: What Is, What Could Be*. Pasadena, CA: California Institute of Technology.

<sup>12</sup> There is a lengthy literature on party-line ballots, and in particular, on how the Australian ballot reform and the decline in the use of party-line ballots has influenced voting behavior. For representative work, see Walter Dean Burnham, 1965, "The Changing Shape of the American Political Universe," *American Political Science Review* 59: 7-28; Angus Campbell and Warren E. Miller, 1957, "The Motivational Basis of Straight and Split Ticket Voting", *American Political Science Review* 51: 293-312; Jonathan N. Katz and Brian R. Sala, 1996, "Careerism, Committee Assignments, and the Electoral Connection", *American Political Science Review*, 90: 21-33; Jerrold G. Rusk, 1970, "The Effects of the Australian Ballot Reform on Split-Ticket Voting", *American Political Science Review* 64: 1220-1238.

design differences need examination and study, so that their impact on voter errors and the quality of the voting experience can be understood.

## 5. Voting Instructions

Unfortunately, I am aware of no research on voting instructions. Throughout my own research on voting systems since the 2000 elections, I have encountered no academic research on this important aspect of ballot design. This research vacuum needs to be filled, quickly.

Currently, voting instructions seem to be developed largely by election administrators, sometimes in collaboration with election system vendors, sometimes in collaboration with other interested parties (like voter education groups, or groups representing certain classes of voters with special needs like language concerns or disabilities). Rarely, and possibly never, are proposed voting instructions subjected to any type of experimental or field testing before their implementation.

An important example comes from the 2001 mayoral election in the City of Los Angeles. Working closely with staff from the Los Angeles County Registrar-Recorder's Office (the governmental entity that owns and operates the Votomatic punchcard voting and tabulation machines that are typically then leased to municipalities and other governmental agencies in Los Angeles County for their elections), the Los Angeles City Clerk's Office launched a "Got Chad" voter education campaign. This was an advertising and voter education campaign about how to correctly use the Votomatic punchcard system, for the 2001 mayoral election. The City Clerk's office launched a clever pre-election advertising campaign, a voter education campaign in the mass media, distributed materials to voter education and other groups, developed inserts in the ballot books, and produced posters and instruction cards for polling places.

There is some evidence that the "Got Chad" voter education and instruction campaign was productive in instructing Los Angeles City voters how to use the Votomatic machines. I compared the over- and undervote rates in the 2000 presidential and 2001 mayoral election, in all of the City of Los Angeles precincts; only 16% of precincts had higher overvote rates in 2001, while 22% of precincts had higher undervote rates, in these top-of-the-ticket races. Moreover, in heavily Black precincts, the overvote rate increased in only 10% of precincts, while the undervote rate increased in 5% of precincts; in contrast, in heavily Latino precincts, the overvote rate increased by 8%, and the undervote rate increased by 6%.<sup>13</sup> Clearly, both over- and undervote rates decreased dramatically

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<sup>13</sup> Heavily Black or heavily Latino precincts are defined as those in the 90% percentile of Black or Latino population. These data are for precinct voters only.

between these two elections, in the same precincts, especially for nonwhite voters.<sup>14</sup>

Thus while both common sense and some anecdotes indicate that voter instructions on ballots might lead voters to more effectively interact with voting systems, again there is little scientific work on how and why voter instructions influence the voting process. There are a number of open research topics on voter instructions that deserve careful attention:

1. The effectiveness of pre-election distribution of voting instructions, in ballot books and voter information manuals.
2. The effectiveness of mass media distribution of voting instructions, and of education in voting instructions by interest groups.
3. The wording of voting instructions.
4. Technical issues about voting instructions, in particular, typographical issues (point size, color, etc.) and placement issues (in the voting booth, on the ballot, where on the ballot, etc.)

These, and other important issues about voter instructions, deserve scientific study.

## 6. Language and Images

As American continues to become a more diverse nation, many election jurisdictions are finding they have to provide ballots and voter instructions in multiple languages. Many jurisdictions in California, Texas, Florida, and New York run elections in both English and Spanish; there are now precincts in Los Angeles County where ballots and voter instructions are provided in a number of Asian and European languages.

However, ballot and voter instructions may not directly and clearly translate from English to many of these other languages; this leaves open the question as to whether non-English ballot design and voter instructions are understood and utilized by non-English voters in the same way that English voters understand and use the ballot design and instructions. The impact of language used for ballot design and voter instructions clearly needs scientific examination.

Some nations have devised a different solution to the problem of a diversity of languages, and to alleviate possible problems associated with high rates of voter illiteracy, by not using candidate or party names in their ballot designs. Instead,

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<sup>14</sup> Of course, other factors might have produced, or contributed to, these dramatic declines in over- and undervotes between these two elections. Many voters might have become more aware of "pregnant", dimpled, or hanging chads in the wake of the 2000 election, and thereby were more careful in their use of the Votomatic punchcards in 2001. Other groups, especially groups representing nonwhite voters, worked to educate their constituencies about the Votomatic system in the wake of the 2000 elections. Last, Los Angeles City election administrators were more proactive in their "cleaning" of punchcards in 2001, and were observed by the author removing hanging chads from punchcard ballots before they were run through tabulation machines on election evening.

candidates and especially political parties devise specific pictorial images that become associated with the party through pre-election education campaigns. Voters then cast a vote for a party by selecting an icon on an electronic voting machine (in the case of Brazil, for example), rather than touching a square or circle next to the name of a candidate or party.

It is not clear whether pictorial icons would easily translate to the American system of elections, especially given the long length of ballots in the United States. A proliferation of pictorial icons would have to be created, not just for each party but also for votes on ballot measures, and for candidates in non-partisan races. But pictorial icon ballot design should be tested, relative to more typical ballot designs, to determine whether they lead to a more accurate and higher quality voting experience for voters (or certain classes of voters).

## **7. A Scientific Agenda for Studying Ballot Design**

Each of the dimensions of ballot design discussed above can, and should, be examined within the context of careful scientific analysis. Research agendas based on both controlled experimental studies and on quasi-experimental designs should be developed and implemented.

A prototype of a controlled experimental study on the "butterfly" ballot could take the following form. Two small groups of randomly selected registered voters from an election jurisdiction could be contacted about participation in a research project on election technologies. Subjects could be offered small inducements for their participation. One group would be the control group, and they would be asked to participate in a hypothetical election, using the same ballot style used in that election jurisdiction in the most recent election. The experimental group would be asked to participate in a hypothetical election, "voting" for the same set of candidates as the control group, but using a "butterfly" ballot. Both groups would be interviewed, either using a quantitative or qualitative approach, before and after their "voting" about their experience and opinions about the ballot. The ballots cast by both groups could then be examined for errors, and for deviations in the vote cast from the voter's stated "vote" in the follow-up interview. Such a study design could produce a powerful, and clear, analysis of the precise effects of the butterfly ballot on voter behavior in the ballot booth.

However, many important quasi-experimental studies can also be conducted using data from historical and contemporary elections. First, there are collections in various archives of election ballots; an interesting example is the Munro collection of ballots at the Huntington Library in San Marino, California. One study has been conducted using this archive, examining the impact of the Australian ballot reform in the United States.<sup>15</sup> Archival research should be

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<sup>15</sup> Lisa A. Reynolds, 1995, "Reassessing the Impact of Progressive Era Ballot Reform", Ph.D. Dissertation, University of California, San Diego.

undertaken to study the details of historical ballot designs, and to link the designs with voting behavior and election outcomes.

Second, there is a great deal of heterogeneity in the United States in ballot designs, even for election jurisdictions using the same type of voting system. For a prime example, one important difference in the ballot designs currently in use for optically scanned ballots is whether the voter indicates her vote by filling in a circle or by connecting two broken lines to make a solid unbroken line. Some jurisdictions use the first type of ballot, others the second type. Data about overvotes, undervotes, and ballot spoilage rates could be collected for contemporary elections for each type of ballot design, and could be linked with other demographic and political data from each jurisdiction. A statistical analysis of such databases could demonstrate what impact these two different optical scan ballot designs have on election outcomes and voting behavior.

Third, by working more closely with election administrators, researchers could conduct detailed "before and after" studies of changes of ballot designs in particular election jurisdictions. For example, if researchers learn about an important change in voter instructions --- or about a voter education campaign about how to use a particular voting system --- they can work with the particular election jurisdiction to track and collect specific data so as to measure the impact of the change in voter instructions by studying changes in aggregated election statistics. Also, researchers could work with election administrators to conduct surveys of voters leaving polling places after some change in ballot design was implemented to elicit opinions and perceptions of the new design. Last, polling place workers themselves can be interviewed within the context of this type of quasi-experimental study to obtain their assessment of the ballot design change, and to gather data on the problems that voters had with the new ballot design.

Within each type of study, though, there are many evaluative dimensions to consider. The first and most obvious are indicators of voter error. Unfortunately, while the concept is obvious, a precise measure for voter error may be difficult to operationalize. Most studies have taken the "residual" or roll-off rate (the difference between the number of votes cast and the number counted for a specific race) as a measure of error, while others look at more specific measures like over- or undervotes. One problem with these approaches is that they do not differentiate between intentional and unintentional actions by voters. This is an area where social scientists have done little study --- but where more research is obviously needed and a place where controlled experimental studies might be very helpful.<sup>16</sup> Secondly, there is what I have termed the "quality of the voting experience." This is a broad concept, and should incorporate measures of the

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<sup>16</sup> The only study that attempts to differentiate intentional from unintentional voter errors that I am aware of is Stephen Knack and Martha Kropf's 2001 unpublished analysis, "Roll Off at the Top of the Ballot: Intentional Undervoting in American Presidential Elections." Knack and Kropf examine presidential exit poll data and compare it to aggregate voting statistics to estimate the rate of unintentional undervoting in presidential elections.

voter's satisfaction, efficacy, and perception that his or her cast vote would be counted. Third, we should focus attention on studying the impact of ballot design on pollworkers. People who work in polling places on election day are typically most clearly exposed to the problems with existing ballot designs; quantitative and qualitative studies of their perceptions of the problems voters face are critical for quasi-experimental studies of ballot design.

Last, studies of ballot design should include as important independent variables attributes of voters. Important and obvious attributes to study are disabilities, especially vision impairment and physical disabilities. But not as obvious, but perhaps as important, are the many factors that lead some voters to be considered poorly informed (factors like educational attainment, income, weak social connectedness and capital). Given that many ballot design issues revolve around the cognitive capabilities of voters, variance in these capabilities must be factored into studies of ballot design.

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**CANDIDATES WHOSE NAMES ARE FIRST ON BALLOT RECEIVE ELECTION BOOST**

**OSU Cancer Report**  
(cancer research and treatment)

COLUMBUS, Ohio -- Candidates whose names appear first on an election ballot may attract more voters simply because they're listed before their rivals, a new study suggests.

**OSU News Research Archive**  
(an archive of past stories)

Researchers found that, in nearly half of the 118 Ohio races they studied (48 percent), the name placement on the ballot significantly affected vote totals. In nearly all the cases, the candidate who was listed first had the advantage.

**Frontiers** (a magazine about cancer research and treatment)

On average, candidates received 2.33 percent more votes when their names appeared first on the ballots than when their names were listed last, said Jon Krosnick, co-author of the study and professor of psychology and political science at Ohio State University.

**Reporting on Cancer** (a reporter's guide to the disease)

However, in some races, candidates received as many as 6 percent more votes when listed first than when listed last.



"Our results indicate that there is more than a slim chance that name order could affect the outcome of a close election," Krosnick said.

Findings showed that 3 percent of the races studied would have had different results if only one name order had been used, depending upon which name was chosen. However, on Ohio ballots, candidate names are rotated so that each candidate is listed first on the ballot in approximately the same number of precincts.

Although researchers had long suspected that candidate name order may influence election results, Krosnick said there has been little good research on this topic to date.

Krosnick conducted the study with Joanne Miller, a

graduate student in psychology at Ohio State. Their results will be published in an upcoming issue of the journal *Public Opinion Quarterly*.

For the study, the researchers analyzed precinct-by-precinct vote returns for all the races in the 1992 elections held in the three largest Ohio counties: Franklin (which includes Columbus), Cuyahoga (Cleveland), and Hamilton (Cincinnati).

The results showed that, in general, name order was more likely to have an effect on races in which voters knew less about the candidates, Krosnick said. For example, name order had a stronger effect in non-partisan races.

“Party affiliations act as a cue that help voters decide where a candidate stands on issues,” Krosnick said. “If voters don’t know if a candidate is a Republican or a Democrat, they may be more likely to let name order influence their vote.”

Name order also had a stronger effect on races that received less coverage in the media, suggesting that voters were less well informed about these candidates.

“In 1992, some voters may have gone to the polls mainly to vote in the national presidential election, but then were faced with lots of other candidates running in races that they knew little about,” Krosnick said. “In these less-visible races, the order of names played a larger role in voting decisions.”

The order of names on the ballot may also be more important for those who are less knowledgeable about politics, Krosnick said. Results showed that name order effects were stronger in Franklin County, where the formal education of voters was lower than in the other two counties studied.

Krosnick noted that only four of the 118 races studied (3 percent) would have had different results if just one name order was used. (The four races were for a Franklin County commissioner, a Cuyahoga County commissioner, a Supreme Court justice race in Franklin County and a Court of Appeals Judge race in Franklin County.)

“In general, most of the name order effects we found were relatively small and concentrated among the less visible races. These effects are doing little to undermine

the democratic process," Krosnick said.

"However, these results shouldn't be ignored. Other states should follow Ohio's lead and balance name order in future elections to ensure fair outcomes," he said.

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## Shaken, Not Stirred: Evidence on Ballot Order Effects from the California Alphabet Lottery, 1978 - 2002

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January 21, 2004

*Princeton Law & Public Affairs Working Paper No. 04-001; Harvard Public Law Working Paper 04-001*

### Abstract:

We analyze a natural experiment to answer the longstanding question of whether the name order of candidates on ballots affects election outcomes. Since 1975, California law has mandated randomizing the ballot order with a lottery, where alphabet letter would be shaken vigorously and selected from a container. Previous studies, relying overwhelmingly on non-randomized data, have yielded conflicting results about whether ballot order effects even exist. Using improved statistical methods, our analysis of statewide elections from 1978 to 2002 reveals that in general elections ballot order has a significant impact only on minor party candidates and candidates for nonpartisan offices. In primaries, however, being listed first benefits everyone. In fact, ballot order might have changed the winner in roughly nine percent of all primary races examined. These results are largely consistent with a theory of partisan cueing. We propose that all electoral jurisdictions randomize ballot order to minimize ballot effects.

**Keywords:** ballots, elections, causal inference, natural experiment, randomization, fisher test, partisan cue

**JEL Classifications:** C90, D72, K00

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## **TESTIMONY OF JOE SONNEMAN, PH.D. GOVERNMENT, ON FAIR ELECTIONS AND NAME-ORDER EFFECTS**

**ALPHABETIC ORDER CAME FIRST** Before statistics, that is, roughly, before 1900, governments often listed candidates on ballots in alphabetic order.

**FIRST LISTED, MOST VOTES** About 1900, statistics were better understood, and political scientists discovered that voters had a tendency to vote for the names first on the list, and, to a lesser extent, for the name at the bottom of the list. Even Woodrow Wilson—the only political scientist to become President—wrote an article on this “name order” tendency, in 1910.

**NAME CHANGE GAMES** Once the political scientists began publishing their results, candidates began finding out about this “name order effect” phenomenon, too. Because names were listed alphabetically, candidates began changing their names, for example, from Teller or White or Yerkes to Aaronson or Abbot or Ackerman.

**STATES & TERRITORIES REACT** Once candidates began playing name games with the ballot order, States and even the Territory of Alaska took remedial steps to prevent those games from succeeding. Alaska in the 1920s or so began rotating names on ballots, printing as many different versions of ballots as there were candidates. The different versions were then mixed up, so that on the first ballot, one candidate’s name would be on top, then on the next ballot the next candidate’s name would be on top, and so on, so that each candidate was in each position a roughly equal number of times, negating any name-order effect

**BALLOT ROTATION WORKS: ELECTIONS ARE FAIR** This ballot rotation system worked well for Alaska for about 70 years.

**1995 ALASKAN PROPOSAL** About 1995, the Division of Elections and Lieutenant Governor proposed changing to a different system. Under the new system, a drawing would be held for each district, to determine the starting letter of the alphabet. All the ballots in that district would be printed up the SAME way. If there was a ‘name order effect,’ one candidate would benefit from it, but a random lottery would determine WHICH candidate would benefit.

**WHY THE CHANGE?** The Division of Elections gave two reasons for the change. They said that voters were confused, because voters would see one sample ballot in the newspapers, and then would get an actual ballot in voting that listed candidates in a different order than the sample. Also, Division of Elections said the cost of printing, mixing, and coding [programming] election machines to ‘read’ the different versions of each ballot was costly, perhaps as much as \$65,000 per 2-year election cycle.

**LAWSUIT** After trying without success to get Division of Elections to stay with the tried-and-true ballot rotation system of the past 70 years, Joe Sonneman filed a public interest lawsuit against the change. He noted that the ‘positional effect’ might be as much as 5-7% ad-

vantage, and that many elections in Alaska are decided by margins much less than 5%. To change to a system that by lottery gives ONE candidate the entire positional advantage could be to turn elections themselves into lotteries, he said. Any voter confusion, he said, the Division of Elections caused themselves, by failing to explain to voters and to the press that ballots would have candidates' names rotated, and by failing to provide samples of all the different versions. The cost of conducting FAIR elections, with ballot rotation, was small in relation to the State's total two-year \$5 billion budget, he said, and the importance of having fair elections very great.

**COURTS UPHOLD: NEW SYSTEM 3-2** The Superior Court ruled for the State on summary judgement. The Supreme Court by a 3-2 vote found that Sonneman did have standing as a public interest litigant, but also found that the Legislature was not required to conduct elections in the fairest possible way, but only in a 'reasonable' way. The dissent noted that the State presented no evidence to contradict Sonneman's assertions of a 'name order effect,' agreed that many Alaska elections are decided by margins narrower than the asserted 5-7% name order effect, and agreed that whether or not there was a 'name order effect' was a material factual question which should have prevented summary judgment.

**PROPOSED AMENDMENT** Rep. Gruenberg now proposes an amendment which—as I understand it—would not bring back full ballot rotation, but which would extend the alphabet lottery (randomization) to the precinct level. One study<sup>1</sup> reports that in Ohio, a “well-studied” State, “[m]any Ohio counties randomize and rotate candidate names by precincts.”

**SONNEMAN'S RECOMMENDATION:** My own feeling is that the proposed amendment is a “middle way” between the present system and full ballot rotation, and will likely only partially resolve 'name order' effects at only a partial cost [compared to ballot rotation]. Because I think fair elections are essential to 'small-d' democracy, and the cost very minimal compared to Alaska's 2-year budget of about \$4-5 billion, I'd say that the proper course is full ballot rotation, the same system that satisfied a much less-wealthy Alaska for about 70 years.

**HOW TO THINK ABOUT IT** Ask yourself, if in the next election you were defeated by a very narrow margin by a candidate whose name was drawn in a lottery so as to appear on the top of the ballot, above your own name, would you then think it wise to eliminate 'name-order effects' and make Alaska elections as fair as possible?

If your answer is “Yes,” then vote for full ballot rotation, even at higher cost. If you say “Maybe,” then the proposed amendment before you today may partly satisfy, at a milder cost. If you would still think “No, it's OK for election results to be decided partly or wholly by lottery, what's most important is cutting costs, not fair elections,” then stick with the present system.

**REAL NAME-ORDER EFFECTS?** Of course, a lot hinges on whether or not 'name

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<sup>1</sup>Alvarez, R., “Ballot Design Options” (Cal. Inst. Technology, Feb. 17, 2002), p. 3.

order effects' are real. Discussion on this has gone back and forth and back again over the years. At first, no one knew about statistics nor about name order effects. Then, about 1900-1910, such effects were recognized, both the "primacy" effect for visual choices, such as ballots, and the "recency" [or last] effect for oral choices.

Overview of Name Order Effect Studies In recent years, some studies claim either that there is no name-order effect, that there is a name-order, or that the name-order effect is strong under certain conditions—such as when the race is non-partisan or is a primary election, or when the voters are ignorant or poorly-informed. I cite a few studies below, but be aware that one extensive review critiques most other studies as being "methodologically flawed."<sup>2</sup>

No Name Order Effect "Most states assign one candidate in every primary election the top spot instead of rotating the order of candidate names."<sup>3</sup> This practice implies a disbelief in name-order effects, or an unwillingness to act on such a belief. "Miller and Krosnick ... argue that only two [studies, of 30] did not suffer from problematic methodological flaws, but 'surprisingly, these (two) investigations found no name-order effects at all).'<sup>4</sup>

Name Order Effect Does Exist "Political professionals have long taken for granted that the top spot on the ballot provides an advantage to the candidate whose name occupies it."<sup>5</sup>

One study reviewed 1998 Democratic primary results in New York City, finding that of 79 contested elections, the four statewide races were all significantly affected by position bias, and in 67 of the 75 'local' elections [Congress, state legislature, judgeships, and party positions], "the first position received more than its expected percentage of the vote."<sup>6</sup> "In seven of the 79 contests, the first-position advantage *exceeded* the margin of victory."<sup>7</sup> [Emphasis in original].

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<sup>2</sup>Miller & Krosnick, "The Impact of Candidate Name Order on Election Outcomes," *Public Opinion Quarterly* 62:291-330, 295-97 {"most of the earlier studies are methodologically flawed"} (1998), cited in Koppel & Steen, below, at 3, citation at 11.

<sup>3</sup>Koppell, J., & Steen, J., "The Effects of Ballot Position on Election Outcomes", originally research re: *Koppell v. New York State Board of Elections* (97 F.Supp. 2d 477), at 2.

<sup>4</sup>Alvarez, at 3, citing to Miller and Krosnick [note 2 here], and those two studies Alvarez reports these two at his note 8 as: Darcy, R. "Position Effects with Party Column Ballots", *Western Political Quarterly*, 39; 648-61 (1986), and Gold, D., "A Note on the Rationality of Anthropologists in Voting for Officers," *American Sociological Review*, 17, 99-100 (1952).

<sup>5</sup>Koppell, et al., at 2.

<sup>6</sup>Koppell et al, at 2-7.

<sup>7</sup>Koppell et al, at 8.

So that study found “clearly demonstrated” position effects, with “little doubt” about it.<sup>8</sup>

Researchers in 48 percent of 188 Ohio [electoral] races studied found name placement on the ballot significantly affected vote totals, almost always “the candidate who was listed first had the advantage.” The **average advantage was “2.33 percent more votes”** for being listed first instead of last, but “in some races, candidates received as many as 6 percent more votes when listed first than when listed last.”<sup>9</sup> (Emphasis added).

Conditional Name Order Effect Name-order effects may be more pronounced when there are no cues, such as ‘party’ labels to distinguish candidates, such as in non-partisan races, or in primary elections [in closed primaries], if for example all candidates on a ballot are from the same party.<sup>10</sup> “In general, name order was more likely to have an effect on races in which voters knew less about the candidates... [and] on races that received less coverage in the media... [or] where the formal education of voters was lower.”<sup>11</sup> “[I]n general elections ballot order has a significant impact only on minor party candidates and candidates for non-partisan offices ... [but] in primaries ..., being listed first benefits everyone .. [and] ... **ballot order might have changed the winner in roughly nine percent of all primary races examined.**”<sup>12</sup>

The “primacy effect” is “well documented in survey methodology, where there is often a noticeable bias for respondents to provide the first response option from a list, especially in low-information situations or for poorly informed respondents.”<sup>13</sup>

No Clear Answer “The literature is contradictory, with no clear patterns in the findings across studies.”<sup>14</sup> “[C]andidate or party position on the ballot may affect voting behaviour...”<sup>15</sup>

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<sup>8</sup>Koppell et al, at 10.

<sup>9</sup>Grabmeier, J., “OSU Research News: Candidates Whose Names are First on Ballot Receive Election Boost” (reporting results of Krosnick, J., and Miller, J.) (1998), see <http://researchnews.osu.edu/archive/nameplac.htm>

<sup>10</sup>Koppel et al, at 2, “find[ing] that the effect of name-order on primary elections is significantly larger than Miller & Krosnick’s estimate for general elections.”

<sup>11</sup>Grabmeier, J., at 2.

<sup>12</sup>Ho., D. and Imai, K., at 1 [full citation below].

<sup>13</sup>Alvarez, op. cit., at 3.

<sup>14</sup>Koppel et al, at 2.

<sup>15</sup>“Determination of Order on Ballots,” Wall, A. (1997), ed. Alves, H. (2002), from <http://www.potlatch.net/main/english/po/pof06.htm>

(Emphasis added). "Previous studies, relying overwhelmingly on non-randomized data, have yielded conflicting results about whether ballot order effects even exist."<sup>16</sup>

**CONTROLLING NAME-ORDER EFFECTS** "Basic methods for creating the order on the ballot include: [a] some form of alphabetical listing, [b] random draw[ings], and [c] rotating ballot positions."<sup>17</sup>

Alphabetic Listing "Alphabetic-based ballot orders .. may be susceptible to manipulation ... [as when candidates are] changing their names [to gain a more favorable position].<sup>18</sup> Indeed, it was exactly this type of candidate manipulation of alphabetic-based ballot orders that caused many States and the Territory of Alaska instead to rotate ballot positions. Accordingly, a simple alphabetic list should no longer be considered a viable option in producing fair elections.

Random Drawings "A truly random draw for positions on the ballot will prevent any name bias in ballot draw."<sup>19</sup>

But the draw has to be truly random. Consider what is wrong with a 'mixed' draw for the FIRST position, the remaining positions to be in alphabetic order starting from the first letter drawn. What if the candidates' names are, say, Knowles, Miller, and Murkowski? The only way Miller or Murkowski can be listed first is if the letter L or M is drawn. So only 2 of 26 letter-chances let them be first, but Knowles will appear on top if any of 24 other letter-chances are drawn. This example shows that a 'mixed' draw-first-letter-then-alphabetize system could be quite unfair, assuming that name order effects do exist to some degree.

But the real problem with using 'letter lotteries'—especially on a House district-wide basis, is that all the name-order effect goes to only ONE candidate. Where, as in Alaska, elections are often decided by very narrow margins, virtually ANY name-order effect, combined with the letter-lottery, can mean that the winner is really decided by lottery, instead of by

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<sup>16</sup>Ho, D., and Imai, K, "Shaken, Not Stirred: Evidence on Ballot Order Effects from the California Alphabet Lottery, 1978-2002", in Social Science Research Network Electronic Library, Abstract Document, [http://papers.ssrn.com/so13/papers.cfm?abstract\\_id=496863](http://papers.ssrn.com/so13/papers.cfm?abstract_id=496863), also cited as Princeton Law & Public Affairs Working Paper No. 04-001 and Harvard Public Law Working Paper No. 89.

<sup>17</sup>Wall, A., *op. cit.*, at 1.

<sup>18</sup>Wall, A., *op. cit.*, at 1.

<sup>19</sup>Wall, A., *op. cit.*, at 2.

election. But choosing candidates by lottery is not what small-'d' democracy is about.<sup>20</sup> The precinct lottery is better ... but rotating names on ballots is a better still method of randomly distributing fairly any name-order effects.

Rotating Ballot Positions “[R]otating ballot positions negates any positioning advantage ... [but f]or inexperienced voters it may be confusing [, while ... it makes ballot counts more complex and has significant cost disadvantages in ballot materials printing and collation, ballot systems design and, to some extent, voter education and election staffing.”<sup>21</sup> “[R]otation of candidate names would certainly solve the position effect problem ... [but it makes] printing accurate sample ballots for each voter ... almost impossible.”<sup>22</sup>

Ambiguous Solutions One abstract suggested “that all electoral jurisdictions randomize ballot order to minimize ballot effects,”<sup>23</sup> but did not say how that randomization should occur, whether by alphabetic lottery by district (as Alaska does) or precinct (as the amendment proposes), or by rotating names on each ballot times the number of candidates (as Alaska did).

Similarly, another study<sup>24</sup> said “Other states should follow Ohio’s lead and balance name order in future elections to ensure fair outcomes,” without saying exactly how to ‘balance name order.’ However, that article did note that “on Ohio ballots, candidate names are rotated so that each candidate is listed first on the ballot in approximately the same number of precincts.”<sup>25</sup>

Well, that’s what the proposed amendment does, randomize by precinct, better than randomizing only by District, not as good [i.e., not as random, not as fair]--but not as costly--as randomizing by voter. A middle way .. but is it right to have elections in any but the fairest way?

Whatever you decide may haunt you later, so decide well.

  
—Joe Sonneman, Ph.D. Govt.

*Se non e vero, e ben trovato.*

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<sup>20</sup>Koppel & Steen, at 10: “Those who accept lotteries or alphabetic ordering for ballot position as an unavoidable part of our election system should reconsider this acceptance of the *status quo*.”

<sup>21</sup>Wall, A., *op. cit.*, at 2-3

<sup>22</sup>Koppel & Steen, *op. cit.*, at 10.

<sup>23</sup>Ho and Imai, *op. cit.* at 1.

<sup>24</sup>Grabmeier, *op. cit.*, at 3, quoting Krosnick.

<sup>25</sup>*Ibid.*, at 1.

1. **AVOIDING CONFUSION #1** The Division says differences between sample and actual ballots may confuse voters. I say, the Division needs better to inform voters. The Supreme Court minority in *Sonneman v. State*, 969 P.2d 932, 942 (1998) wrote that "if confusion were a real concern, a clear disclaimer on sample ballots would cure it." So consider a disclaimer (like Amendments 7 or 8) saying "Any sample ballot must state *in bold type* that: 'The order of candidate names may be different on actual ballots.'"

2. **AVOIDING CONFUSION #2** Footnote 6 of the Supreme Court's dissent notes that the Division now draws letters ONLY to distinguish among the FIRST letter of last names, and under Division regulations, when the FIRST letter of the last name is the SAME, then alphabetical order determines who goes first.

If that is still the way the regulation reads, then, for the upcoming U.S. Senate primary, the Division will draw letters to see if M or K appears first. But "Miller" will always appear before "Murkowski."

You can cure that by rotating names on ballots. That way--the traditional way-- you keep elections consistent with 70 years of Alaska's history. The Supreme Court *majority* even said 'Sonneman is correct in asserting that ballot rotation would be fairer.' 969 P.2d at 639 [emphasis added].

3. **GIVE THE GOAL, NOT THE PROCEDURE:** The former AS 15.15.030(6) specified exactly how the Division should print, stack, and mix ballots. See n.2 of 969 P.2d at 634. That precise language may in time become obsolete as technologies change. Instead, you can tell Elections to rotate candidate names so as to equally distribute any possible positional bias. Then let the Division figure out the best way to do it. Amendment W.8 seems to work:

**ORDER OF NAMES:** For each contested office, the Division shall rotate the order of candidates' names on the ballot to assure, as much as reasonably possible, that *each* candidate's name appears at each position on the list of candidates for that office an equal number of times, on the ballots that are distributed.

4. **OTHER OPTIONS** You may want to add 'intent' language such as: "The Legislative purpose of rotating the order of candidates' names on ballots is actually to distribute equally any positional bias which may exist." To state your intent is to lessen the likelihood of court cases trying to find out your intent. Intent could be IN the law or in a Letter of Intent from the Committee or from the House, read into the House Journal. Either way makes YOUR intent more certain, especially given Division flexibility.

You might add a definition for "positional bias," but the Supreme Court used that term already,

5. **WHICH AMENDMENT** I've already said I favor full ballot rotation [Amendment W.8], similar to what Alaska used for 70 years without excessive cost or confusion. Fair elections may cost a bit more, but fairness is worth it. The precinct method [W.7] also improves on the present District lottery, but could give one or another candidate a smaller-than-District-sized advantage when precincts do not divide evenly.

Good Fortune!

—Dr. Joe Sonneman

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P.S.: The Supreme Court majority said 1994 ballot rotation actually cost \$64,024 [Division claimed \$150,000 to \$250,000]. *Sonneman v. State*, 969 P.2d at 935.