

**HB**

**94**

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STATE OF ALASKA  
Division of Elections  
Office of the Lieutenant Governor

**HB 94**

*"An Act relating to qualifications of voters, requirements and procedures regarding independent candidates for President and Vice-President of the United States, voter registration and voter registration records, voter registration through a power of attorney, voter registration using scanned documents, voter residence, precinct boundary and polling place designation and modification, recognized political parties, voters unaffiliated with a political party, early voting, absentee voting, application for absentee ballots through power of attorney, or by scanned documents, ballot design, ballot counting, voting by mail, voting machines, vote tally systems, initiative, referendum and recall, and definitions in the Alaska Election Code; relating to incorporation elections; and providing for an effective date"*

In 2004 the Division of Elections brought a similar bill before the Legislature. House Bill 523 was heavily scrutinized by the House State Affairs Committee and underwent constant redrafting before CSHB 523 (STA) was passed from Committee at the end of Session.

The bill before you is very similar to the bill that passed from the House State Affairs Committee last year.

A thorough sectional analysis is provided which includes highlighted changes from CSHB 523 (STA) that have been incorporated into HB 94.

The Division of Elections asks for your support of House Bill 94.

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**SECTIONAL ANALYSIS**  
**House Bill 94**

*"An Act relating to qualifications of voters, requirements and procedures regarding independent candidates for President and Vice-President of the United States, voter registration and voter registration records, voter registration through a power of attorney, voter registration using scanned documents, voter residence, precinct boundary and polling place designation and modification, recognized political parties, voters unaffiliated with a political party, early voting, absentee voting, application for absentee ballots through power of attorney, or by scanned documents, ballot design, ballot counting, voting by mail, voting machines, vote tally systems, initiative, referendum and recall, and definitions in the Alaska Election Code; relating to incorporation elections; and providing for an effective date."*

**Section One – VOTER RESIDENCY**

Changes the reference *from* "temporary construction camps" *to* "temporary work sites" to provide a more accurate definition of what fails to constitute a dwelling place.

Clarifies that the address of a voter as it appears on the voter registration RECORD, *not* the voter registration CARD is proof (presumptive evidence) of that voter's residence.

**Section Two – MANNER OF REGISTRATION**

Adds language to allow an individual with the express power of attorney to allow the individual to register on behalf of the voter.

Adds "scanning" as another means to transmit a voter registration application to the Division.

### **Section Three – REQUIRED INFORMATION FOR VOTER REGISTRATION**

An Alaska residence address is required on a voter registration application, and the voter signs an oath that the information provided is true.

Removes dated language that refers to information proving residency that might be requested by the Division. Elections does not require proof nor does the Division compile voter files that contain this type of information.

In 2004, changes by H STA to then HB 523 were "drafting- related" and added "applicants," "statement" and replaced "attestation" with "oath." Those changes were included in HB 94.

### **Section Four – PROCEDURE FOR REGISTRATION**

Adds "scanning" as another means to transmit a voter registration application to the Division.

Adds language to allow an individual with the express power of attorney to allow the individual to register on behalf of the voter.

### **Section Five – PREPARATION OF MASTER REGISTER**

H STA incorporated a change suggested by Legislative Legal drafter to then HB 523 to ensure protection of voter information of those victims of domestic violence in accordance with changes made to following section. That language is included here in HB 94.

### **Section Six - PRECINCT BOUNDARY CHANGES**

Changes language that currently requires the Division to publish notice of precinct boundary changes in a newspaper PUBLISHED IN the house district to one that is AVAILABLE IN the house district. If there is no such newspaper, the notice must be posted in A conspicuous place in the precinct. Current law requires posting in three places, which proves excessive in most communities without a newspaper.

ADDS that all boundary changes will be posted on the Division's website (proposed in this legislation) and appropriate municipal clerks will be notified of a precinct boundary change.

### **Section Seven – INDEPENDENT PRESIDENTIAL CANDIDATES**

When preparing the general election ballot, the names of the candidates from each political party running for President and Vice President shall be placed on the ballot, rather than the names of the electors.

This language allows that the names of those running as Independents for President and Vice President shall be treated the same as those candidates representing a political party.

In 2004, this was added by H STA to HB 523, and is included in HB 94.

### **Section Eight - BALLOT COUNTING**

For the purposes of maintaining accountability of ballots, the number of ballots returned to the elections supervisor or designee for destruction must be reported to the election board.

In 2004, H STA changed the word "assure" to "ensure" in HB 523, and the change is included in HB 94.

### **Section Nine – EARLY VOTING**

Early voting sites would need to be designated by the Director by January 1<sup>st</sup> of an election year. This ensures that proper notice is available to voters and that regions can order sufficient ballots and election materials. Additionally, it allows supervisors to schedule election workers accordingly.

### **Section Ten -- ABSENTEE VOTING BY ELECTRONIC TRANSMISSION**

Reduces the number of witnesses required to sign the oath accompanying a voter's absentee ballot (transmitted electronically) *from two to one* United States citizen who is 18 years of age or older. Rural Alaskans and those who travel to remote locations believe that the requirement for two witnesses creates an undue hardship.

### **Section Eleven – ABSENTEE VOTING BY MAIL/ ELECTRONIC TRANSMISSION**

Adds ways a voter may apply for an absentee ballot to include by fax or scanning an application.

Adds that an individual with the express power of attorney to allow the individual to apply for an absentee ballot on behalf of the voter may do so.

### **Section Twelve – ABSENTEE VOTING BY MAIL/ ELECTRONIC TRANSMISSION**

Reduces the number of witnesses required to sign the oath accompanying a voter's absentee ballot by mail or by electronic transmission *from two to one* United States citizen who is 18 years of age or older. Once again, the request to reduce the witnesses required came from rural Alaskans and those who travel to remote locations.

### **Section Thirteen – ABSENTEE VOTING BY MAIL/ ELECTRONIC TRANSMISSION**

Defines more accurately "overseas voter." (Qualifying under AS 15.05.011) Previous language described military APO or FPO addresses, which was too limiting.

### **Section Fourteen – "BY MAIL" VOTING**

Adds that when the Director mails absentee ballots, the ballots shall be mailed by first class, *nonforwardable* mail and that ballots will not be mailed to a voter whose address has been identified as being undeliverable.

This language is proposed to ensure ballot security and the integrity of the election process.

### **Section Fifteen – STANDARDS FOR VOTING MACHINES**

Adds a new section to Title 15 regarding the use of voting machines or vote tally systems. The Division of Elections will only utilize systems certified by the Federal Election Commission. All updates to the data management system must be certified before the State implements the system.

### **Section Sixteen – QUALIFICATIONS FOR INDEPENDENT CANDIDATES FOR PRESIDENT/VICE PRESIDENT/SELECTION OF ELECTORS**

Adds new language to describe the process for independent candidates running for President.

In 2004, H STA added to the HB 523 that an Independent candidate for President may file no earlier than January 1<sup>st</sup> of a presidential election year and no later than 90 days prior to the presidential general election. An Independent candidate for President must also provide the name, Alaska mailing address, and signature of the candidate's state campaign chair, who must be an Alaskan resident. This requirement exists **ONLY** for Independent candidates.

This language is incorporated into HB 94.

### **Section Seventeen – INTERPRETATION OF VOTES CAST**

In voting for presidential electors, votes marked for Independent candidates for President and Vice President are counted the same as votes marked for electors for party candidates.

### **Section Eighteen – DUTIES OF ELECTORS**

Duties for electors representing Independent candidates for President and Vice President are the same as those of electors representing other candidates.

### **Section Nineteen – PETITIONS /FORM OF APPLICATION**

Adds the requirement for the printed name and date of birth to be included when signing an application for petition. As the date of birth is now required on voter registration applications, it becomes another "identifier" to assist the Division in qualifying the voter's signature. Additionally, the three sponsors designated, as the committee representing the sponsors must provide their name, mailing address and signatures.

These changes, and those that follow related to the petition process, are proposed to improve the petition process.

### **Section Twenty – PETITIONS/DESIGNATION OF SPONSORS**

Adds clarification that the sponsors are in support of the bill proposed in the initiative application.

Adds that additional sponsors, when providing their names and addresses, must also include date of birth.

### **Section Twenty-One – PETITIONS/PREPARATION OF PETITION**

Adds the requirement for the printed name and date of birth to be included when signing a petition. As the date of birth is now required on voter registration applications, it becomes another "identifier" to assist the Division in qualifying the voter's signature.

The petition books have been sequentially numbered, but the inclusion of the language more clearly states the process and deletes language that refers to a record of petition booklets assigned to the sponsors. Judge Suddock criticized the requirement for these "accountability reports" in the recent Hinterberger case.

### **Section Twenty-One – PETITIONS/PREPARATION OF PETITION (continued)**

In 2004, H STA made stylistic changes to HB 523, but also removed language that clarified "if the application is certified" and that the Lieutenant Governor shall prescribe the form of the petition. This language is incorporated into HB 94.

### **Section Twenty-Two – PETITIONS/QUALIFICATIONS OF CIRCULATOR**

New section defines the qualifications of the petition circulators. Requires that circulator be a citizen, 18 years of age or older, and an Alaskan resident. When Alaska law was revised to comply with the Buckley decision, this change failed to be incorporated.

### **Section Twenty-Three – PETITIONS/WITHDRAWING NAME FROM PETITION**

Adds the requirement for the printed name and date of birth to be included when signing an application for petition.

### **Section Twenty-Four – PETITIONS/CERTIFICATION OF CIRCULATOR**

Circulators of a petition are required to sign an affidavit that they meet residency, age, and citizenship qualifications for circulating a petition.

The requirement that the circulator's name be prominently displayed on the petition was deleted. This language has not been enforced since 2000 in compliance with the Supreme Court decision in Buckley v. American Constitutional Law Foundation.

### **Section Twenty-Five - PETITIONS/DISPLAY OF PROPOSED LAW**

Reduces the copies of the proposed law that are distributed to each of the 439 election boards for distribution and posting at a polling place.

### **Section Twenty-Six – REFERENDUM/FORM OF APPLICATION**

Adds the requirement for the printed name and date of birth to be included when signing an application for referendum. Additionally, the three sponsors designated, as the committee representing the sponsors must provide their name, mailing address and signatures.

### **Section Twenty-Seven – REFERENDUM/DESIGNATION OF SPONSORS**

Adds clarification that the sponsors are in support of the referendum.

### **Section Twenty-Eight – REFERENDUM/ PREPARATION OF PETITION**

Adds the requirement for the statement of rejection or approval, the signer's printed name and date of birth be included on a petition for referendum. The petition books have been sequentially numbered, but the inclusion of the language more clearly states the process and replaces language that refers to a record of petition booklets assigned to the sponsors.

### **Section Twenty-Nine – REFERENDUM/QUALIFICATIONS OF CIRCULATOR**

New section defines the qualifications of the referendum petition circulators. Requires that circulator be a citizen, 18 years of age or older, and an Alaskan resident. When Alaska law was revised to comply with the Buckley decision, this change failed to be incorporated.

### **Section Thirty – REFERENDUM/CIRCULATION**

Adds the prohibitions and penalties applicable to initiative petitions and applies these to circulation of referendum petitions. (May not be paid more than \$1 per signature, nor may the circulator receive more than \$1 per signature)

### **Section Thirty-One – REFERENDUM/MANNER OF SIGNING AND WITHDRAWING NAME FROM PETITION**

Adds the requirement for the printed name and date of birth to be included when signing an application for petition.

### **Section Thirty-Two – REFERENDUM/CERTIFICATION OF CIRCULATOR**

This section more clearly defines the certification of circulators, to conform to the requirements for circulation of initiative petitions. Circulators of a petition are required to sign an affidavit that they meet residency, age, and citizenship qualifications for circulating a petition.

**Section Thirty-Three – REFERENDUM/DISPLAY OF ACT BEING REFERRED**

Reduces the copies of the act being referred that are distributed to each of the 39 election boards for distribution and posting at a polling place.

**Section Thirty-Four – RECALL/FORM OF APPLICATION**

Adds the requirement for the printed name and date of birth to be included when signing an application for recall. Removes requirement for additional 100 signatures of qualified voters. The current statute was unclear as to whether the 100 who signed were required to have voted in the preceding general election of the official sought to be recalled. Additionally, the three sponsors designated as the committee representing the sponsors, must provide their name, mailing address and signatures.

**Section Thirty-Five – RECALL/DESIGNATION OF SPONSORS**

Proposes to add a new section with language similar to that regarding initiative petitions and referendum, stating the sponsors are in support of the recall and regarding the designation of additional sponsors.

**Section Thirty-Six – RECALL/PREPARATION OF PETITION**

Adds the requirement for the printed name and date of birth to be included when signing the recall petition. The petition books have been sequentially numbered, but the inclusion of the language more clearly states the process and replaces language that refers to a record of petition booklets assigned to the sponsors.

**Section Thirty-Seven – RECALL/STATEMENT OF WARNING**

Removes language referring to a "duplicate copy" as there are no "duplicate copies" assigned in a recall petition effort. This language would mirror language in the initiative and referendum sections.

**Section Thirty-Eight – QUALIFICATIONS OF CIRCULATOR**

New section defines the qualifications of the recall petition circulators. Requires that circulator be a citizen, 18 years of age or older, and an Alaskan resident. When Alaska law was revised to comply with the Buckley decision, this change failed to be incorporated.

### **Section Thirty-Nine – RECALL/CIRCULATION**

Adds the prohibitions and penalties applicable to initiative petitions and referendum and applies these to circulation of recall petitions.

### **Section Forty – RECALL/MANNER OF SIGNING AND WITHDRAWING NAME FROM PETITION**

Adds the requirement for the printed name and date of birth to be included when signing a recall petition.

### **Section Forty-One – RECALL/CERTIFICATION OF CIRCULATORS**

This section more clearly defines the certification of circulators, to conform to the requirements for circulation of initiative petitions. Circulators of a petition are required to sign an affidavit that they meet citizenship, residency and age qualifications for circulating a petition.

### **Section Forty-Two – RECALL/DISPLAY OF GROUNDS FOR AND AGAINST RECALL**

Reduces the copies of the statement of the grounds for recall and the statement made by the official subject to recall in justification of the official's conduct in office that are distributed to each of the election boards for distribution and posting at each polling place.

### **Section Forty-Three - VOTERS UNAFFILIATED WITH POLITICAL PARTIES**

Proposes to set out the definitions of voters unaffiliated with political parties to reflect the Division's previous policy.

### **Section Forty-Four - RECOGNIZED POLITICAL PARTY STATUS**

Adds a new section regarding recognized political party status.  
(Please see next page)

**Section Forty-Four - RECOGNIZED POLITICAL PARTY STATUS (continued)**

Political groups may be recognized as a party if, on or before May 31 of the first election year that seek recognition they have:

- Filed an application with the Director
- Submitted their bylaws to the Director and the Department of Justice *and*
- Met the requirements related to nominating a candidate *or* obtained the required number of registered voters

Provides that the Director will verify the numbers of registered voters who have declared an affiliation with a group or recognized political party and describes the process for notification when a political group obtains political party status. Likewise provides the notification process to recognized political parties that have lost their status.

Finally, this section adds that during an election year, recognized political party status cannot be withdrawn by the Director for the period from June 1<sup>st</sup> through the date of the first verification that occurs after the certification of the general election results.

**Section Forty-Five - DEFINITION OF "REREGISTRATION" and "STATEWIDE OFFICE"**

Reregistration is defined as the submission of a registration form by a voter whose registration was inactivated during the list maintenance process (AS 15.07.130) or due to conviction of a felony involving moral turpitude. The voter once removed from the voter rolls due to conviction of a felony involving moral turpitude, must provide proof that they were unconditionally discharged from custody before being allowed to register. (AS 15.07.135)

Statewide office is defined as the office of Governor, Lieutenant Governor, United States Senator, or United States Representative.

**Section Forty-Six - INCORPORATION ELECTION**

Clarifying language in Title 29 for incorporation elections that a qualified voter is a voter who has been registered to vote within the proposed municipality at least 30 days prior to the election.

**Section Forty-Seven - INCORPORATION ELECTION**

Clarifying language in Title 29 for incorporation elections that a qualified voter is a voter who has been registered to vote within the proposed borough at least 30 days prior to the election.

### **Section Forty-Eight - INCORPORATION ELECTION**

Defines "qualified voter" to have the same meaning as that in AS 15.60.010.

AS 15.60.010 (26) "qualified voter" means a person who has the qualification of a voter and is not disqualified as provided by art. V, Sec. 2, of the state constitution and AS 15.05.030 ;

### **Section Forty-Nine**

Repeals section requiring written notice of any precinct boundary modifications and

Repeals AS 15.20.048 as it includes duplicative language requiring the Director supply ballots to elections supervisors for all districts. Changes suggested in Section 14 of HB 94 allows the Director to designate locations for absentee voting, and office of election supervisors will be designated as such.

### **Section Fifty - APPLICABILITY**

Provides that changes made by Sections 19 through 42 of this bill apply to an initiative, referendum, or recall for which an application was filed with the lieutenant governor or director of elections on or after the effective date of the bill.

### **Section Fifty-One - TRANSITION**

An initiative, referendum, or recall for which the application was filed before the effective date of the bill is subject to the provisions of statute that existed on the day before the effective date of the bill.

### **Section Fifty-Two - IMMEDIATE EFFECTIVE DATE**

# LEGAL SERVICES

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Mail Stop 3101


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Juneau, Alaska 99801-1182  
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## MEMORANDUM

January 31, 2005

**SUBJECT:** CSHB 94(STA): Elections Code (Work Order No. 24-GH1048\G)

**TO:** Representative Paul Seaton  
Chair of the House State Affairs Committee  
Attn: Louis Flora

**FROM:** Kathi Kurtz   
Legislative Counsel

Enclosed is the draft committee substitute you requested. We cleaned up the \A version, making a number of minor editorial changes (most having to do with punctuation or cross-references in the bill to other statutory sections).

### **Voter registration information:**

Section 15.07.060(a)(4) in the \A draft requires an applicant to supply "the applicant's Alaska residence address, *as specified in regulations adopted by the director.*" What exactly is to be specified in regulations? Is this about the form of the address, as in a physical address vs. mailing address? If so, isn't "residence address" sufficient to make that clear? If additional regulatory authority relating to voter registration information is required, would it be clearer to add it to AS 15.07.064? The enclosed draft omits the phrase "as specified in regulations adopted by the director" since it seemed to be extraneous. If you can obtain more information about the intent, perhaps the wording here can be clarified.

### **Early voting locations:**

I created a new subsection rather than amending the existing AS 15.20.064 to conform to the purpose in the Governor's letter. The \A draft could be read as though a voter would have to vote by January 1.

### **Recognized political party status:**

The proposed new section 15.60.008 in the \A draft was also a bit confusing. I substituted "group" for "party" in the last sentence of subsection (e) in this draft CS, because a group that does not meet the definition of political party is not a political party.

Actually, I am not sure what legal effects this section will have. It seems to create a new status, that of "recognized political party," but it does not clarify the significance of attaining this status. The rest of AS 15 simply talks about "political parties." If a political group meets the definition of "political party" in AS 15.60.010(23), then it is

arguably entitled to do everything a political party can under the statutes<sup>1</sup>, regardless whether the division has "recognized" it before May 31 in an election year. If the division needs to create an application process and a cut-off date for recognizing political parties for administrative purposes, those elements really should be added to the definition of "political party" (this could be done by adding a reference to AS 15.60.008 to the definition). Otherwise, the references to "political party" throughout the chapter will need to be reviewed to determine which apply to all political parties, and which apply only to "recognized" political parties.

Also, in subsection (c), why are the verifications performed monthly, if the latest a group can seek recognition is May 31 of an election year?

Currently, sec. 15.60.008(c) in the VA draft requires verification "that the voters who have submitted registration to the division of elections are qualified under AS 15.05.010." Shouldn't this verification of voter qualifications be done as part of the voter registration process under AS 15.07, the chapter on voter registration?

A suggested revision follows that puts sec. 15.60.008(c) in the active voice, removes references to "recognized political party status" and replaces them with "recognition," and attempts to clarify the verification process. These changes are not included in the enclosed draft, since they may be beyond the scope of your request.

**Sec. 15.60.008. Recognized political party status.** (a) The director shall recognize a political group as a political party 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) meets the definition of a political party in AS 15.60.010.

(b) At least once a month, the director shall tally the number of qualified registered voters that have declared affiliation with each political group seeking recognition as a political party to determine whether the group meets the definition of political party in AS 15.60.010. When the director has verified that a political group has satisfied the requirements of section (a), the director shall notify the group that it has been recognized as a political party.

(c) No later than 30 days after a general election, the director shall tally the number of qualified registered voters that have declared

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<sup>1</sup> For example, nominate candidates for election boards under AS 15.10.120, appoint watchers under 15.10.170, have a political party ballot under 15.25.010, file material for the election pamphlet under 15.58.040.

Representative Paul Seaton  
January 31, 2005  
Page 3

affiliation with each political group and each political party. If a group that formerly met the definition of political party fails to meet the definition of political party, the director shall notify the group.

If I may be of further assistance, please advise.

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05-071.med

Enclosure

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**\*\*Those sections which are highlighted are those that remain the same as the last version of CSHB 523 (STA) which passed from the House State Affairs Committee in 2004.**

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### **Section Five – VOTERS UNAFFILIATED WITH A POLITICAL PARTY**

Added by Legislative Legal, this section appeared as Section 43 of HB 94. Department of Law set this language in the "definitions" section of Election law (Title 15), but this version places it in the section related to voter registration.

Proposes to set out the definitions of voters unaffiliated with political parties to reflect the Division's previous policy.

### **Section Six– PREPARATION OF MASTER REGISTER**

H STA incorporated a change suggested by Legislative Legal drafter to then HB 523 to ensure protection of voter information of those victims of domestic violence in accordance with changes made to following section.

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### **Section Seven - PRECINCT BOUNDARY CHANGES (continued)**

precinct. Current law requires posting in three places, which proves excessive in most communities without a newspaper.

ADDS that all boundary changes will be posted on the Division's website (proposed in this legislation) and appropriate municipal clerks will be notified of a precinct boundary change.

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This language is proposed to ensure ballot security and the integrity of the election process.

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Adds a new section to Title 15 regarding the use of voting machines or vote tally systems. The Division of Elections will only utilize systems certified by the Federal Election Commission. All updates to the data management system must be certified before the State implements the system.

### **Section Seventeen – QUALIFICATIONS FOR INDEPENDENT CANDIDATES FOR PRESIDENT/VICE PRESIDENT/SELECTION OF ELECTORS**

Adds new language to describe the process for independent candidates running for President.

In 2004, H STA added to then HB 523 that an Independent candidate for President may file no earlier than January 1<sup>st</sup> of a presidential election year and no later than 90 days prior to the presidential general election. An Independent candidate for President must also provide the name, Alaska mailing address, and signature of the candidate's state campaign chair, who must be an Alaskan resident. This requirement exists ONLY for Independent candidates.

### **Section Eighteen – INTERPRETATION OF VOTES CAST**

In voting for presidential electors, votes marked for Independent candidates for President and Vice President are counted the same as votes marked for electors for party candidates.

### **Section Nineteen – DUTIES OF ELECTORS**

Duties for electors representing Independent candidates for President and Vice President are the same as those of electors representing other candidates.

### **Section Twenty – PETITIONS /FORM OF APPLICATION**

Adds the requirement for the printed name and date of birth to be included when signing an application for petition. As the date of birth is now required on voter registration applications, it becomes another "identifier" to assist the Division in qualifying the voter's signature. Additionally, the three sponsors designated, as the committee representing the sponsors must provide their name, mailing address and signatures.

These changes, and those that follow related to the petition process, are proposed to improve the petition process.

### **Section Twenty-One – PETITIONS/DESIGNATION OF SPONSORS**

Adds clarification that the sponsors are in support of the bill proposed in the initiative application.

Adds that additional sponsors, when providing their names and addresses, must also include date of birth.

In 2004, H STA made stylistic changes to HB 523, but also removed language that clarified "if the application is certified" and that the Lieutenant Governor shall prescribe the form of the petition. This language is incorporated into HB 94.

### **Section Twenty-Two – PETITIONS/PREPARATION OF PETITION**

The petition books have been sequentially numbered, but the inclusion of the language more clearly states the process and deletes language that refers to a record of petition booklets assigned to the sponsors. Judge Suddock criticized the requirement for these "accountability reports" in the recent Hinterberger case.

CS HB 94 (STA) adds subparagraph (b) which is part of current law, but was left out of CS HB 523 (STA). The language is consistent throughout the initiative, referendum and recall process and states that the Lieutenant Governor shall report to the committee the number of persons who voted in the preceding general election, upon request of the initiative committee.

### **Section Twenty-Three – PETITIONS/QUALIFICATIONS OF CIRCULATOR**

New section defines the qualifications of the petition circulators. Requires that circulator be a citizen, 18 years of age or older, and an Alaskan resident. When Alaska law was revised to comply with the Buckley decision, this change failed to be incorporated.

### **Section Twenty-Four – PETITIONS/WITHDRAWING NAME FROM PETITION**

Adds the requirement for the printed name and date of birth to be included when signing an initiative petition.

### **Section Twenty-Five – PETITIONS/CERTIFICATION OF CIRCULATOR**

Circulators of a petition are required to sign an affidavit that they meet residency, age, and citizenship qualifications for circulating a petition.

### **Section Twenty-Five - PETITIONS/CERTIFICATION OF CIRCULATOR (continued)**

The requirement that the circulator's name be prominently displayed on the petition was deleted. This language has not been enforced since 2000 in compliance with the Supreme Court decision in Buckley v. American Constitutional Law Foundation.

### **Section Twenty-Six - PETITIONS/DISPLAY OF PROPOSED LAW**

Reduces the copies of the proposed law that are distributed to each of the 439 election boards for distribution and posting at a polling place.

### **Section Twenty-Seven - REFERENDUM/FORM OF APPLICATION**

Adds the requirement for the printed name and date of birth to be included when signing an application for referendum. Additionally, the three sponsors designated, as the committee representing the sponsors must provide their name, mailing address and signatures.

### **Section Twenty-Eight - REFERENDUM/DESIGNATION OF SPONSORS**

Adds clarification that the sponsors are in support of the referendum.

Adds that additional sponsors, when providing their names and addresses, must also include date of birth.

### **Section Twenty-Nine - REFERENDUM/ PREPARATION OF PETITION**

Adds the requirement for the statement of rejection or approval, the signer's printed name and date of birth be included on a petition for referendum. The petition books have been sequentially numbered, but the inclusion of the language more clearly states the process and replaces language that refers to a record of petition booklets assigned to the sponsors.

CS HB 94 (STA) adds subparagraph (b) which is part of current law, but was left out of CS HB 523 (STA). The language is consistent throughout the initiative, referendum and recall process and states that the Lieutenant Governor shall report to the committee the number of persons who voted in the preceding general election, upon request of the initiative committee.

### **Section Thirty – REFERENDUM/QUALIFICATIONS OF CIRCULATOR**

New section defines the qualifications of the referendum petition circulators. Requires that circulator be a citizen, 18 years of age or older, and an Alaskan resident. When Alaska law was revised to comply with the Buckley decision, this change failed to be incorporated.

### **Section Thirty-One – REFERENDUM/CIRCULATION**

Adds the prohibitions and penalties applicable to initiative petitions and applies these to circulation of referendum petitions. (May not be paid more than \$1 per signature, nor may the circulator receive more than \$1 per signature)

### **Section Thirty-Two – REFERENDUM/MANNER OF SIGNING AND WITHDRAWING NAME FROM PETITION**

Adds the requirement for the printed name and date of birth to be included when signing a referendum petition.

### **Section Thirty-Three – REFERENDUM/CERTIFICATION OF CIRCULATOR**

This section more clearly defines the certification of circulators, to conform to the requirements for circulation of initiative petitions. Circulators of a petition are required to sign an affidavit that they meet residency, age, and citizenship qualifications for circulating a petition.

### **Section Thirty-Four – REFERENDUM/DISPLAY OF ACT BEING REFERRED**

Reduces the copies of the act being referred that are distributed to each of the 439 election boards for distribution and posting at a polling place.

### **Section Thirty-Five – RECALL/FORM OF APPLICATION**

Adds the requirement for the printed name and date of birth to be included when signing an application for recall. Removes requirement for additional 100 signatures of qualified voters. The current statute was unclear as to whether the 100 who signed were required to have voted in the preceding general election of the official sought to be recalled. Additionally, the three sponsors designated as the committee representing the sponsors, must provide their name, mailing address and signatures.

### **Section Thirty-Six – RECALL/DESIGNATION OF SPONSORS**

Proposes to add a new section with language similar to that regarding initiative petitions and referendum, stating the sponsors are in support of the recall and regarding the designation of additional sponsors.

### **Section Thirty-Seven – RECALL/PREPARATION OF PETITION**

Adds the requirement for the statement of rejection or approval, the signer's printed name and date of birth be included on a recall petition. The petition books have been sequentially numbered, but the inclusion of the language more clearly states the process.

CS HB 94 (STA) adds subparagraph (b) which is part of current law, but was left out of CS HB 523 (STA). The language is consistent throughout the initiative, referendum and recall process and states that the Lieutenant Governor shall report to the committee the number of persons who voted in the preceding general election, upon request of the initiative committee.

### **Section Thirty-Eight – RECALL/STATEMENT OF WARNING**

Removes language referring to a "duplicate copy" as there are no "duplicate copies" assigned in a recall petition effort. This language would mirror language in the initiative and referendum sections.

### **Section Thirty-Nine – QUALIFICATIONS OF CIRCULATOR**

New section defines the qualifications of the recall petition circulators. Requires that circulator be a citizen, 18 years of age or older, and an Alaskan resident. When Alaska law was revised to comply with the Buckley decision, this change failed to be incorporated.

### **Section Forty – RECALL/CIRCULATION**

Adds the prohibitions and penalties applicable to initiative petitions and referendum and applies these to circulation of recall petitions.

### **Section Forty-One – RECALL/MANNER OF SIGNING AND WITHDRAWING NAME FROM PETITION**

Adds the requirement for the printed name and date of birth to be included when signing a recall petition.

### **Section Forty-Two – RECALL/CERTIFICATION OF CIRCULATORS**

This section more clearly defines the certification of circulators, to conform to the requirements for circulation of initiative petitions. Circulators of a petition are required to sign an affidavit that they meet citizenship, residency and age qualifications for circulating a petition.

### **Section Forty-Three - RECALL/DISPLAY OF GROUNDS FOR AND AGAINST RECALL**

Reduces the copies of the statement of the grounds for recall and the statement made by the official subject to recall in justification of the official's conduct in office that are distributed to each of the election boards for distribution and posting at each polling place.

### **Section Forty-Four - RECOGNIZED POLITICAL PARTY STATUS**

Adds a new section regarding recognized political party status.

Political groups may be recognized as a party if, on or before May 31 of the first election year that seek recognition they have:

- Filed an application with the Director
- Submitted their bylaws to the Director and the Department of Justice *and*
- Met the requirements related to nominating a candidate *or* obtained the required number of registered voters

Provides that the Director will verify the numbers of registered voters who have declared an affiliation with a group or recognized political party and describes the process for notification when a political group obtains political party status. Likewise provides the notification process to recognized political parties that have lost their status.

Finally, this section adds that during an election year, recognized political party status cannot be withdrawn by the Director for the period from June 1<sup>st</sup> through the date of the first verification that occurs after the certification of the general election results.

### **Section Forty-Five - DEFINITION OF "REREGISTRATION"**

Reregistration is defined as the submission of a registration form by a voter whose registration was inactivated during the list maintenance process (AS 15.07.130) or due to conviction of a felony involving moral turpitude. The voter once removed from the voter rolls due to conviction of a felony involving moral turpitude, must provide proof that they were unconditionally discharged from custody before being allowed to register. (AS 15.07.135)

### **Section Forty-Six - INCORPORATION ELECTION**

Clarifying language in Title 29 for incorporation elections that a qualified voter is a voter who has been registered to vote within the proposed municipality at least 30 days prior to the election.

### **Section Forty-Seven - INCORPORATION ELECTION**

Clarifying language in Title 29 for incorporation elections that a qualified voter is a voter who has been registered to vote within the proposed borough at least 30 days prior to the election.

### **Section Forty-Eight - INCORPORATION ELECTION**

Defines "qualified voter" to have the same meaning as that in AS 15.60.010.

AS 15.60.010 (26) "qualified voter" means a person who has the qualification of a voter and is not disqualified as provided by art. V, Sec. 2, of the state constitution and AS 15.05.030 ;

### **Section Forty-Nine - "REPEALERS"**

Repeals section requiring written notice of any precinct boundary modifications and

Repeals AS 15.20.048 as it includes duplicative language requiring the Director supply ballots to elections supervisors for all districts. Changes suggested in Section 14 of HB 94 allows the Director to designate locations for absentee voting, and office of election supervisors will be designated as such.

**Section Fifty - APPLICABILITY**

Provides that changes made by Sections 19 through 42 of this bill apply to an initiative, referendum, or recall for which an application was filed with the lieutenant governor or director of elections on or after the effective date of the bill.

**Section Fifty-One - TRANSITION**

An initiative, referendum, or recall for which the application was filed before the effective date of the bill is subject to the provisions of statute that existed on the day before the effective date of the bill.

**Section Fifty-Two - IMMEDIATE EFFECTIVE DATE**

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CS HB94(STA)  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: OOG  
 Title "An Act relating to qualifications of RDU Elections  
voters, requirements and procedures regarding..." Component Elections  
 Sponsor House Rules Committee  
 Requester House State Affairs Committee Component No. 21

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual		16.8		16.8		16.8
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>16.8</b>	<b>0.0</b>	<b>16.8</b>	<b>0.0</b>	<b>16.8</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		16.8		16.8		16.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>16.8</b>	<b>0.0</b>	<b>16.8</b>	<b>0.0</b>	<b>16.8</b>

Estimate of any current year (FY2005) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

Current law requires the Division to send written verification to voters in the affected precinct when a polling place change occurs. If passed as amended, this legislation would require the Division to provide notice of change by publication in a local newspaper of general circulation, in addition to the written notice currently mailed. The cost of the additional notice in a newspaper is estimated 19.0 for publishing polling place locations prior to a primary and general election.

Current law requires the Division to provide notice of a precinct boundary change by publication on three different days in a local newspaper. If passed as amended, this legislation would reduce the number of days a precinct boundary change is published in a local newspaper from three days to one day. Reducing the notice to one publication is estimated to save the Division 2.2. A total of 16.8 will need to be added to the Division's Primary and General budget in future years.

Prepared by: Lauri Allred, Administrative Assistant Supervisor Phone 465-5347  
 Division Division of Elections Date/Time 3/17/05 5:26 PM  
 Approved by: Laura A. Glaiser, Director Date 3/17/2005  
 Agency Office of the Lt. Governor, Division of Elections

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: HB 94  
 (H) Publish Date: 1/21/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: GOV  
 Title: "An Act relating to qualifications of RDU: Elections  
voters, requirements and procedures regarding independent... 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 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**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 (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This legislation will have no fiscal impact on the Division of Elections.

Prepared by: Lauri Allred, Administrative Assistant Supervisor Phone: 465-5347  
 Division: Division of Elections Date/Time: 1/18/05 11:46 AM  
 Approved by: Laura A. Glaiser, Director Date: 1/18/2005  
 Agency: Division of Elections

#5

24-GH1048Y.7  
Kurtz  
3/14/05

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 94(STA), Draft Version "Y"

1 Page 1, line 3, following the second occurrence of "voter registration":

2 Insert "and absentee ballot requests"

3

4 Page 1, following line 11:

5 Insert new bill sections to read:

6 **\*\* Section 1.** AS 13.26.332 is amended to read:

7 **Sec. 13.26.332. Statutory form power of attorney.** A person who wishes to  
8 designate another as attorney-in-fact or agent by a power of attorney may execute a  
9 statutory power of attorney set out in substantially the following form:

10 **GENERAL POWER OF ATTORNEY**

11 THE POWERS GRANTED FROM THE PRINCIPAL TO THE  
12 AGENT OR AGENTS IN THE FOLLOWING DOCUMENT ARE  
13 VERY BROAD. THEY MAY INCLUDE THE POWER TO  
14 DISPOSE, SELL, CONVEY, AND ENCUMBER YOUR REAL AND  
15 PERSONAL PROPERTY, AND THE POWER TO MAKE YOUR  
16 HEALTH CARE DECISIONS. ACCORDINGLY, THE  
17 FOLLOWING DOCUMENT SHOULD ONLY BE USED AFTER  
18 CAREFUL CONSIDERATION. IF YOU HAVE ANY QUESTIONS  
19 ABOUT THIS DOCUMENT, YOU SHOULD SEEK COMPETENT  
20 ADVICE.

21 YOU MAY REVOKE THIS POWER OF ATTORNEY AT  
22 ANY TIME.

23 Pursuant to AS 13.26.338 - 13.26.353, I, (Name of principal)

24-GH1048Y.7

1 . of           (Address of principal)          , do hereby appoint           (Name and  
 2 address of agent or agents)          , my attorney(s)-in-fact to act as I have  
 3 checked below in my name, place, and            in any way which I myself  
 4 could do, if I were personally present, with respect to the following  
 5 matters, as each of them is defined in AS 13.26.344, to the full extent  
 6 that I am permitted by law to act through an agent:

7 THE AGENT OR AGENT'S YOU HAVE APPOINTED WILL  
 8 HAVE ALL THE POWERS LISTED BELOW UNLESS YOU  
 9 DRAW A LINE THROUGH A CATEGORY; AND  
 10 INITIAL THE BOX OPPOSITE THAT CATEGORY

- 11 (A) real estate transactions ( )
- 12 (B) transactions involving tangible personal  
 13 property, chattels, and goods ( )
- 14 (C) bonds, shares, and commodities transactions ( )
- 15 (D) banking transactions ( )
- 16 (E) business operating transactions ( )
- 17 (F) insurance transactions ( )
- 18 (G) estate transactions ( )
- 19 (H) gift transactions ( )
- 20 (I) claims and litigation ( )
- 21 (J) personal relationships and affairs ( )
- 22 (K) benefits from government programs and military service ( )
- 23 (L) records, reports, and statements ( )
- 24 (M) delegation ( )
- 25 (N) voter registration and absentee ballot requests ( )
- 26 (O) all other matters, including those specified as follows: ( )

27 \_\_\_\_\_  
 28 \_\_\_\_\_  
 29 \_\_\_\_\_

30 IF YOU HAVE APPOINTED MORE THAN ONE AGENT,  
 31 CHECK ONE OF THE FOLLOWING:

24-GH1048\Y.7

1 ( ) Each agent may exercise the powers conferred separately, without  
2 the consent of any other agent.

3 ( ) All agents shall exercise the powers conferred jointly, with the  
4 consent of all other agents.

5 TO INDICATE WHEN THIS DOCUMENT SHALL  
6 BECOME EFFECTIVE, CHECK ONE OF THE FOLLOWING:

7 ( ) This document shall become effective upon the date of my  
8 signature.

9 ( ) This document shall become effective upon the date of my  
10 disability and shall not otherwise be affected by my disability.

11 IF YOU HAVE INDICATED THAT THIS DOCUMENT  
12 SHALL BECOME EFFECTIVE ON THE DATE OF YOUR  
13 SIGNATURE, CHECK ONE OF THE FOLLOWING:

14 ( ) This document shall not be affected by my subsequent disability.

15 ( ) This document shall be revoked by my subsequent disability.

16 IF YOU HAVE INDICATED THAT THIS DOCUMENT  
17 SHALL BECOME EFFECTIVE UPON THE DATE OF YOUR  
18 SIGNATURE AND WANT TO LIMIT THE TERM OF THIS  
19 DOCUMENT, COMPLETE THE FOLLOWING:

20 This document shall only continue in effect for \_\_\_\_\_ ( )  
21 years from the date of my signature.

22 NOTICE OF REVOCATION OF THE POWERS  
23 GRANTED IN THIS DOCUMENT

24 You may revoke one or more of the powers granted in this  
25 document. Unless otherwise provided in this document, you may  
26 revoke a specific power granted in this power of attorney by  
27 completing a special power of attorney that includes the specific power  
28 in this document that you want to revoke. Unless otherwise provided in  
29 this document, you may revoke all the powers granted in this power of  
30 attorney by completing a subsequent power of attorney.

31 NOTICE TO THIRD PARTIES

24-GH1048\Y.7

1                   A third party who relies on the reasonable representations of an  
 2                   attorney-in-fact as to a matter relating to a power granted by a properly  
 3                   executed statutory power of attorney does not incur any liability to the  
 4                   principal or to the principal's heirs, assigns, or estate as a result of  
 5                   permitting the attorney-in-fact to exercise the authority granted by the  
 6                   power of attorney. A third party who fails to honor a properly executed  
 7                   statutory form power of attorney may be liable to the principal, the  
 8                   attorney-in-fact, the principal's heirs, assigns, or estate for a civil  
 9                   penalty, plus damages, costs, and fees associated with the failure to  
 10                  comply with the statutory form power of attorney. If the power of  
 11                  attorney is one which becomes effective upon the disability of the  
 12                  principal, the disability of the principal is established by an affidavit, as  
 13                  required by law.

14                   IN WITNESS WHEREOF, I have hereunto signed my name  
 15                  this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

16                   \_\_\_\_\_

17                   Signature of Principal

18                   Acknowledged before me at \_\_\_\_\_

19                   \_\_\_\_\_ on \_\_\_\_\_.

20                   Signature of Officer or Notary

21                  \* Sec. 2. AS 13.26.344 is amended by adding a new subsection to read:

22                   (p) In a statutory form power of attorney, the language conferring general  
 23                   authority with regard to voter registration and absentee ballot requests shall be  
 24                   construed to mean that the principal authorizes the agent to register the principal to  
 25                   vote or request an absentee ballot for the principal."

27                  Page 1, line 12:

28                   Delete "Section 1"

29                   Insert "Sec. 3"

31                  Renumber the following bill sections accordingly.

24-GH1048Y.7

- 1 Page 3, line 8:
- 2       Following "written"
- 3             Insert "general power of attorney or a written special"
- 4       Delete "specifically"
- 5
- 6 Page 4, lines 16 - 17:
- 7       Delete "as set out in AS 15.07.050"
- 8
- 9 Page 7, line 12:
- 10       Delete "person"
- 11       Insert "individual"
- 12
- 13 Page 7, line 13:
- 14       Delete "person"
- 15       Insert "individual"
- 16
- 17 Page 7, line 14, following "written":
- 18       Insert "general power of attorney or a written special"
- 19
- 20 Page 7, line 15:
- 21       Delete "specifically"
- 22       Delete "person"
- 23       Insert "individual"
- 24
- 25 Page 25, line 7:
- 26       Delete "secs. 23 - 46"
- 27       Insert "secs. 25 - 48"

*H/*  
*Amend to Amend # 6*

*adpted*

24-GH1048\Y.10  
Kurtz  
3/14/05

AMENDMENT

OFFERED IN THE HOUSE

TO: Amendment Y.6 to CSHB 94(STA), Draft Version "Y"

1 Page 1, line 17:

2 Delete "and"

3

4 Page 1, line 21, following "Settlement Act)":

5 Insert "; and

6 (5) inclusion in the official election pamphlet"

7

8 Page 1, following line 21:

9 Insert new material to read:

10 "Page 23, following line 15:

11 Insert a new bill section to read:

12 "\* Sec. 47. AS 15.58.020 is amended to read:

13 **Sec. 15.58.020. Contents of pamphlet.** Each election pamphlet must contain

14 (1) photographs and campaign statements submitted by eligible  
15 candidates for elective office in the region;

16 (2) information and recommendations filed under AS 15.58.050 on  
17 judicial officers subject to a retention election in the region;

18 (3) a map of the house district or districts of the region;

19 (4) sample ballots for house districts of the region;

20 (5) an absentee ballot application;

21 (6) for each ballot proposition submitted to the voters by initiative or  
22 referendum petition or by the legislature,

23 (A) the full text of the proposition specifying constitutional or

24-GH1048\Y.10

1 statutory provisions proposed to be affected;

2 (B) the ballot title and the summary of the proposition prepared  
3 by the director or by the lieutenant governor;

4 (C) a neutral summary of the proposition prepared by the  
5 Legislative Affairs Agency;

6 (D) statements submitted that advocate voter approval or  
7 rejection of the proposition not to exceed 500 words;

8 (7) for each bond question, a statement of the scope of each project as  
9 it appears in the bond authorization;

10 (8) a maximum of two pages of material submitted by each political  
11 party;

12 (9) additional information on voting procedures that the lieutenant  
13 governor considers necessary;

14 (10) for the question whether a constitutional convention shall be  
15 called,

16 (A) a full statement of the question placed on the ballot;

17 (B) statements not to exceed 500 words that advocate voter  
18 approval or rejection of the question;

19 (11) under AS 37.13.170, the Alaska permanent fund annual income  
20 statement and balance sheet for the two fiscal years preceding the publication of the  
21 election pamphlet;

22 **(12) under AS 15.10.090, notice of**

23 **(A) the establishment or abolition of a precinct;**

24 **(B) the designation, abolition, or modification of precinct**  
25 **boundaries; and**

26 **(C) a change in the location of a polling place."**

27

28 Renumber the following bill sections accordingly."

AMENDMENT #6

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 94(STA), Draft Version "Y"

1 Page 5, lines 17 - 30:

2 Delete all material and insert:

3 **\*\* Sec. 7.** AS 15.10.090 is repealed and reenacted to read:

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

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

10 (2) providing notice of the change

11 (A) by publication on three different days in a local newspaper  
12 of general circulation in the precinct; or

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

16 (3) posting notice of the change on the Internet website of the division  
17 of elections; and

18 (4) providing notification of the change to the appropriate municipal  
19 clerks, community councils, tribal groups, ~~presiding officers~~, Native villages, and  
20 village regional corporations established under 43 U.S.C. 1606 (Alaska Native Claims  
21 Settlement Act)."

*Amendment to Amendment 6 - Page 1, line 19  
Strike "presiding officers"*

24-GH1048\Y.9  
Kurtz  
3/14/05

AMENDMENT

*Pass*  
*#2 to #6*

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: Amendment Y.6 to CSHB 94(STA), Draft Version "Y"

- 1 Page 1, line 11:
- 2 Delete "on three different days"
- 3 Insert "once"

#7  
Adopt

24-GH1048\Y.8  
Kurtz  
3/14/05

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 94(STA), Draft Version "Y"

1 Page 5, following line 30:

2 Insert a new bill section to read:

3 \*\* Sec. 8. AS 15.15.030(6) is repealed and reenacted to read:

4 (6) The names of the candidates for each office shall be set out in the  
5 same order on ballots printed for use in each house district. The director shall  
6 randomly determine the order of the names of the candidates for state representative  
7 for each house district. The director shall rotate the order of placement of the names  
8 of candidates for governor, lieutenant governor, United States senator, United States  
9 representative, and state senator on the ballot for each house district."

10

11 Renumber the following bill sections accordingly.

12

13 Page 25, line 7:

14 Delete "secs. 23 - 46"

15 Insert "secs. 24 - 47"

**Senate District A**

**Governor**

Candidate A  
B  
C

**State Senate**

Candidate A  
B

**House District 1**

**US Representative**

Candidate A  
B  
C  
D  
E

**State House**

Candidate A  
B

---

**Senate District A**

**Governor**

Candidate B  
C  
A

**State Senate**

Candidate B  
A

**House District 2**

**US Representative**

Candidate B  
C  
D  
E  
A

**State House**

Candidate C  
D

**Senate District B**

**Governor**

Candidate C  
A  
B

**State Senate**

Candidate C  
D

**House District 3**

**US Representative**

Candidate C  
D  
E  
A  
B

**State House**

Candidate E  
F

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**Senate District B**

**Governor**

Candidate A  
B  
C

**State Senate**

Candidate D  
C

**House District 4**

**US Representative**

Candidate D  
E  
A  
B  
C

**State House**

Candidate G  
H

Senate District C

Governor

Candidate B  
C  
A

State Senate

Candidate E  
F

House District 5

US Representative

Candidate E  
A  
B  
C  
D

State House

Candidate I  
J

---

Senate District C

Governor

Candidate C  
A  
B

State Senate

Candidate F  
E

House District 6

US Representative

Candidate A  
B  
C  
D  
E

State House

Candidate K  
L

*adopted* #8

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE SEATON

TO: CSHB 94(STA), Draft Version "Y"

. 1 Page 24, following line 13:

2 Insert a new bill section to read:

3 **"\* Sec. 49** AS 15.60.010(23) is amended to read:

4 (23) "political party" means an organized group of voters that  
5 represents a political program and **that**

6 (A) [THAT] nominated a candidate for governor who received  
7 at least three percent of the total votes cast for governor at the preceding  
8 general election **at which a governor was elected** [OR HAS REGISTERED  
9 VOTERS IN THE STATE EQUAL IN NUMBER TO AT LEAST THREE  
10 PERCENT OF THE TOTAL VOTES CAST FOR GOVERNOR AT THE  
11 PRECEDING GENERAL ELECTION];

12 (B) [IF THE OFFICE OF GOVERNOR WAS NOT ON THE  
13 BALLOT AT THE PRECEDING GENERAL ELECTION BUT THE OFFICE  
14 OF UNITED STATES SENATOR WAS ON THAT BALLOT, THAT]  
15 nominated a candidate for United States senator who received at least three  
16 percent of the total votes cast for United States senator at **the preceding**  
17 **general election or at the most recent general election at which a governor**  
18 **was elected;** [THAT GENERAL ELECTION OR HAS REGISTERED  
19 VOTERS IN THE STATE EQUAL IN NUMBER TO AT LEAST THREE  
20 PERCENT OF THE TOTAL VOTES CAST FOR UNITED STATES  
21 SENATOR AT THAT GENERAL ELECTION; OR]

22 (C) [IF NEITHER THE OFFICE OF GOVERNOR NOR THE  
23 OFFICE OF UNITED STATES SENATOR WAS ON THE BALLOT AT

1  
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11

THE PRECEDING GENERAL ELECTION, THAT] nominated a candidate for United States representative who received at least three percent of the total votes cast for United States representative at the preceding general election or at the most recent general election at which a governor was elected; [THAT GENERAL ELECTION] or

(D) has registered voters in the state equal in number to at least two [THREE] percent of the total number of voters registered in the state on March 31 of the most recent election year [VOTES CAST FOR UNITED STATES REPRESENTATIVE AT THAT GENERAL ELECTION];"

*possible fix -*

Renumber the following bill section accordingly.

# 9

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GARDNER

TO: CSHB 94(STA), Draft Version "Y"

1 Page 1, line 9, following "recall,"

2 Insert "the crime of unlawful interference with voting,"

Yes  
11

No  
11

3  
4 Page 23, following line 15:

5 Insert a new bill section to read:

6 **\*\* Sec. 47. AS 15.56.035(a) is amended to read:**

7 (a) A person commits the crime of unlawful interference with voting in the  
8 second degree if the person

9 (1) has an official ballot in possession outside of the voting room  
10 unless the person is an election official or other person authorized by law or local  
11 ordinance, or by the director or chief municipal elections official in a local election;

12 (2) makes, or knowingly has in possession, a counterfeit of an official  
13 election ballot;

14 (3) knowingly solicits or encourages, directly or indirectly, a registered  
15 voter who is no longer qualified to vote under AS 15.05.010, to vote in an election;

16 [OR]

17 (4) as a registration official

18 (A) knowingly refuses to register a person who is entitled to  
19 register under AS 15.07.030; or

20 (B) accepts a fee from an applicant applying for registration; or

21 (5) delivers to an individual a partially completed voter  
22 registration application form or a partially completed absentee ballot application  
23 form unless the individual has specifically requested assistance from the person

1 in completing the form."

2

3 Renumber the following bill sections accordingly.

## **Amendment to CS for HB-94 State Affairs**

The National flag shall be displayed over or near the entrance of a polling place. The National flag shall have at least a three-foot hoist and a five-foot hoist.

AMENDMENT # \_\_\_\_\_



Ramras

Page 13, Line 28-30

27 \* Sec. 30. AS 15.45.340 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.

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 94(STA), Draft Version "G"

~~Gardner~~  
~~Conover~~  
Yas  
Gardner  
1  
111

1 Page 8, following line 12:

2 Insert a new bill section to read:

3 **"\* Sec. 15.** AS 15.20.450 is amended to read:

4 **Sec. 15.20.450. Requirements of deposit and recount cost.** The application  
5 must include a deposit in cash, by certified check, or by bond with a surety approved  
6 by the director. The amount of the deposit is \$2,500 [\$300] for each precinct, \$10,000  
7 [750] for each house district, and \$50,000 [\$10,000] for the entire state. If the  
8 recount includes an office for which candidates received a tie vote, or the difference  
9 between the number of votes cast was 20 or less or was less than .5 percent of the total  
10 number of votes cast for the two candidates for the contested office, or a question or  
11 proposition for which there was a tie vote on the issue, or the difference between the  
12 number of votes cast in favor of or opposed to the issue was 20 or less or was less than  
13 .5 percent of the total votes cast in favor of or opposed to the issue, the application  
14 need not include a deposit, and the state shall bear the cost of the recount. If, on the  
15 recount, a candidate other than the candidate who received the original election  
16 certificate is declared elected, or if the vote on recount is determined to be four percent  
17 or more in excess of the vote reported by the state review for the candidate applying  
18 for the recount or in favor of or opposed to the question or proposition as stated in the  
19 application, the entire deposit shall be refunded. If the entire deposit is not refunded,  
20 the director shall refund any money remaining after the cost of the recount has been  
21 paid from the deposit. If the cost of the recount exceeds the amount of the deposit,  
22 the recount applicant shall pay the remainder upon notification by the state of  
23 the amount due."

#2 - 35000

#1 adopted.

1

2 Renumber the following bill sections accordingly.

3

4 Page 21, line 4:

5 Delete "secs. 20 - 43"

6 Insert "secs. 21 - 44"

Conceptual Amendment# # 10

Ramras

yes 11      No 1111

Ask the reviser to check for other references to paying for signatures.

*Conductor  
Greenberg*

Page 13

\* Sec. 30. AS 15.45.340 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.

Page 14

Sec. 32. AS 15.45.360 is repealed and reenacted to read:

03 *[(8) if the circulator has received payment or agreed to receive payment*  
04 *for the collection of signatures on the petition, the circulator, before circulating of the*  
05 *petition, prominently placed in the space provided under AS 15.45.320(6) the name of*  
06 *each person or organization that has paid or agreed to pay the circulator for collection*  
07 *signatures on the petition.]*

Page 17

• Sec. 39. AS 15.45.580 is amended by adding new subsections to read:

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

Page 18

• Sec. 41. AS 15.45.600 is repealed and reenacted to read:

17 *[(8) if the circulator has received payment or agreed to receive payment*  
18 *for the collection of signatures on the petition, the circulator, before circulating of the*  
19 *petition, prominently placed in the space provided under AS 15.45.560(5) the name of*  
20 *each person or organization that has paid or agreed to pay the circulator for collection*  
21 *of signatures on the petition.]*

[deleted language bracketed]

Gruenberg

PROPOSED AMENDMENT TO HOUSE BILL NO. 94.

The current AS 15.60.010 (23) is repealed and replaced by amendment to read:

(23) "political party" means an organized group of voters that represents a political program and that either nominated a candidate for Governor, or for U.S. Senator, or for U.S. Representative, or for President within the last four years who received at least three percent of the total votes cast in the general election in which that candidate ran; OR has registered voters in the state equal in number to at least one percent of the total votes cast for governor at the preceding general election.

Language that is repealed by above amendment to AS15.60.010(23):

[(23) "political party" means an organized group of voters that represents a political program and

(A) that nominated a candidate for governor who received at least three percent of the total votes cast for governor at the preceding general election or 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;

(B) if the office of governor was not on the ballot at the preceding general election but the office of United States senator was on that ballot, that nominated a candidate for United States senator who received at least three percent of the total votes cast for United States senator at that general election or has registered voters in the state equal in number to at least three percent of the total votes cast for United States senator at that general election; or

(C) if neither the office of governor nor the office of United States senator was on the ballot at the preceding general election, that nominated a candidate for United States representative who received at least three percent of the total votes cast for United States representative at that general election or has registered voters in the state equal in number to at least three percent of the total votes cast for United States representative at that general election;]

24-GH1048\Y  
Kurtz  
2/28/05

**CS FOR HOUSE BILL NO. 94(STA)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FOURTH LEGISLATURE - FIRST 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 registration through a power of  
4 attorney, voter registration using scanned documents, voter residence, precinct  
5 boundary and polling place designation and modification, recognized political parties,  
6 voters unaffiliated with a political party, early voting, absentee voting, application for  
7 absentee ballots through a power of attorney or by scanned documents, ballot design,  
8 ballot counting, voting by mail, voting machines, vote tally systems, qualifications for  
9 elected office, initiative, referendum, recall, and definitions in the Alaska Election Code;  
10 relating to incorporation elections."

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

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

1           **Sec. 15.05.020. Rules for determining residence of voter.** For the purpose  
2 of determining residence for voting, the place of residence is governed by the  
3 following rules:

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

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

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

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

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

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

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

30           (8) 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 the voter notifies the director in writing of a  
2 change of voting residence.

3 \* Sec. 2. AS 15.07.050 is amended to read:

4 **Sec. 15.07.050. Manner of registration.** Registration may be made

5 (1) in person before a registration official or through a voter  
6 registration agency;

7 (2) by another individual on behalf of the voter if the voter has  
8 executed a written power of attorney specifically authorizing that other  
9 individual to register the voter;

10 (3) by mail; or

11 (4) [(3)] by facsimile transmission, scanning, or another method of  
12 electronic transmission that the director approves.

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

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

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

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

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

21 (4) the applicant's Alaska residence address [AND OTHER  
22 NECESSARY INFORMATION ESTABLISHING RESIDENCE, INCLUDING THE  
23 TERM OF RESIDENCE IN THE STATE AND IN THE DISTRICT, IF  
24 REQUESTED];

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

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

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

- 1 (8) the date of application;
- 2 (9) the applicant's signature or mark;
- 3 (10) any former name under which the applicant was registered to vote
- 4 in the state;
- 5 (11) an oath [ATTESTATION] that the information provided by the
- 6 applicant in (1) - (10) of this subsection is true; and
- 7 (12) a certification that the applicant understands that a false statement
- 8 on the application may make the applicant subject to prosecution for a misdemeanor
- 9 under this title or AS 11.

10 \* Sec. 4. AS 15.07.070(b) is amended to read:

11 (b) To register by mail or by facsimile, scanning, or other electronic

12 transmission approved by the director under AS 15.07.050, the director, the area

13 election supervisor, or a voter registration agency shall furnish, at no cost to the voter,

14 forms prepared by the director on which the registration information required under

15 AS 15.07.060 shall be inserted by the voter, by a person on behalf of the voter if

16 that person is designated to act on behalf of the voter in a power of attorney as

17 set out in AS 15.07.050, or by a person on behalf of the voter if the voter is physically

18 incapacitated. The director may require proof of identification of the applicant as

19 required by regulations adopted by the director under AS 44.62 (Administrative

20 Procedure Act). Upon receipt and approval of the completed registration forms, the

21 director or the election supervisor shall forward to the voter an acknowledgment, and

22 the voter's name shall immediately be placed on the master register. If the registration

23 is denied, the voter shall immediately be informed in writing that registration was

24 denied and the reason for denial. When identifying information has been provided by

25 the voter as required by this chapter, the election supervisor shall forward to the voter

26 a registration card.

27 \* Sec. 5. AS 15.07 is amended by adding a new section to read:

28 **Sec. 15.07.075. Voters unaffiliated with a political party.** The director shall

29 consider a voter to be a voter registered as

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

- 1 (2) "undeclared" if the voter  
2 (A) registers as undeclared on a voter registration form;  
3 (B) fails to declare an affiliation with a political group or  
4 political party on a voter registration form; or  
5 (C) declares an affiliation with an entity other than a political  
6 party or political group on a voter registration form; or  
7 (3) "other" if the voter declares on a voter registration form an  
8 affiliation with a political group.

9 \* Sec. 6. AS 15.07.127 is amended to read:

10 **Sec. 15.07.127. Preparation of master register.** The director shall prepare  
11 both a statewide list and a list by precinct of the names and addresses of all persons  
12 whose names appear on the master register and their political party affiliation.  
13 **Subject to the limitations of 15.07.195, any** [ANY] person may obtain a copy of the  
14 list, or a part of the list, or an electronic format containing both residence and mailing  
15 addresses of voters, by applying to the director and paying to the state treasury a fee as  
16 determined by the director.

17 \* Sec. 7. AS 15.10.090 is amended to read:

18 **Sec. 15.10.090. Notice of precinct boundary designation and modification.**  
19 The director shall give full public notice when precinct boundaries are designated and  
20 when the boundaries of a precinct are modified or when a precinct is established or  
21 abolished. Public notice **must** [SHALL] include

22 (1) [, BUT IS NOT LIMITED TO,] the publication **of notice** on three  
23 different days in a daily newspaper of general circulation; [,] if **possible, the**  
24 **newspaper shall be one that is available generally in the house district** [SUCH A  
25 NEWSPAPER IS PUBLISHED IN THE HOUSE DISTRICT] where the precinct is  
26 located; **however, if a daily newspaper of general circulation is not generally**  
27 **available in that house district, public notice must include** [, BY] posting written  
28 notice in a [THREE] conspicuous **place** [PLACES] in the designated precinct;

29 (2) **posting on the division of elections' Internet website**; [,] and

30 (3) [BY] notification to appropriate municipal clerks.

31 \* Sec. 8. AS 15.15.030(7) is amended to read:

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

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 ~~by 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 15.20.064 is amended by adding a new subsection to read:

23 (d) The director shall designate locations for early voting by January 1 of an  
24 election year.

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

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

28 (1) contain the following statement: "I understand that, by using  
29 electronic transmission to return my marked ballot, I am voluntarily waiving a portion  
30 of my right to a secret ballot to the extent necessary to process my ballot, but expect  
31 that my vote will be held as confidential as possible, [.] " followed by the voter's

1 signature and date of signature; and

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

4 (A) a commissioned or noncommissioned officer of the armed  
5 forces of the United States;

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

8 (C) an individual [TWO UNITED STATES CITIZENS] who  
9 is [ARE] 18 years of age or older.

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

11 (a) A qualified voter may apply by mail or by facsimile, scanning, or other  
12 electronic transmission to the director for an absentee ballot. Another person may  
13 apply for an absentee ballot on behalf of a qualified voter if that person is  
14 designated to act on behalf of the voter in a written power of attorney that  
15 specifically authorizes the other person to apply for an absentee ballot on behalf  
16 of the voter. The application must include the address or, if the application requests  
17 delivery of an absentee ballot by electronic transmission, the telephone electronic  
18 transmission number, to which the absentee ballot is to be returned, the applicant's full  
19 Alaska residence address, and the applicant's signature. However, a person residing  
20 outside the United States and applying to vote absentee in federal elections in  
21 accordance with AS 15.05.011 need not include an Alaska residence address in the  
22 application.

23 \* Sec. 13. 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 an individual who is [TWO  
2 PERSONS OVER THE AGE OF] 18 years of age or older, who shall sign as a  
3 witness [WITNESSES] and attest to the date on which the voter signed the certificate  
4 in the individual's [THEIR] presence, and, in addition, the voter shall provide the  
5 certification prescribed in AS 09.63.020.

6 \* Sec. 14. 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. 15. 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

20 (1) the 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. 16. 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. 17. AS 15.25.030(a) is amended to read:

3 (a) A member of a political party who seeks to become a candidate of the  
4 party in the primary election shall execute and file a declaration of candidacy. The  
5 declaration shall be executed under oath before an officer authorized to take  
6 acknowledgments and must state in substance

7 (1) the full name of the candidate;

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

9 (3) if the candidacy is for the office of state senator or state  
10 representative, the house or senate district of which the candidate is a resident;

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

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

14 (6) the full residence address of the candidate, and the date on which  
15 residency at that address began;

16 (7) the date of the primary election at which the candidate seeks  
17 nomination;

18 (8) the length of residency in the state and in the district of the  
19 candidate;

20 (9) that the candidate will meet the specific citizenship requirements of  
21 the office for which the person is a candidate;

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

23 (11) that the candidate will meet the specific age requirements of the  
24 office for which the person is a candidate; if the candidacy is for the office of state  
25 representative, that the candidate will be at least 21 years of age on the first  
26 scheduled day of the first regular session of the legislature convened after the  
27 election; if the candidacy is for the office of state senator, that the candidate will  
28 be at least 25 years of age on the first scheduled day of the first regular session of  
29 the legislature convened after the election; if the candidacy is for the office of  
30 governor or lieutenant governor, that the candidate will be at least 30 years of  
31 age on the first Monday in December following election or, if the office is to be

1 filled by special election under AS 15.40.230 - 15.40.310, that the candidate will  
2 be at least 30 years of age on the date of certification of the results of the special  
3 election; or, for any other office, by the time that the candidate, if elected, is  
4 sworn into office;

5 (12) that the candidate requests that the candidate's name be placed on  
6 the primary election ballot;

7 (13) that the required fee accompanies the declaration;

8 (14) that the person is not a candidate for any other office to be voted  
9 on at the primary or general election and that the person is not a candidate for this  
10 office under any other declaration of candidacy or nominating petition;

11 (15) the manner in which the candidate wishes the candidate's name to  
12 appear on the ballot; and

13 (16) that the candidate is registered to vote as a member of the political  
14 party whose nomination is being sought.

15 \* Sec. 18. AS 15.25.105(a) is amended to read:

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

21 (1) the full name of the candidate;

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

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

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

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

29 (6) the office that the candidate seeks;

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

31 (8) the length of residency in the state and in the house district of the

1 candidate;

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

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

6 (11) that the candidate will meet the specific age requirements of the  
7 office for which the person is a candidate; if the candidacy is for the office of state  
8 representative, that the candidate will be at least 21 years of age on the first  
9 scheduled day of the first regular session of the legislature convened after the  
10 election; if the candidacy is for the office of state senator, that the candidate will  
11 be at least 25 years of age on the first scheduled day of the first regular session of  
12 the legislature convened after the election; if the candidacy is for the office of  
13 governor or lieutenant governor, that the candidate will be at least 30 years of  
14 age on the first Monday in December following election or, if the office is to be  
15 filled by special election under AS 15.40.230 - 15.40.310, that the candidate will  
16 be at least 30 years of age on the date of certification of the results of the special  
17 election; or, for any other office, by the time that the candidate, if elected, is sworn  
18 into office;

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

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

23 \* Sec. 19. AS 15.25.180(a) is amended to read:

24 (a) The petition must state in substance

25 (1) the full name of the candidate;

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

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

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

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

- 1 (6) the office for which the candidate is nominated;
- 2 (7) the date of the election at which the candidate seeks election;
- 3 (8) the length of residency in the state and in the district of the
- 4 candidate;
- 5 (9) that the subscribers are qualified voters of the state or house or
- 6 senate district in which the candidate resides;
- 7 (10) that the subscribers request that the candidate's name be placed on
- 8 the general election ballot;
- 9 (11) that the proposed candidate accepts the nomination and will serve
- 10 if elected, with the statement signed by the proposed candidate;
- 11 (12) the name of the candidate as the candidate wishes it to appear on
- 12 the ballot;
- 13 (13) that the candidate is not a candidate for any other office to be
- 14 voted on at the primary or general election and that the candidate is not a candidate for
- 15 this office under any other nominating petition or declaration of candidacy;
- 16 (14) that the candidate meets the specific citizenship requirements of
- 17 the office for which the person is a candidate;
- 18 (15) that the candidate will meet the specific age requirements of the
- 19 office for which the person is a candidate; if the candidacy is for the office of state
- 20 representative, that the candidate will be at least 21 years of age on the first
- 21 scheduled day of the first regular session of the legislature convened after the
- 22 election; if the candidacy is for the office of state senator, that the candidate will
- 23 be at least 25 years of age on the first scheduled day of the first regular session of
- 24 the legislature convened after the election; and if the candidacy is for the office of
- 25 governor or lieutenant governor, that the candidate will be at least 30 years of
- 26 age on the first Monday in December following election or, if the office is to be
- 27 filled by special election under AS 15.40.230 - 15.40.310, that the candidate will
- 28 be at least 30 years of age on the date of certification of the results of the special
- 29 election; or, for any other office, by the time that the candidate, if elected, is sworn
- 30 into office;
- 31 (16) that the candidate is a qualified voter; and

1 (17) if the candidacy is for the office of the governor, the name of the  
2 candidate for lieutenant governor running jointly with the candidate for governor.

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

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

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

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

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

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

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

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

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

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

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

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

10           **Sec. 15.45.030. Form of application.** The application **must** [SHALL]  
11 include **the**

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

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

17                           (3) [THE] designation of an initiative committee **consisting** of three **of**  
18 **the** sponsors who **subscribed to the application and** [SHALL] represent all sponsors  
19 and subscribers in matters relating to the initiative; **the designation must include the**  
20 **name, mailing address, and signature of each committee member** [, AND (4)  
21 THE SIGNATURES AND ADDRESSES OF NOT LESS THAN 100 QUALIFIED  
22 VOTERS].

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

24           **Sec. 15.45.060. Designation of sponsors.** The qualified voters who subscribe  
25 to the application **in support of the proposed bill** are designated as sponsors. The  
26 initiative committee may designate additional sponsors by giving written notice to the  
27 lieutenant governor of the names, [AND] addresses, **and dates of birth** of those so  
28 designated.

29 \* **Sec. 25.** AS 15.45.090 is repealed and reenacted to read:

30           **Sec. 15.45.090. Preparation of petition.** (a) The lieutenant governor shall  
31 prepare a sufficient number of sequentially numbered petitions to allow full circulation

1 throughout the state. Each petition must contain

2 (1) a copy of the proposed bill if the number of words included in both  
3 the formal and substantive provisions of the bill is 500 or less;

4 (2) an impartial summary of the subject matter of the bill;

5 (3) the statement of warning prescribed in AS 15.45.100;

6 (4) sufficient space for the printed name, date of birth, signature, and  
7 address of each person signing the petition;

8 (5) sufficient space at the bottom of each signature page for the  
9 information required by AS 15.45.130(8); and

10 (6) other specifications prescribed by the lieutenant governor to ensure  
11 proper handling and control.

12 (b) Upon request of the initiative committee, the lieutenant governor shall  
13 report to the committee the number of persons who voted in the preceding general  
14 election.

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

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

18 (1) a citizen of the United States;

19 (2) 18 years of age or older; and

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

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

22 **Sec. 15.45.120. 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 initiative petition may withdraw the person's name only by giving  
26 written notice to the lieutenant governor before the date the petition is filed.

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

28 **Sec. 15.45.130. Certification of circulator.** Before being filed, each petition  
29 shall be certified by an affidavit by the person who personally circulated the petition.  
30 In determining the sufficiency of the petition, the lieutenant governor may not count  
31 subscriptions on petitions not properly certified at the time of filing or corrected before

1 the subscriptions are counted. The affidavit must state in substance that

2 (1) the person signing the affidavit meets the residency, age, and  
3 citizenship qualifications for circulating a petition under AS 15.45.105;

4 (2) the person is the only circulator of that petition;

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

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

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

10 (6) the circulator has not entered into an agreement with a person or  
11 organization in violation of AS 15.45.110(c);

12 (7) the circulator has not violated AS 15.45.110(d) with respect to that  
13 petition; and

14 (8) if the circulator has received payment or agreed to receive payment  
15 for the collection of signatures on the petition, the circulator, before circulating the  
16 petition, prominently placed in the space provided under AS 15.45.090(a)(5) the name  
17 of each person or organization that has paid or agreed to pay the circulator for  
18 collection of signatures on the petition.

19 \* Sec. 29. 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 at least five [10] copies of the proposed law being initiated, and  
22 the election board shall display at least one copy [THREE COPIES] of the proposed  
23 law in a conspicuous place in the room where the election is held.

24 \* Sec. 30. 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 name, signature, address, and date of birth of not  
30 less than 100 qualified voters who will serve as sponsors; each signature page  
31 must include a statement that the sponsors are qualified voters who signed the

1 application 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, mailing address, and signature of each committee member  
 7 [AND

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

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

11 **Sec. 15.45.290. Designation of sponsors.** The qualified voters who subscribe  
 12 to the application in support of the referendum are designated as sponsors. The  
 13 referendum committee may designate additional sponsors by giving notice to the  
 14 lieutenant governor of the names, [AND] addresses, and dates of birth of those so  
 15 designated.

16 \* Sec. 32. AS 15.45.320 is repealed and reenacted to read:

17 **Sec. 15.45.320. Preparation of petition.** (a) The lieutenant governor shall  
 18 prepare a sufficient number of sequentially numbered petitions to allow full circulation  
 19 throughout the state. Each petition must contain

20 (1) a copy of the act to be referred if the number of words included in  
 21 both the formal and substantive provisions of the act is 500 or less;

22 (2) the statement of approval or rejection;

23 (3) an impartial summary of the subject matter of the act;

24 (4) the statement of warning prescribed in AS 15.45.330;

25 (5) sufficient space for the printed name, date of birth, signature, and  
 26 address of each person signing the petition;

27 (6) sufficient space at the bottom of each signature page for the  
 28 information required by AS 15.45.360(8); and

29 (7) other specifications prescribed by the lieutenant governor to ensure  
 30 proper handling and control.

31 (b) Upon request of the referendum committee, the lieutenant governor shall

1 report to the committee the number of persons who voted in the preceding general  
2 election.

3 \* Sec. 33. 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. 34. 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. 35. 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. 36. AS 15.45.360 is repealed and reenacted 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 personally circulated the petition.

1 In determining the sufficiency of the petition, the lieutenant governor may not count  
2 subscriptions on petitions not properly certified at the time of filing or corrected before  
3 the subscriptions are counted. The affidavit must state in substance that

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

6 (2) the person is the only circulator of that petition;

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

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

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

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

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

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

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

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

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

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

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

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

31 (3) the printed name, signature, address, and date of birth of

1 qualified voters equal in number to 10 percent of those who voted in the  
2 preceding general election in the state or in the senate or house district of the  
3 official sought to be recalled; each signature page must include a statement that the  
4 [SPONSORS ARE] qualified voters

5 (A) will serve as sponsors; and

6 (B) [WHO] signed the application with the name and office of  
7 the person to be recalled and the statement of grounds for recall attached;  
8 and

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

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

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

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

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

26 \* **Sec. 40.** AS 15.45.560 is repealed and reenacted to read:

27 **Sec. 15.45.560. Preparation of petition.** (a) The director shall prepare a  
28 sufficient number of sequentially numbered petitions to allow full circulation  
29 throughout the state. Each petition must contain

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

31 (2) the statement of the grounds for recall included in the application;

1 (3) the statement of warning required in AS 15.45.570;

2 (4) sufficient space for the printed name, date of birth, signature, and  
3 address of each person signing the petition;

4 (5) sufficient space at the bottom of each signature page for the  
5 information required by AS 15.45.600(8); and

6 (6) other specifications prescribed by the director to ensure proper  
7 handling and control.

8 (b) Upon request of the recall committee, the lieutenant governor shall report  
9 to the committee the number of persons who voted in the preceding general election,  
10 in the state or in the district of the official sought to be recalled by the recall  
11 committee.

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

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

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

19 **Sec. 15.45.575. 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. 43. AS 15.45.580 is amended by adding new subsections to read:

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

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

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

3 (e) In this section,

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

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

6 (3) "person" has the meaning given in AS 11.51.900.

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

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

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

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

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

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

21 (2) the person is the only circulator of that petition;

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

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

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

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

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

31 (8) if the circulator has received payment or agreed to receive payment

1 for the collection of signatures on the petition, the circulator, before circulating of the  
2 petition, prominently placed in the space provided under AS 15.45.560(a)(5) the name  
3 of each person or organization that has paid or agreed to pay the circulator for  
4 collection of signatures on the petition.

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

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

16 \* Sec. 47. 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 election year for which the political group  
20 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,  
30 except that the director may suspend the monthly verifications on and after June 1 and  
31 before November 30 of a general election year. For purposes of (b) of this section, the

1 director shall verify that the voters who have submitted registration forms to the  
2 division of elections are qualified under AS 15.05.010 and have declared affiliation  
3 with the political group or recognized political party for which the verification is  
4 performed.

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

9 (e) The director may ~~not~~ withdraw recognized political party status from a  
10 political group that no longer meets the definition of political party except following  
11 the verification immediately after a general election at which a governor was elected.  
12 The director shall notify the political group in writing of the withdrawal of  
13 recognition.

14 \* Sec. 48. AS 15.60.010 is amended by adding a new paragraph to read:

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

21 \* Sec. 49. AS 29.05.110(b) is amended to read:

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

25 \* Sec. 50. AS 29.05.110(c) is amended to read:

26 (c) Arcawide borough powers included in an incorporation petition are  
27 considered to be part of the incorporation question. In an election for the  
28 incorporation of a second class borough, each nonareawide power to be exercised is  
29 placed separately on the ballot. Adoption of a nonareawide power requires a majority  
30 of the votes cast on the question, and the vote is limited to the qualified voters who  
31 are registered to vote [RESIDING] in the proposed borough but outside all cities in

1 the proposed borough.

2 \* Sec. 51. AS 29.05.110 is amended by adding a new subsection to read:

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

4 \* Sec. 52. AS 15.10.020(b) and AS 15.20.048 are repealed.

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

7 APPLICABILITY. The changes made by secs. 23 - 46 of this Act apply to an  
8 application for an initiative, referendum, or recall filed with the lieutenant governor on or  
9 after the effective date of this Act.

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

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

24-GH1018\F 7  
Kurtz  
2/16/05

Adopted  
AMENDMENT #1 to Y version

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 94(S1A), Draft Version "F"

- 1 Page 9, line 1, following "2002).":
- 2       Insert "The director may only approve a voting machine or vote tally system if the
- 3 machine or system satisfies the requirements of AS 15.15.032(c)."



#2

24-GH1048V.5  
Kurtz  
2/16/05

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 94(STA), Draft Version "F"

- 1 Page 7, line 8:
- 2 Delete "a [TWO] United States citizen [CITIZENS]"
- 3 Insert "an individual [TWO UNITED STATES CITIZENS]"
- 4
- 5 Page 8, lines 1 - 2:
- 6 Delete "one person who is a United States citizen and"
- 7 Insert "an individual who"
- 8
- 9 Page 8, line 4:
- 10 Delete "person's"
- 11 Insert "individual's"

Handwritten scribbles and a vertical line on the right side of the page.

**Side by Side Comparison of Existing  
Alaska Statute, CSHB 94 Version G, and Amendment (STA)**

**AS 15.20.081**

(d)  
...If none of the officials listed in this subsection is reasonably accessible, an absentee voter shall sign the voter's certificate in the presence of two persons over the age of 18 years, who shall sign as witnesses and attest to the date on which the voter signed the certificate in their presence, and, in addition, the voter shall provide the certification prescribed in AS 09.63.020.

**AS 15.20.066**

(C)  
...two United States citizens who are 18 years of age or older

**CS HB 94 Version G**

**Section 13 (d)**  
...If none of the officials listed in this subsection is reasonably accessible, an absentee voter shall sign the voter's certificate in the presence of one person who is a United States citizen and is 18 years of age or older, who shall sign as a witness and attest to the date on which the voter signed the certificate in the person's presence, and, in addition, the voter shall provide the certification prescribed in AS 09.63.020.

**CS HB 94 Version G**

**Section 11 2(C)**  
...a United States citizen who is 18 years of age or older.

**Proposed Amendment**

**Amendment**  
...If none of the officials listed in this subsection is reasonably accessible, an absentee voter shall sign the voter's certificate in the presence of an individual who is 18 years, who shall sign as a witness and attest to the date on which the voter signed the certificate in the individuals presence, and, in addition, the voter shall provide the certification prescribed in AS 09.63.020.

**Proposed Amendment**

...an individual 18 years of age or older

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

- (1) exhibition of proof of identification as required in AS 15.15.225;
- (2) verification that the voter's residence address appearing on the official registration list is current; and
- (3) the voter's signing the early voting register.

(c) After the voter has marked the ballot, the voter shall place the ballot in the secrecy sleeve and inform the election supervisor or other election official. The voter shall deposit the ballot in the ballot box in the presence of the election supervisor or other election official unless the voter requests the election supervisor or other election official to deposit the ballot on the voter's behalf. The tabulation of early voting ballots may not begin before 8:00 p.m. prevailing time on election day. (§ 49 ch 82 SLA 2000; am §§ 4, 5 ch 154 SLA 2004)

**Effect of amendments.** — The 2004 amendment, effective July 4, 2004, rewrote subsection (a), and deleted "and within the election supervisor's jurisdic-

tion" at the end of paragraph (b)(2).

**Effective dates.** — Section 97, ch. 82, SLA 2000 makes this section effective January 1, 2001.

**Sec. 15.20.066. Absentee voting by electronic transmission.** (a) The director shall adopt regulations applicable to the delivery of absentee ballots by electronic transmission in a state election and to the use of electronic transmission absentee voting in a state election by qualified voters. The regulations must

- (1) require the voter to comply with the same time deadlines as for voting in person on or before the closing hour of the polls;
- (2) ensure the accuracy and, to the greatest degree possible, the integrity and secrecy of the ballot process.

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

- (1) contain the following statement: "I understand that by using electronic transmission to return my marked ballot, I am voluntarily waiving a portion of my right to a secret ballot to the extent necessary to process my ballot, but expect that my vote will be held as confidential as possible." followed by the voter's signature and date of signature; and
- (2) be accompanied by a statement executed under oath as to the voter's identity; the statement under oath must be witnessed by

- (A) a commissioned or noncommissioned officer of the armed forces of the United States;
- (B) an official authorized by federal law or the law of the state in which the absentee ballot is cast to administer an oath; or
- (C) two United States citizens who are 18 years of age or older. (§ 1 ch 9 SLA 1998)

*Sec. 15.20.070. Application for ballot by mail. [Repealed, § 231 ch 100 SLA 1980. For current law, see AS 15.20.081.]*

*Sec. 15.20.071. Absentee voting by personal representative. [Repealed, § 93, ch 82 SLA 2000.]*

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

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

- (1) from an absentee voting official on or after the 15th day before an election, up to and including election day;
- (2) from an election supervisor on or after the 15th day before an election up to and including election day;

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(3) from an absentee voting official at an absentee voting station designated under AS 15.20.045(b) on or after the 15th day before an election up to and including the date of the election; or

(4) from a member of the precinct election board on election day.

(c) If the request for a special needs ballot is made through a representative, the representative shall sign a register provided by an election official. The register must include the following information:

(1) the representative's name;

(2) the representative's residence and mailing address;

(3) the representative's social security number, voter number, or date of birth;

(4) the name of the voter on whose behalf the representative is requesting a ballot and voting materials;

(5) an oath that the representative

(A) is receiving a ballot and voting materials on behalf of the voter;

(B) will not vote the ballot for the voter;

(C) will not coerce the voter;

(D) will not divulge the vote cast by the voter; and

(E) has been notified that unlawful interference with voting is punishable under AS 15.56.030;

(6) the representative's signature.

(d) The representative shall deliver the special needs ballot and other voting materials to the voter as soon as practicable. The voter shall mark the ballot in secret, place the ballot in the secrecy sleeve, and place the secrecy sleeve in the envelope provided. The voter shall provide the information on the envelope that would be required for absentee voting if the voter voted in person. The voter shall sign the voter's certificate in the presence of the representative. The representative shall sign as attesting official and date the voter's signature.

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

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

(g) The voter's employer, an agent of the voter's employer, or an officer or agent of the voter's union may not act as a representative for the voter. A candidate for office at an election may not act as a representative for a voter in the election. (§ 50 ch 82 SLA 2000; am § 4 ch 35 SLA 2001)

**Effect of amendments.** — The 2001 amendment, effective September 23, 2001, in subsection (b), in paragraph (2), deleted subparagraph (A), which read "after a date announced by the director under AS 15.20.045(b); and" and deleted the subparagraph (B) designation, and, in paragraph (3), substituted "on or

after the 15th day before an election up to and including the date of the election" for "at a time when the absentee voting station is in operation."

**Effective dates.** — Section 97, ch. 82, SLA 2000 makes this section effective January 1, 2001.

*Sec. 15.20.080. Date for application in person. [Repealed, § 231 ch 100 SLA 1980. For current law, see AS 15.20.061.]*

**Sec. 15.20.081. Absentee voting by mail or electronic transmission.** (a) A qualified voter may apply by mail or by electronic transmission to the director for an absentee ballot. The application must include the address or, if the application requests delivery of an absentee ballot by electronic transmission, the telephone electronic transmission number, to which the absentee ballot is to be returned, the applicant's full Alaska residence address, and the applicant's signature. However, a person residing outside the United States and applying to vote absentee in federal elections in accordance with AS 15.05.011 need not include an Alaska residence address in the application.

(b) An application requesting delivery of an absentee ballot to the applicant by mail must be received by the division of elections not less than seven days before the election for which the absentee ballot is sought. An application for an absentee ballot for a state election from a qualified voter requesting delivery of an absentee ballot to the applicant by electronic transmission must be received by the division of elections not later than 5:00 p.m. Alaska time on the day before the election for which the absentee ballot is sought. An absentee ballot application submitted by mail under this section must permit the person to register to vote under AS 15.07.070 and to request an absentee ballot for each state election held within that calendar year for which the voter is eligible to vote. An absentee ballot application submitted by electronic transmission under this section may not include a provision that permits a person to register to vote under AS 15.07.070.

(c) After receipt of an application, the director shall send the absentee ballot and other absentee voting material to the applicant by the most expeditious mail service. However, if the application requests that an absentee ballot for a state election be sent by electronic transmission, the director shall send the absentee ballot and other absentee voting material to the applicant by electronic transmission. The absentee ballot and other absentee voting material shall be sent as soon as they are ready for distribution. If the absentee ballot and other absentee voting material are mailed to the applicant, the return envelope sent with the ballot and other materials shall be addressed to the election supervisor in the district in which the voter is a resident.

(d) Upon receipt of an absentee ballot by mail, the voter, in the presence of a notary public, commissioned officer of the armed forces including the National Guard, district judge or magistrate, United States postal official, registration official, or other person qualified to administer oaths, may proceed to mark the ballot in secret, to place the ballot in the secrecy sleeve, to place the secrecy sleeve in the envelope provided, and to sign the voter's certificate on the envelope in the presence of an official listed in this subsection who shall sign as attesting official and shall date the signature. If none of the officials listed in this subsection is reasonably accessible, an absentee voter shall sign the voter's certificate in the presence of two persons over the age of 18 years, who shall sign as witnesses and attest to the date on which the voter signed the certificate in their presence, and, in addition, the voter shall provide the certification prescribed in AS 02.63.020.

(e) An absentee ballot must be marked on or before the date of the election. Except as provided in (h) of this section, a voter who returns the absentee ballot by mail, whether provided to the voter by mail or by electronic transmission, shall use a mail service at least equal to first class and mail the ballot not later than the day of the election to the election supervisor for the house district in which the voter seeks to vote. Except as provided in AS 15.20.480, the ballot may not be counted unless it is received by the close of business on the 10th day after the election. If the ballot is postmarked, it must be postmarked on or before election day. After the day of the election, ballots may not be accepted unless received by mail.

(f) The director shall require a voter casting an absentee ballot by mail to provide proof of identification or other information to aid in the establishment of the voter's identity as prescribed by regulations adopted under AS 44.62 (Administrative Procedure Act). If the voter is a first-time voter who initially registered by mail or by facsimile or other electronic transmission approved by the director under AS 15.07.050 and has not met the identification requirements set out in AS 15.07.060, the voter must provide one of the following forms of proof of identification:

- (1) a copy of a driver's license, state identification card, current and valid photo identification, birth certificate, passport, or hunting or fishing license; or
- (2) a copy of a current utility bill, bank statement, paycheck, government check, or other government document; an item provided under this paragraph must show the name and current address of the voter.

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## STATES AND TERRITORIES WITH NOTARY/WITNESS REQUIREMENTS

### Notary Requirements for FPCA

#### Uniformed Services

American Samoa  
Mississippi  
Puerto Rico  
South Dakota  
Vermont  
5

#### Civilians Outside the U.S.

American Samoa  
Michigan  
Mississippi  
Puerto Rico  
South Dakota  
Vermont  
6

### Notary Requirements for Ballot Return Envelope

#### Uniformed Services

Guam  
Mississippi  
Puerto Rico  
3

#### Civilians Outside the U.S.

Guam  
Mississippi  
Puerto Rico  
3

### Witness Requirements for Ballot Return Envelope

Florida—The witness requirement was eliminated by state legislation for both uniformed services and civilians living outside the U.S. (effective July 1, 2004)

#### Uniformed Services

Alaska  
Louisiana  
North Carolina  
South Carolina  
Utah—only if unable to get postmarked  
Virginia  
Wisconsin  
7

#### Civilians Outside the U.S.

Alaska  
Louisiana  
North Carolina  
South Carolina  
Virginia  
Wisconsin  
6

**Voting Assistance Officers and Embassy and Consular Officials will notarize any absentee balloting materials free of charge!**

## Christine Marasigan

---

**From:** Laura Glaiser [laura\_glaiser@gov.state.ak.us]  
**Sent:** Tuesday, February 15, 2005 11:28 AM  
**To:** Christine Marasigan  
**CC:** Annette E Kreitzer; Sarah J Felix  
**Subject:** Re: verification of witness' citizenship

Hi Christine!

This bill is mostly about correcting problems and making language consistent in election law. You're correct..currently AS 15.20.081 (d) does not require the witnesses (now there are two) to be US citizens. The voter does, however, certify that the only reason the voter utilized the two witnesses option is because they could not find an official empowered to administer an oath.

However, 15.20.066 DOES require the two witnesses to fax voting to be US citizens. It was due to that requirement that we offered for consideration, reducing the witness requirement to ONE citizen, and applying the change to both sections of the law.

This is offered for consideration by the Legislature. Regardless, the witnessing requirements for ballots should be consistent. Should the Legislature feel that US citizenship is not required for witnessing, we will follow the law.

thank you,  
Laura

Christine Marasigan wrote:

Hi Laura,  
I'm just following up, but as I recall from the last state affairs meeting, regarding the discussion on Section 12 AS15.20.08 (d) you had said that on the issue of witnesses for absentee ballots there is no way for the Division of Elections to verify that the witnesses are U.S. Citizens, right? Since neither of the two witnesses in the older version needed to be U.S. Citizens, I don't see any reason why the one witness needs to be one. Is this problematic? If not, I would like to have an amendment addressing this.

Just thought I'd check.

Christine R. Marasigan, Legislative Aide  
Representative Gabrielle LeDoux  
District 36  
State Capitol  
Juneau, AK 99801-1121  
phone: (907) 465-6588  
fax: (907) 465-4956

## Christine Marasigan

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**From:** Mendez, Paul, Mr., OSD P&R/FVAP [mendez@fvap.ncr.gov]  
**Sent:** Wednesday, February 16, 2005 6:53 AM  
**To:** Christine Marasigan  
**Cc:** vote  
**Subject:** RE: absentee ballot witness question  
**Importance:** High

Christine R. Marasigan, Legislative Aide  
Representative Gabrielle LeDoux  
District 36  
State Capitol  
Juneau, Alaska 99801

Dear Ms. Marasigan:

It is up to the State to decide who can witness or notarize and there is no requirement that witnesses be US citizen. However, the witness requirement creates problems for individuals living overseas where this may be difficult, if not impossible, to obtain. For example those U.S. citizens of Alaska that do not live near an American Embassy. Also, some small military installations may have no commissioned officer assigned. **We recommend Alaska remove all witness requirement for all absentee balloting materials. Thirty-six states and territories have eliminated the notary and witness requirement on all election materials.**

### Sample Language

*If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.*

For information on other state election laws, please see the State-By-State Instructions in Chapter 3 of the 2004-05 Voting Assistance Guide available on the FVAP website at [www.fvap.gov](http://www.fvap.gov).

Feel free to contact me if you need further assistance.

Sincerely,

Paul Mendez  
Program Analyst  
Federal Voting Assistance Program  
703-588-1584

AMENDMENT

*as amended*

24-GH1048\F.2  
Kurtz  
2/16/05

OFFERED IN THE HOUSE

TO: CSHB 94(STA), Draft Version "F"

1 Page 1, line 8, following "systems,":

2 Insert "qualifications for elected office,"

3

4 Page 9, following line 1:

5 Insert new bill sections to read:

6 **\*\* Sec. 17. AS 15.25.030(a) is amended to read:**

7 (a) A member of a political party who seeks to become a candidate of the  
8 party in the primary election shall execute and file a declaration of candidacy. The  
9 declaration shall be executed under oath before an officer authorized to take  
10 acknowledgments and must state in substance

11 (1) the full name of the candidate;

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

13 (3) if the candidacy is for the office of state senator or state  
14 representative, the house or senate district of which the candidate is a resident;

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

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

18 (6) the full residence address of the candidate, and the date on which  
19 residency at that address began;

20 (7) the date of the primary election at which the candidate seeks  
21 nomination;

22 (8) the length of residency in the state and in the district of the  
23 candidate;

1 (9) that the candidate will meet the specific citizenship requirements of  
2 the office for which the person is a candidate;

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

4 (11) that the candidate will meet the specific age requirements of the  
5 office for which the person is a candidate; if the candidacy is for the office of state  
6 representative, that the candidate will be at least 21 years of age on the first<sup>scheduled</sup> day  
7 of the first regular session of the legislature convened after the election; if the  
8 candidacy is for the office of state senator, that the candidate will be at least 25  
9 years of age on the first day of the first regular session of the legislature convened  
10 after the election; if the candidacy is for the office of governor or lieutenant  
11 governor, that the candidate will be at least 30 years of age on the first Monday  
12 in December following election or, if the office is to be filled by special election  
13 under AS 15.40.230 - 15.40.310, that the candidate will be at least 30 years of age  
14 on the date of certification of the results of the special election; or, for any other  
15 office, by the time that the candidate, if elected, is sworn into office;

16 (12) that the candidate requests that the candidate's name be placed on  
17 the primary election ballot;

18 (13) that the required fee accompanies the declaration;

19 (14) that the person is not a candidate for any other office to be voted  
20 on at the primary or general election and that the person is not a candidate for this  
21 office under any other declaration of candidacy or nominating petition;

22 (15) the manner in which the candidate wishes the candidate's name to  
23 appear on the ballot; and

24 (16) that the candidate is registered to vote as a member of the political  
25 party whose nomination is being sought.

26 \* Sec. 18. AS 15.25.105(a) is amended to read:

27 (a) If a candidate does not appear on the primary election ballot or is not  
28 successful in advancing to the general election and wishes to be a candidate in the  
29 general election, the candidate may file as a write-in candidate. Votes for a write-in  
30 candidate may not be counted unless that candidate has filed a letter of intent with the  
31 director stating

- 1 (1) the full name of the candidate;
- 2 (2) the full residence address of the candidate and the date on which  
3 residency at that address began;
- 4 (3) the full mailing address of the candidate;
- 5 (4) the name of the political party or political group of which the  
6 candidate is a member, if any;
- 7 (5) if the candidate is for the office of state senator or state  
8 representative, the house or senate district of which the candidate is a resident;
- 9 (6) the office that the candidate seeks;
- 10 (7) the date of the election at which the candidate seeks election;
- 11 (8) the length of residency in the state and in the house district of the  
12 candidate;
- 13 (9) the name of the candidate as the candidate wishes it to be written  
14 on the ballot by the voter;
- 15 (10) that the candidate meets the specific citizenship requirements of  
16 the office for which the person is a candidate;
- 17 (11) that the candidate will meet the specific age requirements of the  
18 office for which the person is a candidate; **if the candidacy is for the office of state**  
19 **representative, that the candidate will be at least 21 years of age on the first day**  
20 **of the first regular session of the legislature convened after the election; if the**  
21 **candidacy is for the office of state senator, that the candidate will be at least 25**  
22 **years of age on the first day of the first regular session of the legislature convened**  
23 **after the election; if the candidacy is for the office of governor or lieutenant**  
24 **governor, that the candidate will be at least 30 years of age on the first Monday**  
25 **in December following election or, if the office is to be filled by special election**  
26 **under AS 15.40.230 - 15.40.310, that the candidate will be at least 30 years of age**  
27 **on the date of certification of the results of the special election; or, for any other**  
28 **office, by the time that the candidate, if elected, is sworn into office;**
- 29 (12) that the candidate is a qualified voter as required by law; and
- 30 (13) that the candidate is not a candidate for any other office to be  
31 voted on at the general election and that the candidate is not a candidate for this office

1 under any other nominating petition or declaration of candidacy.

2 \* Sec. 19. AS 15.25.180(n) is amended to read:

3 (a) The petition must state in substance

4 (1) the full name of the candidate;

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

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

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

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

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

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

13 (8) the length of residency in the state and in the district of the  
14 candidate;

15 (9) that the subscribers are qualified voters of the state or house or  
16 senate district in which the candidate resides;

17 (10) that the subscribers request that the candidate's name be placed on  
18 the general election ballot;

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

21 (12) the name of the candidate as the candidate wishes it to appear on  
22 the ballot;

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

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

28 (15) that the candidate will meet the specific age requirements of the  
29 office for which the person is a candidate; if the candidacy is for the office of state  
30 representative, that the candidate will be at least 21 years of age on the first day  
31 of the first regular session of the legislature convened after the election; if the

1 candidacy is for the office of state senator, that the candidate will be at least 25  
2 years of age on the first day of the first regular session of the legislature convened  
3 after the election; and if the candidacy is for the office of governor or lieutenant  
4 governor, that the candidate will be at least 30 years of age on the first Monday  
5 in December following election or, if the office is to be filled by special election  
6 under AS 15.40.230 - 15.40.310, that the candidate will be at least 30 years of age  
7 on the date of certification of the results of the special election; or, for any other  
8 office, by the time that the candidate, if elected, is sworn into office;

9 (16) that the candidate is a qualified voter; and

10 (17) if the candidacy is for the office of the governor, the name of the  
11 candidate for lieutenant governor running jointly with the candidate for governor."  
12

13 Renumber the following resolution sections accordingly.

14  
15 Page 21, line 6:

16 Delete "secs. 20 - 43"

17 Insert "secs. 23 - 46"

#4

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 94(STA), Draft Version "F"

1 Page 1, line 8, following "systems,":

2 Insert "qualifications for elected office,"

3

4 Page 9, following line 1:

5 Insert new bill sections to read:

6 **\*\* Sec. 17. AS 15.25.030(a) is amended to read:**

7 (a) A member of a political party who seeks to become a candidate of the  
8 party in the primary election shall execute and file a declaration of candidacy. The  
9 declaration shall be executed under oath before an officer authorized to take  
10 acknowledgments and must state in substance

11 (1) the full name of the candidate;

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

13 (3) if the candidacy is for the office of state senator or state  
14 representative, the house or senate district of which the candidate is a resident, and  
15 that the candidate is registered to vote in that district.

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

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

19 (6) the full residence address of the candidate, and the date on which  
20 residency at that address began;

21 (7) the date of the primary election at which the candidate seeks  
22 nomination;

23 (8) the length of residency in the state and in the district of the

1 candidate;

2 (9) that the candidate will meet the specific citizenship requirements of  
3 the office for which the person is a candidate;

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

5 (11) that the candidate will meet the specific age requirements of the  
6 office for which the person is a candidate;

7 (12) that the candidate requests that the candidate's name be placed on  
8 the primary election ballot;

9 (13) that the required fee accompanies the declaration;

10 (14) that the person is not a candidate for any other office to be voted  
11 on at the primary or general election and that the person is not a candidate for this  
12 office or any other declaration of candidacy or nominating petition;

13 (15) the manner in which the candidate wishes the candidate's name to  
14 appear on the ballot; and

15 (16) that the candidate is registered to vote as a member of the political  
16 party whose nomination is being sought.

17 \* Sec. 18. AS 15.25.105(a) is amended to read:

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

23 (1) the full name of the candidate;

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

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

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

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

31 that the candidate is registered to vote in that district;

- 1 (6) the office that the candidate seeks;
- 2 (7) the date of the election at which the candidate seeks election;
- 3 (8) the length of residency in the state and in the house district of the
- 4 candidate;
- 5 (9) the name of the candidate as the candidate wishes it to be written
- 6 on the ballot by the voter;
- 7 (10) that the candidate meets the specific citizenship requirements of
- 8 the office for which the person is a candidate;
- 9 (11) that the candidate will meet the specific age requirements of the
- 10 office for which the person is a candidate by the time that the candidate, if elected, is
- 11 sworn into office;
- 12 (12) that the candidate is a qualified voter as required by law; and
- 13 (13) that the candidate is not a candidate for any other office to be
- 14 voted on at the general election and that the candidate is not a candidate for this office
- 15 under any other nominating petition or declaration of candidacy.

16 \* Sec. 19. AS 15.25.180(a) is amended to read:

- 17 (a) The petition must state in substance
- 18 (1) the full name of the candidate;
- 19 (2) the full residence address of the candidate and the date on which
- 20 residency at that address began;
- 21 (3) the full mailing address of the candidate;
- 22 (4) the name of the political group, if any, supporting the candidate;
- 23 (5) if the candidacy is for the office of state senator or state
- 24 representative, the house or senate district of which the candidate is a resident, **and**
- 25 **that the candidate is registered to vote in that district:**
- 26 (6) the office for which the candidate is nominated;
- 27 (7) the date of the election at which the candidate seeks election;
- 28 (8) the length of residency in the state and in the district of the
- 29 candidate;
- 30 (9) that the subscribers are qualified voters of the state or house or
- 31 senate district in which the candidate resides;

1 (10) that the subscribers request that the candidate's name be placed on  
2 the general election ballot;

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

5 (12) the name of the candidate as the candidate wishes it to appear on  
6 the ballot;

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

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

12 (15) that the candidate will meet the specific age requirements of the  
13 office for which the person is a candidate by the time that the candidate, if elected, is  
14 sworn into office;

15 (16) that the candidate is a qualified voter; and

16 (17) if the candidacy is for the office of the governor, the name of the  
17 candidate for lieutenant governor running jointly with the candidate for governor."  
18

19 Renumber the following bill sections accordingly.  
20

21 Page 21, line 6:

22 Delete "secs. 20 - 43"

23 Insert "secs. 23 - 46"

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 94(STA), Draft Version "F"

1 Page 20, following line 12:

2 Insert a new bill section to read:

3 "\* Sec. 45. AS 15.60.010(23) is repealed and reenacted to read:

4 (23) "political party" means an organized group of voters that  
5 represents a political program and that

6 (A) within the last four years, nominated a candidate for  
7 governor, United States senator, or United States representative, and the person  
8 nominated as the candidate received at least three percent of the total votes cast  
9 under AS 15 for candidates for that office at the general election; or

10 (B) has voters registered in the state equal in number to at least  
11 one percent of the total number of voters registered in the state on March 31 of  
12 each election year;"

13

14 Renumber the following bill sections accordingly.

*New Max*

\* ~~Sec. 50~~. AS 15.60.010(23) is amended to read:

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

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

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

29 (C) nominated a candidate for United States representative  
30 who received at least three percent of the total votes cast for United

States

31 representative at the preceding general election or at the most recent  
01 general election at which a governor was elected; or

02 (D) has registered voters in the state equal in number to at least  
03 two percent of the total number of voters registered in the state on  
March 31 of each election year;,"

\* **Sec. 49.** AS 15.60 is amended by adding a new section to read:

24       **Sec. 15.60.008. Recognized political party status.** (a) A political  
25       the director has not recognized as a political party may obtain recognized  
26       party status if, on or before May 31 of the first election year for which t  
27       group seeks recognition, the political group

28               (1) files an application with the director;

29               (2) submits bylaws to the director and the United States Departm  
30       Justice as required of political parties in AS 15.25.014; and

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

01       (b) The director shall verify that each political group seeking recog  
02       political party status under (a) of this section and each recognized politi  
03       the definition of a political party in AS 15.60.010.

04       (c) The director shall perform a verification described in (b) of thi  
05       least once a month after the date of certification of the preceding general  
06       purposes of (b) of this section, the director shall verify that the voters  
07       submitted registration to the division of elections are qualified under AS  
08       and have declared affiliation with the political group or recognized politi  
09       which the verification is performed.

10       (d) Within 10 days after a verification under (c) of this section, th  
11       shall provide to a political group seeking recognized political party statu  
12       this section written notification when the political group has obtained rec  
13       political party status.

14       (e) The director may not withdraw recognized political party status f  
15       political group that no longer meets the definition of political party exce  
16       the verification immediately after a general election at which a governor w  
17       The director shall provide written notification to the political party of t  
18       of recognized political party status.

19       \* **Sec. 50.** AS 15.60.010(21) is amended to read:

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

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

25               **(B)** nominated a candidate for United States senator who  
26       received at least three percent of the total votes cast for United Sta  
27       senator at the preceding general election or at the most recent genera  
28       election at which a governor was elected;

29               **(C)** nominated a candidate for United States representative  
30       who received at least three percent of the total votes cast for United  
31       representative at the preceding general election or at the most recent  
01       general election at which a governor was elected; or

02               **(D)** has registered voters in the state equal in number to a  
03       three percent of the total votes cast for governor at the preceding ge  
04       election at which a governor was elected;

\* **Sec. 49.** AS 15.60 is amended by adding a new section to read:

24 **Sec. 15.60.008. Recognized political party status.** (a) A political  
25 the director has not recognized as a political party may obtain recognized  
26 party status if, on or before May 31 of the first election year for which t  
27 group seeks recognition, the political group

28 (1) files an application with the director;

29 (2) submits bylaws to the director and the United States Departm  
30 Justice as required of political parties in AS 15.25.014; and

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

01 (b) The director shall verify that each political group seeking recog  
02 political party status under (a) of this section and each recognized politi  
03 the definition of a political party in AS 15.60.010.

04 (c) The director shall perform a verification described in (b) of thi  
05 least once a month after the date of certification of the preceding general  
06 purposes of (b) of this section, the director shall verify that the voters  
07 submitted registration to the division of elections are qualified under AS  
08 and have declared affiliation with the political group or recognized politi  
09 which the verification is performed.

10 (d) Within 10 days after a verification under (c) of this section, th  
11 shall provide to a political group seeking recognized political party statu  
12 this section written notification when the political group has obtained rec  
13 political party status.

14 (e) The director may not withdraw recognized political party status f  
15 political group that no longer meets the definition of political party exce  
16 the verification immediately after a general election at which a governor w  
17 The director shall provide written notification to the political party of t  
18 of recognized political party status.

19 \* **Sec. 50.** AS 15.60.010(25) is amended to read:

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

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

25 (B) nominated a candidate for United States senator who  
26 received at least three percent of the total votes cast for United Sta  
27 senator at the preceding general election or at the most recent genera  
28 election at which a governor was elected;

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

02 (D) has registered voters in the state equal in number to a  
03 *Two* ~~three percent of the total votes cast for governor at the preceding ge~~  
04 election ~~at which a governor was elected;~~ *number of registered voters at*

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tences without increasing the total time to serve, where the trial court had erred in imposing a one-year sentence on a probation revocation concurrently to the other sentences. *Napayonak v. State*, 793 P.2d 1059 (Alaska Ct. App. 1990).

**Collateral references.** — Right of convicted defendant or prosecution to receive updated presentence report at sentencing proceedings, 22 ALR5th 660.

*Sec. 12.55.030. Discharge of indigents imprisoned for nonpayment of fine. [Repealed, § 16 ch 53 SLA 1973.]*

*Per violation*

**Sec. 12.55.035. Fines.** (a) Except as provided in AS 12.55.036, upon conviction of an offense, a defendant may be sentenced to pay a fine as authorized in this section or as otherwise authorized by law.

(b) Except as provided in AS 12.55.036, upon conviction of an offense, a defendant who is not an organization may be sentenced to pay, unless otherwise specified in the provision of law defining the offense, a fine of no more than

(1) \$500,000 for murder in the first or second degree, attempted murder in the first degree, sexual assault in the first degree, sexual abuse of a minor in the first degree, kidnapping, or misconduct involving a controlled substance in the first degree;

(2) \$250,000 for a class A felony;

(3) \$100,000 for a class B felony;

(4) \$50,000 for a class C felony;

(5) \$10,000 for a class A misdemeanor;

(6) \$2,000 for a class B misdemeanor;

(7) \$500 for a violation.

(c) Except as provided in AS 12.55.036, upon conviction of an offense, a defendant that is an organization may be sentenced to pay a fine not exceeding the greater of

(1) an amount that is

(A) \$1,000,000 for a felony offense or for a misdemeanor offense that results in death;

(B) \$200,000 for a class A misdemeanor offense that does not result in death;

(C) \$25,000 for a class B misdemeanor offense that does not result in death;

(D) \$10,000 for a violation;

(2) three times the pecuniary gain realized by the defendant as a result of the offense;

or

(3) three times the pecuniary damage or loss caused by the defendant to another, or to the property of another, as a result of the offense.

(d) If a defendant is sentenced to pay a fine, the court may grant permission for the payment to be made within a specified period of time or in specified installments.

(e) In imposing a fine under (c) of this section, in addition to any other relevant factors, the court shall consider

(1) measures taken by the organization to discipline an officer, director, employee, or agent of the organization;

(2) measures taken by the organization to prevent a recurrence of the offense;

(3) the organization's obligation to make restitution to a victim of the offense, and the extent to which imposition of a fine will impair the ability of the organization to make restitution; and

(4) the extent to which the organization will pass on to consumers the expense of the fine.

(f) In imposing a fine, the court may not reduce the fine by the amount of a surcharge or otherwise consider the applicability of a surcharge to the offense. (§ 12 ch 166 SLA

1982; am § 26 ch 143 SLA 1982; am § 4 ch 59 SLA 1988; am

§ 2 ch 71 SLA 1992; am §§ 2 —

(2) two or more crimes under AS 11.41, a consecutive term of imprisonment shall be imposed for at least

(A) the mandatory minimum term under AS 12.55.125(a) for each additional crime that is murder in the first degree;

(B) the mandatory minimum term for each additional crime that is an unclassified felony governed by AS 12.55.125(b);

(C) the presumptive term specified in AS 12.55.125(c) or the active term of imprisonment, whichever is less, for each additional crime that is

(i) manslaughter; or

(ii) kidnapping that is a class A felony;

(D) two years or the active term of imprisonment, whichever is less, for each additional crime that is criminally negligent homicide;

(E) one-fourth of the presumptive term under AS 12.55.125(c) or (i) for each additional crime that is sexual assault in the first degree under AS 11.41.410 or sexual abuse of a minor in the first degree under AS 11.41.434, or an attempt, solicitation, or conspiracy to commit those offenses; and

(F) some additional term of imprisonment for each additional crime, or each additional attempt or solicitation to commit the offense, under AS 11.41.200 — 11.41.250, 11.41.420 — 11.41.432, 11.41.436 — 11.41.458, or 11.41.500 — 11.41.520.

(d) In this section,

(1) "active term of imprisonment" means the total term of imprisonment imposed for a crime, minus suspended imprisonment;

(2) "additional crime" means a crime that is not the primary crime;

(3) "primary crime" means the crime

(A) for which the sentencing court imposes the longest active term of imprisonment; or

(B) that is designated by the sentencing court as the primary crime when no single crime has the longest active term of imprisonment. (§ 3 ch 125 SLA 2004)

**Effective dates.** — Section 9, ch. 125, SLA 2004, provides that this section applies "to offenses occurring on or after July 1, 2004."

**Editor's notes.** — Section 8, ch. 125, SLA 2004,

**Sec. 12.55.135. Sentences of imprisonment for misdemeanors.** (a) A defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of not more than one year.

→ (b) A defendant convicted of a class B misdemeanor may be sentenced to a definite term of imprisonment of not more than 90 days unless otherwise specified in the provision of law defining the offense.

(c) A defendant convicted of assault in the fourth degree that is a crime involving domestic violence committed in violation of the provisions of an order issued or filed under AS 12.30.027 or AS 18.66.100 — 18.66.180 and not subject to sentencing under (g) of this section shall be sentenced to a minimum term of imprisonment of 20 days.

(d) A defendant convicted of assault in the fourth degree who knowingly directed the conduct constituting the offense at a uniformed or otherwise clearly identified peace officer, fire fighter, correctional employee, emergency medical technician, paramedic, ambulance attendant, or other emergency responder who was engaged in the performance of official duties at the time of the assault shall be sentenced to a minimum term of imprisonment of

(1) 60 days if the defendant violated AS 11.41.230(a)(1) or (2);

(2) 30 days if the defendant violated AS 11.41.230(a)(3).

(e) If a defendant is sentenced under (c), (d), or (h) of this section,

(1) execution of sentence may not be suspended and probation or parole may not be granted until the minimum term of imprisonment has been served;

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 94(STA), Draft Version "F"

1 Page 1, line 3, following the second occurrence of "voter registration":

2 Insert "and other acts relating to voting that may be done"

3

4 Page 1, following line 11:

5 Insert new bill sections to read:

6 "\* Section 1. AS 13.26.332 is amended to read:

7 **Sec. 13.26.332. Statutory form power of attorney.** A person who wishes to  
8 designate another as attorney-in-fact or agent by a power of attorney may execute a  
9 statutory power of attorney set out in substantially the following form:

10 GENERAL POWER OF ATTORNEY

11 THE POWERS GRANTED FROM THE PRINCIPAL TO THE  
12 AGENT OR AGENTS IN THE FOLLOWING DOCUMENT ARE  
13 VERY BROAD. THEY MAY INCLUDE THE POWER TO  
14 DISPOSE, SELL, CONVEY, AND ENCUMBER YOUR REAL AND  
15 PERSONAL PROPERTY, AND THE POWER TO MAKE YOUR  
16 HEALTH CARE DECISIONS. ACCORDINGLY, THE  
17 FOLLOWING DOCUMENT SHOULD ONLY BE USED AFTER  
18 CAREFUL CONSIDERATION. IF YOU HAVE ANY QUESTIONS  
19 ABOUT THIS DOCUMENT, YOU SHOULD SEEK COMPETENT  
20 ADVICE.

21 YOU MAY REVOKE THIS POWER OF ATTORNEY AT  
22 ANY TIME.

23 Pursuant to AS 13.26.338 - 13.26.353, I, (Name of



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( ) Each agent may exercise the powers conferred separately, without the consent of any other agent.

( ) All agents shall exercise the powers conferred jointly, with the consent of all other agents.

TO INDICATE WHEN THIS DOCUMENT SHALL BECOME EFFECTIVE, CHECK ONE OF THE FOLLOWING:

( ) This document shall become effective upon the date of my signature.

( ) This document shall become effective upon the date of my disability and shall not otherwise be affected by my disability.

IF YOU HAVE INDICATED THAT THIS DOCUMENT SHALL BECOME EFFECTIVE ON THE DATE OF YOUR SIGNATURE, CHECK ONE OF THE FOLLOWING:

( ) This document shall not be affected by my subsequent disability.

( ) This document shall be revoked by my subsequent disability.

IF YOU HAVE INDICATED THAT THIS DOCUMENT SHALL BECOME EFFECTIVE UPON THE DATE OF YOUR SIGNATURE AND WANT TO LIMIT THE TERM OF THIS DOCUMENT, COMPLETE THE FOLLOWING:

This document shall only continue in effect for \_\_\_\_\_ ( ) years from the date of my signature.

NOTICE OF REVOCATION OF THE POWERS GRANTED IN THIS DOCUMENT

You may revoke one or more of the powers granted in this document. Unless otherwise provided in this document, you may revoke a specific power granted in this power of attorney by completing a special power of attorney that includes the specific power in this document that you want to revoke. Unless otherwise provided in this document, you may revoke all the powers granted in this power of attorney by completing a subsequent power of attorney.

NOTICE TO THIRD PARTIES

1                   A third party who relies on the reasonable representations of an  
 2                   attorney-in-fact as to a matter relating to a power granted by a properly  
 3                   executed statutory power of attorney does not incur any liability to the  
 4                   principal or to the principal's heirs, assigns, or estate as a result of  
 5                   permitting the attorney-in-fact to exercise the authority granted by the  
 6                   power of attorney. A third party who fails to honor a properly executed  
 7                   statutory form power of attorney may be liable to the principal, the  
 8                   attorney-in-fact, the principal's heirs, assigns, or estate for a civil  
 9                   penalty, plus damages, costs, and fees associated with the failure to  
 10                  comply with the statutory form power of attorney. If the power of  
 11                  attorney is one which becomes effective upon the disability of the  
 12                  principal, the disability of the principal is established by an affidavit, as  
 13                  required by law.

14                   IN WITNESS WHEREOF, I have hereunto signed my name  
 15                  this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

16                   \_\_\_\_\_

17                   Signature of Principal

18                   Acknowledged before me at \_\_\_\_\_

19                   \_\_\_\_\_ on \_\_\_\_\_.

20                   Signature of Officer or Notary

21                  \* Sec. 2. AS 13.26.344 is amended by adding a new subsection to read:

22                   (p) In a statutory form power of attorney, the language conferring general  
 23                   authority with regard to voting shall be construed to mean that the principal authorizes  
 24                   the agent to register the principal to vote, request an absentee ballot for the principal,  
 25                   or perform any other act relating to voter registration or voting that a principal is  
 26                   specifically authorized by statute to delegate to an agent."

27

28                  Page 1, line 12:

29                   Delete "Section 1"

30                   Insert "Sec. 3"

31

24-GH1048P.3

1 Renumber the following bill sections accordingly.

2

3 Page 3, line 8:

4 Delete "specifically"

5

6 ~~Page 3, line 9, following "and":~~

~~Insert "and the following sections shall be added to the code:"~~

8 ~~AS 15.07.050~~

9

10 Page 4, lines 16 - 17:

11 Delete "as set out in AS 15.07.050"

12

13 Page 7, lines 14 - 16:

14 Delete "that specifically authorizes the other person to apply for an absentee  
15 ballot on behalf of the voter"

16 ~~Insert "the following sections shall be added to the code:"~~

17 ~~AS 15.07.050~~

18

19 Page 21, line 6:

20 Delete "secs. 20 - 43"

21 Insert "secs. 22 - 45"

OK

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 94(STA), Draft Version "F"

1 Page 6, following line 5:

2 Insert a new bill section to read:

3 **\*\* Sec. 9.** AS 15.15.032 is amended by adding a new subsection to read:

4 (d) If the director provides for voting by use of electronically generated  
5 ballots, the director shall provide ballots in English, and may provide ballots in one or  
6 more languages other than English."  
7

8 Renumber the following bill sections accordingly.  
9

10 Page 21, line 6:

11 Delete "secs. 20 - 43"

12 Insert "secs. 21 - 44"

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 94(STA), Draft Version "F"

1 Page 9, line 1, following "2002).":

2       Insert "The director may only approve a voting machine or vote tally system if the

3 machine or system satisfies the requirements of AS 15.15.032(c)."

expression of the will of the electors or should have any efficacy whatsoever. Territory ex rel. Sulzer v. Canvassing Bd., 5 Alaska 602 (1917).

A nonofficial ballot is not a ballot at all; it is not simply an illegal ballot; it is a void ballot. Territory ex rel. Sulzer v. Canvassing Bd., 5 Alaska 602 (1917).

**Except under AS 15.15.140.** — The "official ballot" is the only instrument by means of which the elector can express his will at the election, save in the exceptional case provided for in AS 15.15.140. Territory ex rel. Sulzer v. Canvassing Bd., 5 Alaska 602 (1917).

**For background and evils intended to be remedied by use of official ballot,** see Territory ex rel. Sulzer v. Canvassing Bd., 5 Alaska 602 (1917).

**Positional bias on ballot.** — The legislature is not

required to use the fairest method of allocating the benefit of positional bias on the ballot; a reasonable, nondiscriminatory method is sufficient. Sonneman v. State, 969 P.2d 632 (Alaska 1998).

**Random order of names on ballot constitutional.** — The 1996 amendment to AS 15.15.030(6), which replaced rotation of candidates' names on election ballots with random determination of the order of names, does not impermissibly burden the right to vote or violate the requirements of the Alaska Constitution that elections be based on the will of the people, and that legislators and the governor be elected. Sonneman v. State, 969 P.2d 632 (Alaska 1998).

**Cited in Carr v. Thomas,** 586 P.2d 622 (Alaska 1978); **Short v. State,** 500 P.2d 20 (Alaska 1979).

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

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

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

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

(2) used for a recount of the votes cast at an election in which electronically generated ballots were used. (§ 3 ch 154 SLA 2004)

**Cross references.** — For a transitional provision relating to implementation of (c) of this section as to ballots that are cast at the 2004 and 2005 elections, see § 7(a), ch. 154, SLA 2004, in the 2004 Temporary and Special Acts. For a transitional provision applicable to the purchase, using available federal funds, of

additional equipment necessary to provide a paper record of ballots of state electronic voting machines, see § 7(b), ch. 154, SLA 2004, in the 2004 Temporary and Special Acts.

**Effective dates.** — Section 8, ch. 154, SLA 2004, made this section effective July 4, 2004.

**Sec. 15.15.035. Printing of ballots and other material.** The director may not be required to do business with a printing company while the company is involved in a labor dispute. (§ 9 ch 228 SLA 1968; am § 39 ch 100 SLA 1980)

**Sec. 15.15.040. Preparation of other election materials.** (a) The director shall prescribe the form of and prepare tinted sample ballots and all other materials, forms, and supplies required for the election.

(b) The director shall prepare and issue or make available with each sample ballot for a special election the statement provided for in AS 24.08.037 of the scope of each project included in a proposed general obligation bond issue creating a state debt for capital improvements that is submitted to the electorate for ratification under AS 15.15.030(11). The statement of scope for each project shall be the same statement included in the authorization bill. When a ballot proposition is submitted to the voters at a primary or a special election, a statement the same as that provided for in the election pamphlet under AS 15.58.020(6) shall be made available with each sample ballot.

(c) The director shall provide materials, forms, and supplies for each polling place, including information regarding the date of the election and hours the polling place will be open, instructions on how to cast a questioned ballot, instructions for first-time voters

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 94(STA), Draft Version "F"

1 Page 1, line 8, following "systems,":

2 Insert "qualifications for elected office,"

3

4 Page 9, following line 1:

5 Insert new bill sections to read:

6 **\*\* Sec. 17.** AS 15.25.030(a) is amended to read:

7 (a) A member of a political party who seeks to become a candidate of the  
8 party in the primary election shall execute and file a declaration of candidacy. The  
9 declaration shall be executed under oath before an officer authorized to take  
10 acknowledgments and must state in substance

11 (1) the full name of the candidate;

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

13 (3) if the candidacy is for the office of state senator or state  
14 representative, the house or senate district of which the candidate is a resident;

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

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

18 (6) the full residence address of the candidate, and the date on which  
19 residency at that address began;

20 (7) the date of the primary election at which the candidate seeks  
21 nomination;

22 (8) the length of residency in the state and in the district of the  
23 candidate;

1 (9) that the candidate will meet the specific citizenship requirements of  
2 the office for which the person is a candidate;

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

4 (11) that the candidate will meet the specific age requirements of the  
5 office for which the person is a candidate; **if the candidacy is for the office of state**  
6 **representative, that the candidate will be at least 21 years of age on the first**  
7 **scheduled day of the first regular session of the legislature convened after the**  
8 **election; if the candidacy is for the office of state senator, that the candidate will**  
9 **be at least 25 years of age on the first scheduled day of the first regular session of**  
10 **the legislature convened after the election; if the candidacy is for the office of**  
11 **governor or lieutenant governor, that the candidate will be at least 30 years of**  
12 **age on the first Monday in December following election or, if the office is to be**  
13 **filled by special election under AS 15.40.230 - 15.40.310, that the candidate will**  
14 **be at least 30 years of age on the date of certification of the results of the special**  
15 **election; or, for any other office, by the time that the candidate, if elected, is**  
16 **sworn into office;**

17 (12) that the candidate requests that the candidate's name be placed on  
18 the primary election ballot;

19 (13) that the required fee accompanies the declaration;

20 (14) that the person is not a candidate for any other office to be voted  
21 on at the primary or general election and that the person is not a candidate for this  
22 office under any other declaration of candidacy or nominating petition;

23 (15) the manner in which the candidate wishes the candidate's name to  
24 appear on the ballot; and

25 (16) that the candidate is registered to vote as a member of the political  
26 party whose nomination is being sought.

27 \* Sec. 18. AS 15.25.105(a) is amended to read:

28 (a) If a candidate does not appear on the primary election ballot or is not  
29 successful in advancing to the general election and wishes to be a candidate in the  
30 general election, the candidate may file as a write-in candidate. Votes for a write-in  
31 candidate may not be counted unless that candidate has filed a letter of intent with the

1 director stating

2 (1) the full name of the candidate;

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

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

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

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

10 (6) the office that the candidate seeks;

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

12 (8) the length of residency in the state and in the house district of the  
13 candidate;

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

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

18 (11) that the candidate will meet the specific age requirements of the  
19 office for which the person is a candidate; if the candidacy is for the office of state  
20 representative, that the candidate will be at least 21 years of age on the first  
21 scheduled day of the first regular session of the legislature convened after the  
22 election; if the candidacy is for the office of state senator, that the candidate will  
23 be at least 25 years of age on the first scheduled day of the first regular session of  
24 the legislature convened after the election; if the candidacy is for the office of  
25 governor or lieutenant governor, that the candidate will be at least 30 years of  
26 age on the first Monday in December following election or, if the office is to be  
27 filled by special election under AS 15.40.230 - 15.40.310, that the candidate will  
28 be at least 30 years of age on the date of certification of the results of the special  
29 election; or, for any other office, by the time that the candidate, if elected, is sworn  
30 into office;

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

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

4 \* **Sec. 19.** AS 15.25.180(a) is amended to read:

5 (a) The petition must state in substance

6 (1) the full name of the candidate;

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (15) that the candidate will meet the specific age requirements of the  
31 office for which the person is a candidate; if the candidacy is for the office of state

1 representative, that the candidate will be at least 21 years of age on the first  
2 scheduled day of the first regular session of the legislature convened after the  
3 election; if the candidacy is for the office of state senator, that the candidate will  
4 be at least 25 years of age on the first scheduled day of the first regular session of  
5 the legislature convened after the election; and if the candidacy is for the office of  
6 governor or lieutenant governor, that the candidate will be at least 30 years of  
7 age on the first Monday in December following election or, if the office is to be  
8 filled by special election under AS 15.40.230 - 15.40.310, that the candidate will  
9 be at least 30 years of age on the date of certification of the results of the special  
10 election; or, for any other office, by the time that the candidate, if elected, is sworn  
11 into office;

12 (16) that the candidate is a qualified voter; and

13 (17) if the candidacy is for the office of the governor, the name of the  
14 candidate for lieutenant governor running jointly with the candidate for governor."

15  
16 Renumber the following resolution sections accordingly.

17  
18 Page 21, line 6:

19 Delete "secs. 20 - 43"

20 Insert "secs. 23 - 46"

24-GH1048F  
Kurtz  
2/11/05

**CS FOR HOUSE BILL NO. 94(STA)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-FOURTH LEGISLATURE - FIRST 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 registration through a power of  
4 attorney, voter registration using scanned documents, voter residence, precinct  
5 boundary and polling place designation and modification, recognized political parties,  
6 voters unaffiliated with a political party, early voting, absentee voting, application for  
7 absentee ballots through a power of attorney or by scanned documents, ballot design,  
8 ballot counting, voting by mail, voting machines, vote tally systems, initiative,  
9 referendum, recall, and definitions in the Alaska Election Code; relating to  
10 incorporation elections."

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

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

1           **Sec. 15.05.020. Rules for determining residence of voter.** For the purpose  
2 of determining residence for voting, the place of residence is governed by the  
3 following rules:

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

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

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

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

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

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

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

30           (8) 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 the voter notifies the director in writing of a  
2 change of voting residence.

3 \* Sec. 2. AS 15.07.050 is amended to read:

4 **Sec. 15.07.050. Manner of registration.** Registration may be made

5 (1) in person before a registration official or through a voter  
6 registration agency;

7 (2) **by another individual on behalf of the voter if the voter has**  
8 **executed a written power of attorney specifically authorizing that other**  
9 **individual to register the voter;**

10 (3) by mail; or

11 (4) [(3)] by facsimile transmission, **scanning**, or another method of  
12 electronic transmission that the director approves.

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

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

16 (1) **the applicant's** name and sex;

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

20 (3) **the applicant's** date of birth;

21 (4) **the applicant's Alaska residence** address [AND OTHER  
22 NECESSARY INFORMATION ESTABLISHING RESIDENCE, INCLUDING THE  
23 TERM OF RESIDENCE IN THE STATE AND IN THE DISTRICT, IF  
24 REQUESTED];

25 (5) **a statement of** whether the applicant has previously been  
26 registered to vote in another jurisdiction, and, if so, the jurisdiction and the address of  
27 the previous registration;

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

30 (7) a declaration that the **applicant** [REGISTRANT] is a citizen of the  
31 United States;

- 1 (8) the date of application;
- 2 (9) the applicant's signature or mark;
- 3 (10) any former name under which the applicant was registered to vote
- 4 in the state;
- 5 (11) an oath [ATTESTATION] that the information provided by the
- 6 applicant in (1) - (10) of this subsection is true; and
- 7 (12) a certification that the applicant understands that a false statement
- 8 on the application may make the applicant subject to prosecution for a misdemeanor
- 9 under this title or AS 11.

10 **Sec. 4.** AS 15.07.070(b) is amended to read:

11 (b) To register by mail or by facsimile, scanning, or other electronic

12 transmission approved by the director under AS 15.07.050, the director, the area

13 election supervisor, or a voter registration agency shall furnish, at no cost to the voter,

14 forms prepared by the director on which the registration information required under

15 AS 15.07.060 shall be inserted by the voter, by a person on behalf of the voter if

16 that person is designated to act on behalf of the voter in a power of attorney as

17 set out in AS 15.07.050, or by a person on behalf of the voter if the voter is physically

18 incapacitated. The director may require proof of identification of the applicant as

19 required by regulations adopted by the director under A.C. 44.62 (Administrative

20 Procedure Act). Upon receipt and approval of the completed registration forms, the

21 director or the election supervisor shall forward to the voter an acknowledgment, and

22 the voter's name shall immediately be placed on the master register. If the registration

23 is denied, the voter shall immediately be informed in writing that registration was

24 denied and the reason for denial. When identifying information has been provided by

25 the voter as required by this chapter, the election supervisor shall forward to the voter

26 a registration card.

27 \* **Sec. 5.** AS 15.07 is amended by adding a new section to read:

28 **Sec. 15.07.075. Voters unaffiliated with a political party.** The director shall

29 consider a voter to be a voter registered as

30 (1) "nonpartisan" and without a preference for a political party if the

31 voter registers as nonpartisan on a voter registration form;

1 (2) "undeclared" if the voter

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

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

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

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

9 \* Sec. 6. AS 15.07.127 is amended to read:

10 **Sec. 15.07.127. Preparation of master register.** The director shall prepare  
11 both a statewide list and a list by precinct of the names and addresses of all persons  
12 whose names appear on the master register and their political party affiliation.  
13 **Subject to the limitations of 15.07.195, any** [ANY] person may obtain a copy of the  
14 list, or a part of the list, or an electronic format containing both residence and mailing  
15 addresses of voters, by applying to the director and paying to the state treasury a fee as  
16 determined by the director.

17 \* Sec. 7. AS 15.10.090 is amended to read:

18 **Sec. 15.10.090. Notice of precinct boundary designation and modification.**  
19 The director shall give full public notice when precinct boundaries are designated and  
20 when the boundaries of a precinct are modified or when a precinct is established or  
21 abolished. Public notice **must** [SHALL] include

22 (1) [, BUT IS NOT LIMITED TO,] the publication **of notice** on three  
23 different days in a daily newspaper of general circulation; [,] if **possible, the**  
24 **newspaper shall be one that is available generally in the house district** [SUCH A  
25 NEWSPAPER IS PUBLISHED IN THE HOUSE DISTRICT] where the precinct is  
26 located; **however, if a daily newspaper of general circulation is not generally**  
27 **available in that house district, public notice must include** [, BY] posting written  
28 notice in a [THREE] conspicuous **place** [PLACES] in the designated precinct;

29 (2) **posting on the division of elections' Internet website;** [,] and

30 (3) [BY] notification to appropriate municipal clerks.

31 \* Sec. 8. AS 15.15.030(7) is amended to read:

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

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 15.20.064 is amended by adding a new subsection to read:

23 (d) The director shall designate locations for early voting by January 1 of an  
24 election year.

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

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

28 (1) contain the following statement: "I understand that, by using  
29 electronic transmission to return my marked ballot, I am voluntarily waiving a portion  
30 of my right to a secret ballot to the extent necessary to process my ballot, but expect  
31 that my vote will be held as confidential as possible, [.] " followed by the voter's

1 signature and date of signature; and

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

4 (A) a commissioned or noncommissioned officer of the armed  
5 forces of the United States;

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

8 (C) a [TWO] United States citizen [CITIZENS] who is [ARE]  
9 18 years of age or older.

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

11 (a) A qualified voter may apply by mail or by facsimile, scanning, or other  
12 electronic transmission to the director for an absentee ballot. Another person may  
13 apply for an absentee ballot on behalf of a qualified voter if that person is  
14 designated to act on behalf of the voter in a written power of attorney that  
15 specifically authorizes the other person to apply for an absentee ballot on behalf  
16 of the voter. The application must include the address or, if the application requests  
17 delivery of an absentee ballot by electronic transmission, the telephone electronic  
18 transmission number, to which the absentee ballot is to be returned, the applicant's full  
19 Alaska residence address, and the applicant's signature. However, a person residing  
20 outside the United States and applying to vote absentee in federal elections in  
21 accordance with AS 15.05.011 need not include an Alaska residence address in the  
22 application.

23 \* Sec. 13. 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. 14. 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. 15. 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

20 (1) the 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. 16. 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

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Vote Act of 2002).

\* Sec. 17. AS 15.30 is amended by adding a new section to read:

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

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

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

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

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

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

\* Sec. 18. AS 15.30.050 is amended to read:

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

\* Sec. 19. AS 15.30.090 is amended to read:

**Sec. 15.30.090. Duties of electors.** After any vacancies have been filled, the

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

8 \* Sec. 20. AS 15.45.030 is amended to read:

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

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

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

16 (3) [THE] designation of an initiative committee consisting of three of  
17 the sponsors who subscribed to the application and [SHALL] represent all sponsors  
18 and subscribers in matters relating to the initiative; the designation must include the  
19 name, mailing address, and signature of each committee member [, AND (4)  
20 THE SIGNATURES AND ADDRESSES OF NOT LESS THAN 100 QUALIFIED  
21 VOTERS].

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

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

28 \* Sec. 22. AS 15.45.090 is repealed and reenacted to read:

29 **Sec. 15.45.090. Preparation of petition.** (a) The lieutenant governor shall  
30 prepare a sufficient number of sequentially numbered petitions to allow full circulation  
31 throughout the state. Each petition must contain

1 (1) a copy of the proposed bill if the number of words included in both  
2 the formal and substantive provisions of the bill is 500 or less;

3 (2) an impartial summary of the subject matter of the bill;

4 (3) the statement of warning prescribed in AS 15.45.100;

5 (4) sufficient space for the printed name, date of birth, signature, and  
6 address of each person signing the petition;

7 (5) sufficient space at the bottom of each signature page for the  
8 information required by AS 15.45.130(8); and

9 (6) other specifications prescribed by the lieutenant governor to ensure  
10 proper handling and control.

11 (b) Upon request of the initiative committee, the lieutenant governor shall  
12 report to the committee the number of persons who voted in the preceding general  
13 election.

14 \* Sec. 23. AS 15.45 is amended by adding a new section to read:

15 **Sec. 15.45.105. Qualifications of circulator.** To circulate a petition booklet,  
16 a per 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. 24. AS 15.45.120 is amended to read:

21 **Sec. 15.45.120. 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 initiative petition may withdraw the person's name only by giving  
25 written notice to the lieutenant governor before the date the petition is filed.

26 \* Sec. 25. AS 15.45.130 is repealed and reenacted to read:

27 **Sec. 15.45.130. 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 15.45.105;

3 (2) the person is the only circulator of that 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 the 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 15.45.110(c);

11 (7) the circulator has not violated AS 15.45.110(d) with respect to that  
12 petition; and

13 (8) if the circulator has received payment or agreed to receive payment  
14 for the collection of signatures on the petition, the circulator, before circulating the  
15 petition, prominently placed in the space provided under AS 15.45.090(a)(5) the name  
16 of each person or organization that has paid or agreed to pay the circulator for  
17 collection of signatures on the petition.

18 \* Sec. 26. 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 at least five [10] copies of the proposed law being initiated, and  
21 the election board shall display at least one copy [THREE COPIES] of the proposed  
22 law in a conspicuous place in the room where the election is held.

23 \* Sec. 27. 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 name, signature, address, and date of birth of not  
29 less than 100 qualified voters who will serve as sponsors; each signature page  
30 must include a statement that the sponsors are qualified voters who signed the  
31 application 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, mailing address, and signature of each committee member  
6 [AND

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

9 \* Sec. 28. 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, and dates of birth of those so  
14 designated.

15 \* Sec. 29. AS 15.45.320 is repealed and reenacted to read:

16 Sec. 15.45.320. **Preparation of petition.** (a) The lieutenant governor shall  
17 prepare a sufficient number of sequential, numbered petitions to allow full circulation  
18 throughout the state. Each petition must contain

19 (1) a copy of the act to be referred if the number of words included in  
20 both the formal and substantive provisions of the act is 500 or less;

21 (2) the statement of approval or rejection;

22 (3) an impartial summary of the subject matter of the act;

23 (4) the statement of warning prescribed in AS 15.45.330;

24 (5) sufficient space for the printed name, date of birth, signature, and  
25 address of each person signing the petition;

26 (6) sufficient space at the bottom of each signature page for the  
27 information required by AS 15.45.360(8); and

28 (7) other specifications prescribed by the lieutenant governor to ensure  
29 proper handling and control.

30 (b) Upon request of the referendum committee, the lieutenant governor shall  
31 report to the committee the number of persons who voted in the preceding general

1 election.

2 \* **Sec. 30.** 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. 31.** 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 signature, 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. 32.** 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. 33.** AS 15.45.360 is repealed and reenacted 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 personally circulated the petition.  
31 In determining the sufficiency of the petition, the lieutenant governor may not count

1 subscriptions on petitions not properly certified at the time of filing or corrected before  
2 the subscriptions are counted. The affidavit must state in substance that

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

5 (2) the person is the only circulator of that petition;

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

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

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

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

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

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

20 \* **Sec. 34.** AS 15.45.430 is amended to read:

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

25 \* **Sec. 35.** AS 15.45.500 is amended to read:

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

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

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

30 (3) the printed name, signature, address, and date of birth of  
31 qualified voters equal in number to 10 percent of those who voted in the

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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

(A) will serve as sponsors; and

(B) [WHO] signed the application with the name and office of the person to be recalled and 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. 36.** 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. 37.** AS 15.45.560 is repealed and reenacted to read:

**Sec. 15.45.560. Preparation of petition.** (a) The director shall prepare a sufficient number of sequentially numbered petitions to allow full circulation throughout the state. Each petition must contain

- (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;

1 (4) sufficient space for the printed name, date of birth, signature, and  
2 address of each person signing the petition;

3 (5) sufficient space at the bottom of each signature page for the  
4 information required by AS 15.45.600(8); and

5 (6) other specifications prescribed by the director to ensure proper  
6 handling and control.

7 (b) Upon request of the recall committee, the lieutenant governor shall report  
8 to the committee the number of persons who voted in the preceding general election,  
9 in the state or in the district of the official sought to be recalled by the recall  
10 committee.

11 \* **Sec. 38.** AS 15.45.576 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. 39.** 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. 40.** 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. 41.** 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. 42.** 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 that 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 the 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) if the circulator has received payment or agreed to receive payment  
31 for the collection of signatures on the petition, the circulator, before circulating of the

petition, prominently placed in the space provided under AS 15.45.560(a)(5) the name of each person or organization that has paid or agreed to pay the circulator for collection of signatures on the petition.

\* Sec. 43. 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 at least five [10] copies of the statement of the grounds for recall included in the application and at least 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 at least one copy [THREE COPIES] of the statements for and against recall in a [THREE] conspicuous place [PLACES] in the polling place.

\* Sec. 44. 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) meets the definition of a political party in AS 15.60.010.

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

(c) The director shall perform a verification described in (b) of this section at least once a month after the date of certification of the preceding general election, except that the director may suspend the monthly verifications on and after June 1 and before November 30 of a general election year. For purposes of (b) of this section, the director shall verify that the voters who have submitted registration forms to the

Amend #1 raised

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1 division of elections are qualified under AS 15.05.010 and have declared affiliation  
2 with the political group or recognized political party for which the verification is  
3 performed.

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

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

13 \* Sec. 45. AS 15.60.010 is amended by adding a new paragraph to read:

14 (40) "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 \* Sec. 46. AS 29.05.110(b) is amended to read:

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

24 \* Sec. 47. AS 29.05.110(c) is amended to read:

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

1 \* Sec. 48. AS 29.05.110 is amended by adding a new subsection to read:

2 (d) In this section, "qualified voter" has the meaning given in AS 15.60.010.

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

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

6 APPLICABILITY. The changes made by secs. 20 - 43 of this Act apply to an  
7 application for an initiative, referendum, or recall filed with the lieutenant governor on or  
8 after the effective date of this Act.

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

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

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 94(STA), Draft Version "G"

- 1 Page 19, line 30, following "registration":
- 2       Insert "forms"

IN C.S.

+ on Page 19 line 18  
Strike "first" - Section 5

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 94(STA), Draft Version "G"

- 1 Page 1, line 10, following "elections":
- 2 Delete "; and providing for an effective date"
- 3
- 4 Page 21, line 12:
- 5 Delete all material.

IN C.S.

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 94(STA), Draft Version "G"

- 1 Page 19, line 28, following "general election":
- 2       Insert ", except that the director may suspend the monthly verifications on and after
- 3 June 1 and before November 30 of a general election year"

IN C.S.

+ Gatta's technical  
"at least" before (5)  
Sec. 26, 34, 43

AMENDMENT

2

11 | 11/1

OFFERED IN THE HOUSE

BY REPRESENTATIVE GARDNER

TO: CSHB 94(STA), Draft Version "G"

1 Page 6, following line 21:

2 Insert new bill sections to read:

3 **\*\* Sec. 10.** AS 15.15.420 is amended to read:

4 **Sec. 15.15.420. Duty to review the ballot counting.** The director shall  
5 review the counting of the ballots with the assistance of and in the presence of the  
6 state ballot counting review board [APPOINTED REPRESENTATIVES FROM  
7 THE POLITICAL PARTIES].

*Handwritten signature/initials*

8 **\* Sec. 11.** AS 15.15.430 is amended to read:

9 **Sec. 15.15.430. Scope of the review of ballot counting.** (a) The review of  
10 ballot counting by the director shall include only [A REVIEW OF]

11 (1) a review of the precinct registers, tallies, and ballots cast; [AND]

12 (2) a review of absentee and questioned ballots as prescribed by law;

13 and

14 (3) a hand count of ballots from one randomly selected precinct in  
15 each election district that accounts for at least five percent of the ballots cast in  
16 that district.

*Handwritten note: and may include*

17 (b) If, following the ballot review set out in (a) of this section, the director  
18 finds an unexplained discrepancy in the ballot count in any precinct, the director may  
19 count the ballots from that precinct. If there is a discrepancy of more than one  
20 percent between the results of the hand count under (a)(3) of this section and the  
21 count certified by the election board, the director shall conduct a hand count of  
22 the ballots from that district. The director shall certify in writing to the state ballot  
23 counting review board and publish on the division's Internet website any changes

1 resulting from a [THE] count performed under this subsection."

2

3 Renumber the following bill sections accordingly.

4

5 Page 21, line 4:

6 Delete "secs. 20 - 43"

7 Insert "secs. 22 - 45"

3,500

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 94(STA), Draft Version "G"

1 Page 20, following line 10:

2 Insert a new bill section to read:

3 **\*\* Sec. 45.** AS 15.60.010(23) is repealed and reenacted to read:

4 (23) "political party" means an organized group of voters that  
5 represents a political program and that

6 (A) within the last four years nominated a candidate for  
7 governor, United States senator, United States representative, or President, and  
8 the person nominated as the candidate received at least three percent of the  
9 total votes cast for candidates for that office at the general election; or

10 (B) has registered voters in the state equal in number to at least  
11 one percent of the total votes cast for governor at the preceding general  
12 election;"

13  
14 Renumber the following bill sections accordingly.

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 94(STA), Draft Version "G"

1 Page 5, lines 17 - 30:

2 Delete all material and insert:

3 **\*\* Sec. 7. AS 15.10.090 is repealed and reenacted to read:**

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

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

10 (2) providing notice of the change

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

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

16 (3) posting notice of the change on the Internet website of the division  
17 of elections; and

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

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 94(STA). Draft Version "G"

1 Page 8, following line 12:

2 Insert a new bill section to read:

3 **\*\* Sec. 15.** AS 15.20.450 is amended to read:

4 **Sec. 15.20.450. Requirements of deposit and recount cost.** The application  
5 must include a deposit in cash, by certified check, or by bond with a surety approved  
6 by the director. The amount of the deposit is \$2,500 [\$300] for each precinct, \$10,000  
7 [\$750] for each house district, and \$50,000 [\$10,000] for the entire state. If the  
8 recount includes an office for which candidates received a tie vote, or the difference  
9 between the number of votes cast was 20 or less or was less than .5 percent of the total  
10 number of votes cast for the two candidates for the contested office, or a question or  
11 proposition for which there was a tie vote on the issue, or the difference between the  
12 number of votes cast in favor of or opposed to the issue was 20 or less or was less than  
13 .5 percent of the total votes cast in favor of or opposed to the issue, the application  
14 need not include a deposit, and the state shall bear the cost of the recount. If, on the  
15 recount, a candidate other than the candidate who received the original election  
16 certificate is declared elected, or if the vote on recount is determined to be four percent  
17 or more in excess of the vote reported by the state review for the candidate applying  
18 for the recount or in favor of or opposed to the question or proposition as stated in the  
19 application, the entire deposit shall be refunded. If the entire deposit is not refunded,  
20 the director shall refund any money remaining after the cost of the recount has been  
21 paid from the deposit. **If the cost of the recount exceeds the amount of the deposit,**  
22 **the recount applicant shall pay the remainder upon notification by the state of**  
23 **the amount due.**

1

2 Renumber the following bill sections accordingly.

3

4 Page 21, line 4:

5 Delete "secs. 20 - 43"

6 Insert "secs. 21 - 44"

24-GH1048\G

Kurtz

1/31/05

**CS FOR HOUSE BILL NO. 94(STA)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-FOURTH LEGISLATURE - FIRST 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 registration through a power of  
4 attorney, voter registration using scanned documents, voter residence, precinct  
5 boundary and polling place designation and modification, recognized political parties,  
6 voters unaffiliated with a political party, early voting, absentee voting, application for  
7 absentee ballots through a power of attorney or by scanned documents, ballot design,  
8 ballot counting, voting by mail, voting machines, vote tally systems, initiative,  
9 referendum, recall, and definitions in the Alaska Election Code; relating to  
10 incorporation elections; and providing for an effective date."

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

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

1           **Sec. 15.05.020. Rules for determining residence of voter.** For the purpose  
2 of determining residence for voting, the place of residence is governed by the  
3 following rules:

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

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

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

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

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

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

28           (7) The term of residence is computed by including the day on which  
29 the person's residence begins and excluding the day of election

30           (8) 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 the voter notifies the director in writing of a  
2 change of voting residence.

3 \* Sec. 2. AS 15.07.050 is amended to read:

4 **Sec. 15.07.050. Manner of registration.** Registration may be made

5 (1) in person before a registration official or through a voter  
6 registration agency;

7 (2) by another individual on behalf of the voter if the voter has  
8 executed a written power of attorney specifically authorizing that other  
9 individual to register the voter;

10 (3) by mail; or

11 (4) [(3)] by facsimile transmission, scanning, or another method of  
12 electronic transmission that the director approves.

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

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

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

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

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

21 (4) the applicant's Alaska residence address [AND OTHER  
22 NECESSARY INFORMATION ESTABLISHING RESIDENCE, INCLUDING THE  
23 TERM OF RESIDENCE IN THE STATE AND IN THE DISTRICT, IF  
24 REQUESTED];

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

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

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

- 1 (8) the date of application;
- 2 (9) the applicant's signature or mark;
- 3 (10) any former name under which the applicant was registered to vote
- 4 in the state;
- 5 (11) an oath [ATTESTATION] that the information provided by the
- 6 applicant in (1) - (10) of this subsection is true; and
- 7 (12) a certification that the applicant understands that a false statement
- 8 on the application may make the applicant subject to prosecution for a misdemeanor
- 9 under this title or AS 11.

10 \* Sec. 4. AS 15.07.070(b) is amended to read:

11 (b) To register by mail or by facsimile, scanning, or other electronic

12 transmission approved by the director under AS 15.07.050, the director, the area

13 election supervisor, or a voter registration agency shall furnish, at no cost to the voter,

14 forms prepared by the director on which the registration information required under

15 AS 15.07.060 shall be inserted by the voter, by a person on behalf of the voter if

16 that person is designated to act on behalf of the voter in a power of attorney as

17 set out in AS 15.07.050, or by a person on behalf of the voter if the voter is physically

18 incapacitated. The director may require proof of identification of the applicant as

19 required by regulations adopted by the director under AS 44.62 (Administrative

20 Procedure Act). Upon receipt and approval of the completed registration forms, the

21 director or the election supervisor shall forward to the voter an acknowledgment, and

22 the voter's name shall immediately be placed on the master register. If the registration

23 is denied, the voter shall immediately be informed in writing that registration was

24 denied and the reason for denial. When identifying information has been provided by

25 the voter as required by this chapter, the election supervisor shall forward to the voter

26 a registration card.

27 \* Sec. 5. AS 15.07 is amended by adding a new section to read:

28 **Sec. 15.07.075. Voters unaffiliated with a political party.** The director shall

29 consider a voter to be a voter registered as

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

1 (2) "undeclared" if the voter

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

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

5 (C) declares an affiliation with an entity other than a political  
6 party or political group on a voter registration form, or

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

9 \* Sec. 6. AS 15.07.127 is amended to read:

10 **Sec. 15.07.127. Preparation of master register.** The director shall prepare  
11 both a statewide list and a list by precinct of the names and addresses of all persons  
12 whose names appear on the master register and their political party affiliation.  
13 **Subject to the limitations of 15.07.195, any** [ANY] person may obtain a copy of the  
14 list, or a part of the list, or an electronic format containing both residence and mailing  
15 addresses of voters, by applying to the director and paying to the state treasury a fee as  
16 determined by the director.

17 \* Sec. 7. AS 15.10.090 is amended to read:

18 **Sec. 15.10.090. Notice of precinct boundary designation and modification.**  
19 The director shall give full public notice when precinct boundaries are designated and  
20 when the boundaries of a precinct are modified or when a precinct is established or  
21 abolished. Public notice **must** [SHALL] include

22 (1) [, BUT IS NOT LIMITED TO,] the publication **of notice** on three  
23 different days in a daily newspaper of general circulation; [,] if **possible, the**  
24 **newspaper shall be one that is available generally in the house district** [SUCH A  
25 NEWSPAPER IS PUBLISHED IN THE HOUSE DISTRICT] where the precinct is  
26 located; **however, if a daily newspaper of general circulation is not generally**  
27 **available in that house district, public notice must include** [, BY] posting written  
28 notice in **a** [THREE] conspicuous **place** [PLACES] in the designated precinct;

29 (2) **posting on the division of elections' Internet website;** [,] and

30 (3) [BY] notification to appropriate municipal clerks.

31 \* Sec. 8. AS 15.15.030(7) is amended to read:

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

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 15.20.064 is amended by adding a new subsection to read:

23 (d) The director shall designate locations for early voting by January 1 of an  
24 election year.

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

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

28 (1) contain the following statement: "I understand that, by using  
29 electronic transmission to return my marked ballot, I am voluntarily waiving a portion  
30 of my right to a secret ballot to the extent necessary to process my ballot, but expect  
31 that my vote will be held as confidential as possible, [.] " followed by the voter's

signature and date of signature; and

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

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

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

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

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

(a) A qualified voter may apply by mail or by facsimile, scanning, or other electronic transmission to the director for an absentee ballot. Another person may apply for an absentee ballot on behalf of a qualified voter if that person is designated to act on behalf of the voter in a written power of attorney that specifically authorizes the other person to apply for an absentee ballot on behalf of the voter. The application must include the address or, if the application requests delivery of an absentee ballot by electronic transmission, the telephone electronic transmission number, to which the absentee ballot is to be returned, the applicant's full Alaska residence address, and the applicant's signature. However, a person residing outside the United States and applying to vote absentee in federal elections in accordance with AS 15.05.011 need not include an Alaska residence address in the application.

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

(d) Upon receipt of an absentee ballot by mail, the voter, in the presence of a notary public, commissioned officer of the armed forces including the National Guard, district judge or magistrate, United States postal official, registration official, or other person qualified to administer oaths, may proceed to mark the ballot in secret, to place the ballot in the secrecy sleeve, to place the secrecy sleeve in the envelope provided, and to sign the voter's certificate on the envelope in the presence of an official listed in this subsection who shall sign as attesting official and shall date the signature. If none 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 at least 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. 14. 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. 15. 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

20 (1) the 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. 16. 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. 17. AS 15.30 is amended by adding a new section to read:

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

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

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

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

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

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

24 \* Sec. 18. AS 15.30.050 is amended to read:

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

30 \* Sec. 19. AS 15.30.090 is amended to read:

31 **Sec. 15.30.090. Duties of electors.** After any vacancies have been filled, the

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

8 \* Sec. 20. AS 15.45.030 is amended to read:

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

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

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

16 (3) [THE] designation of an initiative committee consisting of three of  
17 the sponsors who subscribed to the application and [SHALL] represent all sponsors  
18 and subscribers in matters relating to the initiative; the designation must include the  
19 name, mailing address, and signature of each committee member [, AND (4)  
20 THE SIGNATURES AND ADDRESSES OF NOT LESS THAN 100 QUALIFIED  
21 VOTERS].

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

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

28 \* Sec. 22. AS 15.45.090 is repealed and reenacted to read:

29 **Sec. 15.45.090. Preparation of petition.** (a) The lieutenant governor shall  
30 prepare a sufficient number of sequentially numbered petitions to allow full circulation  
31 throughout the state. Each petition must contain

1 (1) a copy of the proposed bill if the number of words included in both  
2 the formal and substantive provisions of the bill is 500 or less;

3 (2) an impartial summary of the subject matter of the bill;

4 (3) the statement of warning prescribed in AS 15.45.100;

5 (4) sufficient space for the printed name, date of birth, signature, and  
6 address of each person signing the petition;

7 (5) sufficient space at the bottom of each signature page for the  
8 information required by AS 15.45.130(8); and

9 (6) other specifications prescribed by the lieutenant governor to ensure  
10 proper handling and control.

11 (b) Upon request of the initiative committee, the lieutenant governor shall  
12 report to the committee the number of persons who voted in the preceding general  
13 election.

14 \* Sec. 23. AS 15.45 is amended by adding a new section to read:

15 **Sec. 15.45.105. 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. 24. AS 15.45.120 is amended to read:

21 **Sec. 15.45.120. 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 initiative petition may withdraw the person's name only by giving  
25 written notice to the lieutenant governor before the date the petition is filed.

26 \* Sec. 25. AS 15.45.130 is repealed and reenacted to read:

27 **Sec. 15.45.130. 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 15.45.105;

3 (2) the person is the only circulator of that 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 the 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 15.45.110(c);

11 (7) the circulator has not violated AS 15.45.110(d) with respect to that  
12 petition; and

13 (8) if the circulator has received payment or agreed to receive payment  
14 for the collection of signatures on the petition, the circulator, before circulating the  
15 petition, prominently placed in the space provided under AS 15.45.090(a)(5) the name  
16 of each person or organization that has paid or agreed to pay the circulator for  
17 collection of signatures on the petition.

18 \* Sec. 26. 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. 27. 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 name, signature, address, and date of birth of not  
29 less than 100 qualified voters who will serve as sponsors; each signature page  
30 must include a statement that the sponsors are qualified voters who signed the  
31 application 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, mailing address, and signature of each committee member  
6 [AND

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

9 \* Sec. 28. 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, and dates of birth of those so  
14 designated.

15 \* Sec. 29. AS 15.45.320 is repealed and reenacted to read:

16 Sec. 15.45.320. **Preparation of petition.** (a) The lieutenant governor shall  
17 prepare a sufficient number of sequentially numbered petitions to allow full circulation  
18 throughout the state. Each petition must contain

19 (1) a copy of the act to be referred if the number of words included in  
20 both the formal and substantive provisions of the act is 500 or less;

21 (2) the statement of approval or rejection;

22 (3) an impartial summary of the subject matter of the act;

23 (4) the statement of warning prescribed in AS 15.45.330;

24 (5) sufficient space for the printed name, date of birth, signature, and  
25 address of each person signing the petition;

26 (6) sufficient space at the bottom of each signature page for the  
27 information required by AS 15.45.360(8); and

28 (7) other specifications prescribed by the lieutenant governor to ensure  
29 proper handling and control.

30 (b) Upon request of the referendum committee, the lieutenant governor shall  
31 report to the committee the number of persons who voted in the preceding general

1 election.

2 \* **Sec. 30.** 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. 31.** 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. 32.** 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. 33.** AS 15.45.360 is repealed and reenacted 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 personally circulated the petition.  
31 In determining the sufficiency of the petition, the lieutenant governor may not count

1 subscriptions on petitions not properly certified at the time of filing or corrected before  
2 the subscriptions are counted. The affidavit must state in substance that

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

5 (2) the person is the only circulator of that petition;

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

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

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

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

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

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

20 \* Sec. 34. AS 15.45.430 is amended to read:

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

25 \* Sec. 35. AS 15.45.500 is amended to read:

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

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

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

30 (3) the printed name, signature, address, and date of birth of  
31 qualified voters equal in number to 10 percent of those who voted in the

*Amend #1  
24  
43.*

1 preceding general election in the state or in the senate or house district of the  
 2 official sought to be recalled; each signature page must include a statement that the  
 3 [SPONSORS ARE] qualified voters

4 (A) will serve as sponsors; and

5 (B) [WHO] signed the application with the name and office of  
 6 the person to be recalled and the statement of grounds for recall attached;  
 7 and

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

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

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

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

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

25 \* **Sec. 37.** AS 15.45.560 is repealed and reenacted to read:

26 **Sec. 15.45.560. Preparation of petition.** (a) The director shall prepare a  
 27 sufficient number of sequentially numbered petitions to allow full circulation  
 28 throughout the state. Each petition must contain

- 29 (1) the name and office of the person to be recalled;  
 30 (2) the statement of the grounds for recall included in the application;  
 31 (3) the statement of warning required in AS 15.45.570;

1 (1) sufficient space for the printed name, date of birth, signature, and  
2 address of each person signing the petition;

3 (5) sufficient space at the bottom of each signature page for the  
4 information required by AS 15.45.600(b); and

5 (6) other specifications prescribed by the director to ensure proper  
6 handling and control.

7 (b) Upon request of the recall committee, the lieutenant governor shall report  
8 to the committee the number of persons who voted in the preceding general election,  
9 in the state or in the district of the official sought to be recalled by the recall  
10 committee.

11 \* Sec. 38. 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. 39. 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. 40. 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. 41. 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. 42. 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 that 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 the 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) if the circulator has received payment or agreed to receive payment  
31 for the collection of signatures on the petition, the circulator, before circulating of the

1 petition, prominently placed in the space provided under AS 15.45.560(a)(5) the name  
 2 of each person or organization that has paid or agreed to pay the circulator for  
 3 collection of signatures on the petition.

4 \* Sec. 43. 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. 44. AS 15.60 is amended by adding a new section to read:

16 **Sec. 15.60.068. 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 notify the political group in writing of the withdrawal of  
10 recognition.

11 \* Sec. 45. AS 15.60.010 is amended by adding a new paragraph to read:

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

18 \* Sec. 46. AS 29.05.110(b) is amended to read:

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

22 \* Sec. 47. AS 29.05.110(c) is amended to read:

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

30 \* Sec. 48. AS 29.05.110 is amended by adding a new subsection to read:

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

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

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

4 APPLICABILITY. The changes made by secs. 20 - 43 of this Act apply to an  
5 application for an initiative, referendum, or recall filed with the lieutenant governor on or  
6 after the effective date of this Act.

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

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

12 \* Sec. 52. This Act takes effect immediately under AS 01.10.070(c).

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

April 21, 2005

**SUBJECT:** Differences between CSHB 94(JUD) and CSHB 94(FIN)  
(Work Order No. 24-GH1048\X and \P)

**TO:** Representative Max Gruenberg

**FROM:** Kathryn L. Kurtz *KLK*  
Legislative Counsel

Your staff requested a description of the changes between the bill versions noted above.

The finance version of the bill includes the following changes (section numbers refer to the finance version):

- \* **Sec. 13.** AS 15.15.430: rewrites subsection (b) and adds new subsections (c) and (d). ✓
- \* **Sec. 21.** AS 15.20.800(b)(2): adds "the" before "address" on page 14, line 7. ✓
- \* **Sec. 31.** AS 15.45.090: deletes paragraph (7), relating to leaving space at the bottom of each initiative petition signature page for the information required by AS 15.45.130(8) (the requirements of which are changed by sec. 34 of the bill). ✓
- \* **Sec. 38.** AS 15.45.320: deletes paragraph (8) (see above).
- \* **Sec. 46.** AS 15.45.560: deletes paragraph (7) (see above).
- \* **Sec. 54.** AS 15.45.030(e): At the end of the first sentence, adds "at which a governor was elected", page 31, line 20.
- \* **Sec. 55.** AS 15.60.010(23). Page 31, line 30, removes "or"; page 32, line 9, repeats "or".

KLK:jad  
05-225.jad

*29*

*8*

# LEGAL SERVICES

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## MEMORANDUM

April 11, 2005

**SUBJECT:** CSHB 94(JUD)  
(Work Order No. 24-GH1048/L)

**TO:** Representative Lesil McGuire  
Attn: Vanessa Tondini

**FROM:** Kathryn L. Kurtz *KL*  
Legislative Counsel

Enclosed is the final committee version you requested.

The amendments made by the committee raised a number of drafting issues. Note that amendments 2, 3, and 4 were not drafted by our office (although they had my name on them, perhaps in an effort to identify the bill version they were amending). Please ask the drafter of those amendments not to draft their own amendments in a manner that suggests they came from us.

Please review the language implementing conceptual amendments 1 and 15 (both amending AS 15.20.081(d)). I do not see any legal effect of adding the words "under penalty of perjury," since that language is part of the certification already required under AS 09.63.020, referred to in the existing AS 15.20.081(d). However, I have reworded the last sentence in the subsection to make this more obvious. I have also inserted a new section into the bill amending AS 15.20.030 to require the notice necessary to make a false statement by a witness punishable as unsworn falsification under AS 11.56.210. This section also makes a conforming change, from "witnesses" to "witness."

Amendment 2 changed AS 15.45.130(8) and the corresponding sections relating to referenda and recalls to remove the requirement that petition circulators attest that they have listed the name of each person or organization paying the circulator to circulate the petition on the petition, and to require disclosure of that information in the circulator's affidavit only. The requirement in AS 15.45.090(a)(5) and the corresponding sections that the lieutenant governor provide sufficient space on each petition signature page for this information should be repealed as well, unless there is some aesthetic desire for additional white space, or a spiritual need for a koan in the statutes. Please pass this on to your colleagues in the Finance Committee.

Amendment 4 added "or" in AS 15.60.010(23). This draft incorporates that change, but please note that it is directly contrary to the drafting manual, which states: "[a]fter

Representative Lesil McGuire

April 11, 2005

Page 2

deciding whether 'and' or 'or' is appropriate in a listing of several items, include the 'and' or 'or' only between the last two items in the list, not between each of the items." Manual of Legislative Drafting at 57. This is a stylistic choice that is applied throughout the Alaska Statutes; including the extra "or" is not necessary and could undermine other statutes by opening the door to the argument that the list should be read as "and, and, or." Please help us maintain the stylistic continuity that is one of the great virtues of the statutes in our state by alerting your colleagues in Finance so this can be fixed in that committee. Note that the Manual is subject to approval of the Legislative Council; if the committee feels strongly that the and/or list question has been resolved incorrectly in the current drafting manual, the solution is to change the manual, and all existing statutes where the form is used, rather than taking a piecemeal approach.

Please review the implementation of the conceptual amendment 2 to amendment 11, amending AS 15.15.430 to ensure that it captures the committee's intent.

KLK:med  
05-245.med

Enclosure

Explanation of Amendments 1-4 by Kurtz dated 4/4/05  
For CS HB 94 (STA) (24-GH1048V)

**Amendment 1: (A)**

(beginning at Page 18)

Incorporates an amendment by Rep. Gruenberg to ensure that the Division accepts for signers of petitions/referendums and recalls as a voter identifier the voter's:

- Date of birth
- Last four digits of social security number
- Alaska driver's license number, or Identification card number, or
- Voter identification number

Beginning at Page 19, Section 30: Makes clear that when signing a petition, referendum or recall – the voter must:

- Print the voter's name, numerical identifier (see above), and address
- Sign and date the voter's signature

Beginning at Page 20, removes language that is unconstitutional and makes plain that only circulators who receive payment or agree to receive payment must disclose that fact, and those who do not receive payment are not required to state so.

**Amendment 2:**

(beginning at Page 12)

Increases the amount of deposit, check or bond required for recounts outside of the races that tie or the difference between votes cast was 20 or less or was less than .5 percent of the total votes.

Documentation of previous action by legislators is attached. It is clear this section, at least since 1986 (the only minutes available) was meant to help recoup costs the State Division of Elections incurs for recounts initiated under AS 15.20.430.

**Amendment 3:**

(beginning at Page 29)

Clarifies that the director of Elections reviews political party status following a general election (every two years).

Political party definition is clarified to reflect that parties have the opportunity each general election to nominate a candidate who:

- Received at least 3% of the votes for governor, or U.S. Senator or U.S. Representative at the previous general election; or

The group has registered 2% of the total number of voters registered in the State when the director performs verification of party status.

**Amendment 4:**

Technical amendment beginning at Page 18, Line 24 to correct mistakes in drafting.

Conceptual Amendment #1 - PASSED

to CSHB 94 (SPA)  
version "I"

by Rep. Gruenberg

Page 11., Lines 16-29

Amend AS 15.20.081 (d) to require it to be  
signed under oath, under penalty of perjury.

AMENDMENT #1(A)

OFFERED IN THE HOUSE JUDICIARY BY \_\_\_\_\_

COMMITTEE

TO: CSHB 94(STA), (24-GH1048V)

Page 18, line 7:

Delete "date of birth"

Insert "a numerical identifier"

Page 18, line 21:

Delete "dates of birth"

Insert "numerical identifiers"

Page 18, line 31:

Delete "date of birth"

Insert "numerical identifier"

Following "signature"

Insert "date of signature"

Page 19, lines 17 – 18:

Delete "date of birth"

Insert "a numerical identifier"

Page 19, line 18:

Following "and address"

Delete "and"

Following "the voter's name"

Insert "and dating the signature"

Page 19, line 26:

Following "substance":

Delete "that"

Page 19, line 27:

Following "(1)":

Insert: "that"

Page 19, line 29:

Following "(2)":

Insert: "that"

Page 19, line 30:

Following "(3)":

Insert "that"

Page 19, line 31:

Following "(4)":

Insert "that"

Page 20, line 2:

Following "(5)":

Insert "that"

Page 20, line 4:

Following **“(6)”**:

Insert **“that”**

Page 20, line 6:

Following **“(7)”**:

Insert **“that”**

Page 20, lines 8 – 12:

Delete all material and insert:

**“(8) whether the circulator has received payment or agreed to receive payment for the collection of signatures on the petition, and if so, the name of each person or organization that has paid or agreed to pay the circulator for collection of signatures on the petition.**

Page 20, line 23:

Delete **“date of birth”**

Insert **“a numerical identifier”**

Page 21, line 8:

Delete **“dates of birth”**

Insert **“numerical identifiers”**

Page 21, line 19:

Delete **“date of birth”**

Insert **“ a numerical identifier”**

Following **“signature”**

Insert **“date of signature”**

Page 22, lines 19 –20:

Delete “date of birth”

Insert “numerical identifier”

Page 22, line 20:

Following “**and address**”

Delete “**and**”

Following “the voter’s name”

Insert “**and dating the signature**”

Page 22, line 28:

Following “**substance**”

Delete “**that**”

Page 22, line 29:

Following “(1)”:

Insert: “**that**”

Page 22, line 31:

Following “(2)”:

Insert: “**that**”

Page 23, line 1:

Following “(3)”:

Insert “**that**”

Page 23, line 2:

Following “(4)”:

Insert **“that”**

Page 23, line 4:

Following **“(5)”**:

Insert **“that”**

Page 23, line 6:

Following **“(6)”**:

Insert **“that”**

Page 23, line 8:

Following **“(7)”**:

Insert **“that”**

Page 23, lines 10 – 14:

Delete all material and insert:

**“(8) whether the circulator has received payment or agreed to receive payment for the collection of signatures on the petition, and if so, the name of each person or organization that has paid or agreed to pay the circulator for collection of signatures on the petition.**

Page 23, line 25:

Delete **“date of birth”**

Insert **“a numerical identifier”**

Page 24, line 19:

Delete **“dates of birth”**

Insert **“numerical identifiers”**

Page 24, line 27:

Delete "date of birth"

Insert "a numerical identifier"

Following "signature"

Insert "date of signature"

Page 26, lines 3 – 4:

Delete "date of birth"

Insert "numerical identifier"

Page 26, line 4:

Following "and address"

Delete "and"

Following "the voter's name"

Insert "and dating the signature"

Page 26, line 12:

Following "substance":

Delete "that"

Page 26, line 13:

Following "(1)":

Insert "that"

Page 26, line 15:

Following "(2)":

Insert "that"

Page 26, line 16:

Following "(3)":

Insert "that"

Page 26, line 17:

Following "(4)":

Insert "that"

Page 26, line 19:

Following "(5)":

Insert "that"

Page 26, line 21:

Following "(6)":

Insert "that"

Page 26, line 23:

Following "(7)":

Insert "that"

Page 26, lines 25 – 29:

Delete all material and insert:

"(8) whether the circulator has received payment or agreed to receive payment for the collection of signatures on the petition, and if so, the name of each person or organization that has paid or agreed to pay the circulator for collection of signatures on the petition.

Page 30, line 14:

Delete "a new paragraph"

Insert "new paragraphs"

Page 30, line 15. following "(40)":

Insert "numerical identifier means a voter's date of birth, the last four digits of a voter's social security number, a voter's Alaska driver's license number, or a voter's Alaska identification card number or voter identification number;

(41)"

A M E N D M E N T # 2

OFFERED IN THE HOUSE JUDICIARY BY \_\_\_\_\_

COMMITTEE

TO: CSHB 94(STA), (24-GH1048I)

Page 12, following line 5:

Insert a new bill section to read:

\*\*Sec. 18. AS 15.20.450 is amended to read:

**Sec. 15.20.450. Requirements of deposit and recount cost.** The application must include a deposit in cash, by certified check, or by bond with a surety approved by the director. The amount of the deposit is \$2,500 [\$300] for each precinct, \$10,000 [\$750] for each house district, and \$50,000 [\$10,000] for the entire state. If the recount includes an office for which candidates received a tie vote, or the difference between the number of votes cast was 20 or less or was less than .5 percent of the total number of votes cast for the two candidates for the contested office, or a question or proposition for which there was a tie vote on the issue, or the difference between the number of votes cast in favor of or opposed to the issue was 20 or less or was less than .5 percent of the total votes cast in favor of or opposed to the issue, the application need not include a deposit, and the state shall bear the cost of the recount. If, on the recount, a candidate other than the candidate who received the original election certificate is declared elected, or if

the vote on recount is determined to be four percent or more in excess of the vote reported by the state review for the candidate applying for the recount or in favor of or opposed to the question or proposition as stated in the application, the entire deposit shall be refunded. If the entire deposit is not refunded, the director shall refund any money remaining after the cost of the recount has been paid from the deposit.”

Renumber the following bill sections accordingly.

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

(c) The district questioned ballot counting board shall certify the questioned ballot totals as soon as the count is completed but not later than the 10th [EIGHTH] day following the election.

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

(b) A questioned ballot may not be counted if

(1) the voter has failed to properly execute the certificate, or

(2) an official or the witnesses authorized by law to attest the voter's certificate fail to execute the certificate [REDACTED]

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

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

(a) The application shall state in substance the basis of belief that a mistake has been made, the particular election precinct or election district for which the recount is to be held, the particular office, proposition, or question for which the recount is to be held, and that the person making the application is a candidate or that the 10 persons making the application are qualified voters. The candidate or persons making the application shall designate by name and mailing address two persons who shall represent the applicant and be present and assist during the recount. Any person may be designated as representative, including the candidate [HIMSELF] or any person making the application [, AND THE REPRESENTATIVES SHALL BE PAID THE SAME AMOUNT AND MANNER AS ELECTION JUDGES]. Applications by qualified voters shall also include the designation of one of the persons as chair [CHAIRMAN]. The candidate or persons making the application shall sign the application and shall print or type their full name and mailing address.

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

Sec. 15.20.450. REQUIREMENT OF DEPOSIT. The application shall include a deposit in cash, by certified check, or by bond with a surety approved by the director. The amount of the deposit is \$300, ~~[\$500]~~ for each precinct, ~~[\$750]~~ ~~[\$2500]~~ for each election district, and ~~[\$1000]~~ ~~[\$2500]~~ for the entire state. If [HOWEVER, IF] the recount includes an office for which candidates received a tie vote, or the difference between the number of votes cast was 20 [10] or less or was less than .5 percent of the total number of votes cast for the two candidates for the contested office, or a question or proposition for which there was a tie vote on the issue, or the difference between the number of votes cast in favor of or opposed to the issue was 20 [10] or less or was less than .5 percent of the total votes cast in favor of or opposed to the issue, the application need not include a deposit and the state shall bear the cost of the recount. If, on the recount, a candidate other than the candidate who received the original election certificate is declared elected, or if the vote on recount is determined to be four percent or more in excess of the vote reported by the state review for the candidate applying for the recount or in favor or opposed to the question or proposition as stated in the application, the entire deposit shall be refunded. If the entire deposit is not refunded, the director shall refund any money remaining after the cost of the recount has been paid from the deposit.

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

Sec. 15.20.480. PROCEDURE FOR RECOUNT. In conducting the recount, the director [OR HIS APPOINTED REPRESENTATIVE] shall review all ballots whether the ballots were counted at the precinct or by computer or by the district absentee counting board or the questioned ballot counting board to determine which ballots, or part of ballots, were

Number 178 Ms. Edgeworth responds ~~that the sponsor of the bill saw fit to increase the fee for candidates seeking recounts within their districts.~~ Right now the statutes request a \$250 fee to be paid to the Division of Elections and the cost for running a recount is approximately \$1700 per district. There are provisions for those races that are close enough to be recounted free.

Representative Clocksin asks if the \$1700 is for a single seat district. Ms. Edgeworth responds that it is for a single district.

Representative Clocksin asks if anyone ever requests recounts for a precinct. Ms. Edgeworth responds not recently.

Number 213 Representative Pettyjohn asks if he can request a precinct recount. Ms. Edgeworth responds that she believes it to be \$300 per precinct or \$1500 per district. He asks what if it is a senate district which comprises two House districts.

The response is that if it is a Senate district it is one district.

Number 123

Chairman Abood read a letter from Patty Ann Polley, former Director of the Division of Elections regarding recounts.

The letter reads as follows:

To: Sandra J. Stout, Director, Division of Elections.

I am responding to your inquiry regarding the outcome of recounts resulting from elections in which the vote difference between the candidates exceeded the number for which a recount was completed free of charge. During my tenure with the Division of Elections from 1968 to 1982, I call recall no election being overturned by such a recount for which a deposit was required. Nor can I recall any recount during which the applicant received a sufficient increase in the number of votes to warrant a refund of the required deposit. I hope this information is helpful.

Signed, Patty Ann Polley.

Number 141

Senator Ray questioned what the deposit was for. Ms. Edgeworth told the committee that the intention of the deposit was to offset the cost to the state for recounts.

Senator DeVries added that this was not the full cost of the recount and that the State still contributed to cost of the recount.

Representative Clocksin suggested the deletion of a fee provision for recount of a precinct only, at page 3, line 17. Members discussed the suggestion. Representative Gruenberg felt such deletion would make it too expensive for a loser to insure the validity of an election since an entire district recount would be done, instead of a few key precincts. He suggested a rollback of the fee for a district recount and striking the fee for a precinct recount. Representative Clocksin wondered about senators - would they be charged twice as much, since their districts are about twice as large as a representative?

Number 546

The committee was unanimous in approving the deletion of a fee for a precinct recount.

Number 549

Representative Gruenberg moved ~~for a district recount to \$250~~ for a district recount to \$250. Members felt that was too little. He changed the amount to \$750 and there was no objection.

Number 560

Representative Clocksin again raised the issue of fees for a Senator's recount. He felt it should be twice as much except where the district is pro terminus with the representative's. Ms. Edgeworth stated that under reapportionment, the base for senators was the same as for representatives. The fee was for the number of people being represented. Chairman Miller stated Representative Clocksin's suggestion would never pass the Senate and so he dropped it.



# LAWS OF ALASKA

1976

Source

HB 483 am S

Chapter No.

77

## AN ACT

Relating to election recounts.

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

\* Section 1. AS 15.20.450 is amended to read:

Sec. 15.20.450. REQUIREMENT OF DEPOSIT. The application shall include a deposit in cash, by certified check, or by bond with a surety approved by the lieutenant governor. The amount of the deposit is \$500 for each precinct, \$250 for each election district, and \$100 for the entire state. However, if the recount includes an office for which candidates received a tie vote, or the difference between the number of votes cast was 10 or less or was less than .5 per cent of the total number of votes cast for the two candidates for the contested office, or a question or proposition for which there was a tie vote on the issue, or the difference between the number of votes cast in favor of or opposed to the issue was 10 or less or was less than .5 per cent of the total votes cast in favor of or opposed to the issue, the application need not include a deposit and the state shall bear the cost of the recount. If, on the recount, a candidate other than the candidate who received the original election certificate is declared elected, or if the vote on recount is determined to be four per cent or more in excess of the vote reported by the state canvass for the candidate applying for the recount or in favor or opposed to the question or proposition as stated in the application, the entire deposit shall be refunded. If the entire deposit is not refunded, the lieutenant governor shall refund any money remaining after the cost of the recount has been paid from the deposit.

Approved by governor: May 20, 1976  
Actual effective date: August 18, 1976

an application rather than the date of mailing or transmission determines whether the application is filed within the time allowed under (a) of this section. If the actual physical delivery by telegram of a copy in substance of the statements made in the application for recount is received in the office of the secretary of state at or before 5:00 p.m. Alaska Standard Time, on the due date the application will be accepted; providing the original signed application is post-marked at or before 5:00 p.m. Alaska Standard Time of the same day.

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

Sec. 15.20.450. REQUIREMENT OF DEPOSIT. The application shall include a deposit in cash, by certified check, or by bond with a surety approved by the secretary of state. The amount of the deposit is ~~350~~ for each precinct, ~~1250~~ for each election district, and ~~32,000~~ for the entire state. However, if the recount includes an office for which candidates received a tie vote, or the difference between the number of votes cast was 10 or less or was less than .5 per cent of the total number of votes cast for the two candidates for the contested office, or a question or proposition for which there was a tie vote on the issue, the application need not include a deposit. If, on the recount, a candidate other than the candidate who received the original election certificate is declared elected, or if the vote on recount is determined to be four per cent or more in excess of the vote reported by the state canvass for the candidate applying for the recount or in favor or opposed to the question or proposition as stated in the application, the entire deposit

shall be refunded. If the entire deposit is not the secretary of state shall refund any money remaining after the cost of the recount has been paid from the deposit.

• Sec. 22. AS 15.25.040(c) is amended to read:

(c) A candidate for state-wide offices shall file with the secretary of state. A candidate for district-wide offices shall file either with a clerk of the superior court or the secretary of state. A candidate for district-wide offices shall file either with a clerk of the superior court or the secretary of state. If a candidate for district-wide offices files a declaration with the secretary of state, the secretary of state shall immediately, by telegram followed by letter, notify the appropriate clerk of the superior court of the filing. If the candidate files a declaration with the clerk of the superior court, the clerk shall immediately forward the declaration to the secretary of state.

• Sec. 23. AS 15.25 is amended by adding a new section:

Sec. 15.25.045. WITHDRAWAL OF CANDIDACY. Notice of withdrawal of candidacy must be in writing over the signature of the candidate.

• Sec. 24. AS 15.25 is amended by adding new sections:

Sec. 15.25.055. REMOVAL OF NAME FROM PRIMARY NOMINATION. A candidate's name will appear on the primary nomination ballot unless notice of his withdrawal from the primary is received by the secretary of state at least 40 days before the date of the party primary nomination.

Sec. 15.25.056. NOMINATION BY PARTY PETITION. A candidate who is an INCUMBENT DIES OR IS DISQUALIFIED OR INCAPACITATED

1966 22HC55B 4 am

has been received from any precinct, the secretary of state may secure from the election supervisors and may count a certified copy of the duplicate election certificate of the precinct. If no election poll books have been received but an authorized election certificate has been received by telegram or radio, the secretary of state shall count the election certificate so received. If the secretary has reason to believe that a missing precinct certificate if received would affect the result of the election, the secretary of state shall await the receipt of the certificate until four o'clock in the afternoon of the 15th day after the date of election. Any certificate not actually delivered to the secretary of state by four o'clock on the 15th day after the election shall not be counted at the canvass.

Sec. 14. Sec. 3.47, Ch. 83, SLA 1960, is amended to read:

Sec. 3.47. **Preservation of Election Ballots, Papers, and Materials.** The secretary of state shall preserve all precinct election certificates, tallies, and registers for four years after the election. All ballots and stubs may be destroyed 30 days after the certification of state canvass unless an application for recount has been filed and not completed, or unless their destruction is stayed by an order of the court. The secretary of state may permit the inspection of election materials upon call by Congress, the state legislature, or a court of competent jurisdiction.

Sec. 15. Sec. 4.73, Ch. 83, SLA 1960, is amended to read:

Sec. 4.73. **Requirement of Deposit.** The application shall include a deposit in cash, by certified check, or by bond with a surety approved by the secretary of state. The amount of the deposit is \$50 for each precinct, \$250 for each election district, \$500 for each major senate district, and \$2,000 for the entire state. However, if the recount includes an office for which candidates received a tie vote, or the difference between the number of votes cast for the two candidates receiving the largest number of votes was 10 or less or was less than .5 percent of the total number of votes cast for the two candidates for the contested office, or a question or proposition for which there was a tie vote on the

any deposit. If, on the recount, a candidate other than the candidate who received the original election certificate is declared elected, or if the vote or recount is determined to be four percent or more in excess of the vote reported by the state canvass for the candidate applying for the recount or in favor or opposed to the question or proposition as stated in the application, the entire deposit shall be refunded. If the entire deposit is not refunded, the secretary of state shall refund any monies remaining after the cost of the recount has been paid from the deposit.

Sec. 16. Sec. 5.03, Ch. 83, SLA 1960, is amended to read:

Sec. 5.03. **Requirements of Declaration of Party Candidacy.** Any member of a political party who seeks to become a candidate of the party in the primary nomination shall execute and file a declaration of candidacy. The declaration shall be executed under oath before an officer authorized to take acknowledgments and shall state in substance: (1) the full name of the candidate and the manner in which he wishes his name to appear on the ballot; (2) the full resident address of the candidate; (3) the full mailing address of the candidate; (4) if the candidacy is for the office of state senator or state representative, the election or senate district of which the candidate is a resident; (5) the office for which the candidate seeks nomination; (6) the name of the political party of which he is a candidate for nomination; (7) the date of the primary nomination at which the candidate declares himself to be a candidate; (8) that the candidate meets the specific residency requirements of the office for which he is a candidate; (9) that the candidate will meet the specific citizenship requirements of the office for which he is a candidate; (10) that the candidate is a qualified voter as required by law; (11) that the candidate will meet the specific age requirements of the office for which he is a candidate; (12) that the candidate if nominated and elected will support the principles of the party he seeks to represent; (13) that the candidate requests that his name be placed on the party primary nomination ballot; and (14) that the required fee accompanies

Sec. 17. Sec. 5.04, Ch. 83, SLA 1960, is amended to read:

Sec. 5.04. **Manner and Date of Filing Declaration.** The declaration is filed by either (1) the actual physical delivery of the declaration by mail or in person on or before 5:00 p.m. Alaska Standard time on the first day of May of the year in which a general election is held for the office, or (2) the actual physical delivery by telegram of a copy in substance of the statements made in the declaration on or before 5:00 p.m. Alaska Standard time on the first day of May of the year in which a general election is held for the office, and also the actual physical delivery of the original declaration postmarked on or before 5:00 p.m. Alaska Standard time on or before the first day of May of the year in which a general election is held for the office. Candidates for state-wide offices shall file with the secretary of state. Candidates for district-wide offices shall file with any clerk of the superior court in the major senate district of which the candidate is a resident. The clerk of the superior court shall immediately forward the declaration to the secretary of state. If the first day of May is a Sunday or holiday, declaration may be filed no later than 5:00 p.m. Alaska Standard time on the following day.

Sec. 18. Sec. 5.11, Ch. 83, SLA 1960, is amended to read:

Sec. 5.11. **Filling Vacancies by Party Petition.** If any candidate nominated at the party primary nomination dies, withdraws, resigns, becomes disqualified from holding office for which he is nominated, or is certified as being incapacitated in the manner prescribed by this section after the primary nomination and 10 days or more before the general election, the vacancy may be filled by party petition. The central committee of any political party or any party district committee may certify as being incapacitated any candidate nominated by their respective party by presenting to the secretary of state a sworn statement made by a panel of three licensed physicians, not more than two of whom shall be of the same political party, that the candidate is physically or mentally incapacitated to an extent that would in his judgment prevent the candidate

office if elected. The secretary shall place the name of the petitioner by party petition on the election ballot or, if the general ballot has been prepared, the secretary of state or the election official by the secretary of state shall print, and distribute a sufficiency of gummed labels or stickers bearing the name of the candidate to fill the name of the candidate to fill the ballot to each voting precinct with instructions that the election judges shall of the stickers or labels on appropriate place on each ballot ballot is handed to the voter. of any candidate disqualified provisions of this section shall appear on the general election ballot.

Sec. 19. Sec. 8.25, Ch. 83, SLA 1960, is amended to read:

Sec. 8.25. **Date of Nomination.** Candidates for the special election nominated by petition transmit either (1) the actual physical copy of the petition in person, (2) postmarked not later than midnight of the filing date, or (3) by telegram copy in substance of the statements made in the petition to the secretary of state on or before the 20th day after the vacancy occurs.

Sec. 20. Sec. 8.35, Ch. 83, SLA 1960, is amended to read:

Sec. 8.35. **Date of Nomination.** Candidates for the special election nominated by petition transmit either (1) the actual physical copy of the petition in person, (2) by telegram copy in substance of the statements made in the petition to the secretary of state on or before the 20th day after the vacancy occurs.

Sec. 21. Sec. 8.62, Ch. 83, SLA 1960, is amended to read:

Sec. 8.62. **Designation of Nomination.** If the vacancy occurs one calendar month before the date and more than three months before the next general election candidates shall be nominated by petition transmitted by either (1) physical delivery of the petition to the secretary of state on or before the 20th day after the vacancy occurs, (2) by mail postmarked

6. **Counting of Votes Cast.** When the polls are closed, the election clerk shall lock the operating mechanism of the machine. The board, in the presence of the watchers, shall proceed to register the counters, read the figures on the write-in ballots, and determine the total. In computing the total, the clerk may not count any write-in name for any person for any office whose name appears on the machine for that office. If two machines are used, or if a machine and a clerk were both used in the precinct, the board shall compute the sum of the votes from each.

**Procedure Upon Completing Count.** When the count is completed, the clerk shall make a certificate of the count and duplicate. The certificate shall show the number of votes cast for each office and for and against each proposition or no on each question and shall contain information in the manner prescribed by the secretary of state. The clerk shall then send one copy of the certificate, all write-in ballots, the original oaths and affidavits, and the envelope to the secretary of state.

**Disposition of Voting Machine and Supplies.** The election board shall lock the voting machine and the duplicate certificate and the city or borough clerk. The secretary of state shall prescribe the manner in which the registers and other materials are preserved, transmitted, and destroyed. The voting machine shall remain locked against use for at least 30 days and as much longer as may be necessary or advisable. No other person shall have access to any existing or threatened ballot, except that any voting machine may be opened and all data and materials examined upon order of a court having jurisdiction.

**Local Canvass by City and Borough Clerks.** The city and borough clerk shall canvass the vote by checking the figures on the counting device and the duplicate certificate. If a mistake has been made, the clerk shall recall the election board and shall issue a corrected certificate. If no mistake has been made, the clerk shall certify to the elec-

tion supervisor the correct figures verifying the election board's certificate of results.

**Sec. 4.60. Procedure for State Canvass.** The state canvass of votes cast by voting machines shall include only a comparison of the election certificates furnished by the election boards with the certifications from the city and borough clerks.

### Part 3. Election Recounts

**Sec. 4.71. Authorization of Recount Application.** Any defeated candidate or any 10 qualified voters who believe there has been a mistake made by an election official or by the canvassing board in counting the votes in any election, may file an application within five days after the completion of the state canvass to the secretary of state for a recount of the votes from any particular precinct or any election district and for any particular office, proposition, or question. However, the application may be filed only within three days after the completion of the state canvass after the general election for a recount of votes cast for the office of governor and secretary of state. If there is a tie vote as provided in Sec. 3.46 of this code, the secretary of state shall initiate the recount and give notice to the interested parties as provided in Sec. 4.75 of this code.

**Sec. 4.72. Form of Application.** The application shall state in substance the basis of the belief that a mistake has been made, the particular election precinct or election district for which the recount is to be held, the particular office, proposition, or question for which the recount is to be held, and that the person making the application is a candidate or that the 10 persons making the application are qualified voters. The candidate or persons making the application shall designate by full name and mailing address two persons who shall represent the applicant and be present and assist during the recount. Any person may be named representative, including the candidate himself or any person signing the application, and the representatives shall be paid in the same amount and manner as election judges. Applications by 10 qualified voters shall also include the designation of one of the number as chairman. The candidate or

CS HB 252 (1960)

persons making the application shall sign the application and shall print or type their full name and mailing address.

**Sec. 4.73. Requirement of Deposit.** The application shall include a deposit in cash, by certified check or by bond with a surety approved by the secretary of state. The amount of the deposit is \$500 for each precinct; or if more than 10 precincts in any election district are included in the recount, the amount of deposit is \$500.00 for each election district. However, if the recount includes an office for which candidates received a tie vote, or a question or proposition for which there was a tie vote on the issue, the application need not include any deposit. If on the recount a candidate other than the candidate who had received the original election certificate is declared elected, or if the vote on recount is determined to be four per cent or more in excess of the vote reported by the state canvass for the candidate applying for the recount, or in favor or opposed to the question or proposition as stated in the application, the deposit shall be refunded.

**Sec. 4.74. Determination of Date of Recount.** If the secretary of state determines the application is substantially in the required form, he shall fix the date of the recount to be held within three days after the receipt of an application requesting a recount of the general election votes cast for the office of governor and secretary of state and within five days after the receipt of an application requesting a recount for any other office, question, or proposition.

**Sec. 4.75. Requirement of Notice.** The secretary of state shall give the candidate or designated chairman signing the application, the two persons appointed to represent the applicant during the recount, and other directly interested parties, notice of the time and place of the recount by certified mail, by telegraph, or by telephone.

**Sec. 4.76. Procedure for Recount.** In conducting the recount, the secretary of state, or his appointed representative, shall review all paper, absentee, and machine ballots whether or not the ballots were counted at the precinct or by the district absentee canvassing board to determine which ballots, or parts of bal-

lots, were properly marked and which ballots are to be counted in the recount, and may check the accuracy of the original count, the precinct certificate and the canvass. For administrative purposes, the secretary of state may join and include two or more applications in a single review and count of votes. The rule governing the counting of marked ballots by the election board shall be followed in the recount. The ballots and other election material shall remain in the custody of the secretary of state during the recount and the highest degree of care shall be exercised to protect the ballots against alteration or mutilation. The recount shall be completed within five days. The secretary of state may employ any additional personnel necessary to assist in the recount.

**Sec. 4.77. Certification of Results.** If it is determined by recount that the plurality of votes were cast for a candidate, the secretary of state shall issue a certificate of election or nomination to the elected or nominated candidate as determined by the recount. If it is determined by the recount that a proposition or question should be certified as having received the required vote, the secretary of state shall so certify.

**Sec. 4.78. Authorization for Expanding Recount.** If upon recount the deposit is refunded, the applicants shall have one additional week from the date the recount is completed to apply for recount of other election precincts or districts in the manner provided by this article.

**Sec. 4.79. Provision for Appeal to Courts.** Any candidate or persons who requested a recount who have reason to believe an error has been made in the recount (1) involving any question or proposition, may appeal to the superior court in accordance with applicable court rules governing appeals in civil matters, and (2) involving candidates for the office of governor and secretary of state, may appeal to the supreme court in accordance with rules as may be promulgated by the court. Appeal shall be filed within five days of the completion of the recount. Upon order of the court, the secretary of state shall furnish the record of the recount taken including all ballots, registers, and other election material and papers pertaining to the election contest. The appeal shall be

AMENDMENT #3

OFFERED IN THE HOUSE JUDICIARY BY \_\_\_\_\_

COMMITTEE

TO: CSHB 94(STA), (24-GH1048I)

Page 29, line 12:

Following "after a general election"

Delete "at which a governor was elected"

Page 29, line 20:

Following "general election"

Delete "at which a governor was elected"

Page 29, line 23:

Following "GENERAL ELECTION];"

Insert "or"

Page 29, lines 29 – 30:

Following "general election:

Delete "or at the most recent general election at which a governor was  
elected"

Page 30, line 2:

Following [SENATOR AT THAT GENERAL ELECTION;OR]

Insert "or"

Page 30, following line 7:

Delete **“or at the most recent general election at which a governor was elected”**

Page 30, line 11:

Following **“registered in the state”**

Delete **“on March 31 of the most recent election year”**

Insert **“in the month that the director performs verification of party status as set out in AS 15.60.008(c)”**

24-GH1048\I  
Kurtz  
4/05/05

A M E N D M E N T #4

OFFERED IN THE HOUSE JUDICIARY BY \_\_\_\_\_

COMMITTEE

TO: CSHB 94(STA), (24-GH1048\I)

Page 18, line 24:

Following "**Preparation of petition. (a)**"

Insert "If the application is certified, the [THE]"

Page 24, line 23:

Following "throughout the state"

Insert "or throughout the senate or house district of the official sought to be recalled."

AMENDMENT #5

OFFERED IN THE HOUSE  
TO: CSHB 94(STA)

BY REPRESENTATIVE MCGUIRE

1 Page 18, following line 29:

2 Insert new paragraphs to read.

3 "(3) a statement of costs to the state associated with certification of the  
4 initiative application and review of the initiative petition;

5 (4) an estimate of the cost to the state of implementing the proposed law;"

6

7 Renumber the following paragraphs accordingly.

8

9 Page 20, line 10:

10 Delete "AS 15.45.090(a)(5)"

11 Insert "AS 15.45.090(a)(7)"

12

13 Page 21, following line 16:

14 Insert new paragraphs to read:

15 "(3) a statement of costs to the state associated with certification of the  
16 referendum application and review of the referendum petition;

17 (4) an estimate of the cost to the state of voter approval or rejection of the  
18 act;"

19

20 Renumber the following paragraphs accordingly.

21

22 Page 23, line 12:

23 Delete "AS 15.45.320(a)(6)"

1           Insert "AS 15.45.320(a)(8)"

2   Page 27, following line 24:

3           Insert a new subparagraph to read:

4                           "(C) a statement of the costs to the state of implementing the law  
5                   proposed in an initiative, or of voter approval or rejection of the act that is the  
6                   subject of a referendum;"

7

8   Reletter the following subparagraphs accordingly.

AMENDMENT #6

OFFERED IN THE HOUSE  
TO: CSHB 94(STA)

BY REPRESENTATIVE GRUENBERG

1 Page 9, following line 29:

2 Insert a new bill section to read:

3 **\*\* Sec. 12.** AS 15.15.032 is amended by adding a new subsection to read:

4 (d) If the director provides for voting by use of electronically generated  
5 ballots, the director shall provide ballots in English and may provide ballots in one or  
6 more languages other than English."

7

8 Renumber the following bill sections accordingly.

9

10 Page 31, line 7:

11 Delete "secs. 26 - 49"

12 Insert "secs. 27 - 50"

AMENDMENT #7

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 94(STA)

1 Page 10, following line 14:

2 Insert a new bill section to read:

3 **\* Sec. 13. AS 15.20.030 is amended to read:**

4 **Sec. 15.20.030. Preparation of ballots, envelopes, and other material.** The  
5 director shall provide ballots for use as absentee ballots in all districts. The director  
6 shall provide a secrecy sleeve in which the voter shall initially place the marked ballot,  
7 and shall provide an envelope with the prescribed voter's certificate on it, in which the  
8 secrecy sleeve with ballot enclosed shall be placed. The director shall prescribe the  
9 form of and prepare the voter's certificate, envelopes, and other material used in  
10 absentee voting. **If more than one first class mail stamp is required, the director**  
11 **shall ensure that the ballot and return envelope state, in bold type, the amount of**  
12 **postage required to return the ballot by first class United States mail.** The voter's  
13 certificate shall include a declaration, for use when required, that the voter is a  
14 qualified voter in all respects, a blank for the voter's signature, a certification that the  
15 affiant properly executed the marking of the ballot and gave the voter's identity, blanks  
16 for the attesting official or witnesses, and a place for recording the date the envelope  
17 was sealed and witnessed."

18

19 Renumber the following bill sections accordingly.

20

21 Page 31, line 7:

22 Delete "secs. 26 - 49"

23 Insert "secs. 27 - 50"

**AMENDMENT #8**

OFFERED IN THE HOUSE

BY: REPRESENTATIVE GARA

TO: CSHB 94 (STA)

Page 12, line 5

Insert a new bill section to read:

“\* Sec. 17. AS 15.20.081 is amended by adding a new subsection to read:

(j) No person other than the absentee ballot applicant may mark the applicant's choice of party affiliation on an application, or highlight or otherwise mark the ballot in a way that suggests choice of one party over another, except as follows:

(1) party affiliation choices may be listed in an application as authorized by the Division, and

(2) the applicant may expressly, either in writing or by other communication, authorize another person to assist them by marking this portion of the application.”

Remember the following bill sections accordingly.

**CONCEPTUAL AMENDMENT #9**

OFFERED IN THE HOUSE

BY: REPRESENTATIVE GARA

TO: CSHB 94(STA)

1 Page 10, following line 14

2 Insert new bill sections to read:

3 \*\*\*Sec. 13. AS 15.15.420 is amended to read:

4 **Sec. 15.15.420. Duty to review the ballot counting.** The director shall  
5 review the counting of the ballots with the assistance of and in the presence of the  
6 **state ballot counting review board** [APPOINTED REPRESENTATIVES  
7 FROM THE POLITICAL PARTIES].

8 \*Sec. 14. AS 15.15.430 is amended to read:

9 **Sec. 15.15.430. Scope of the review of ballot counting.** (a) The review 10  
of ballot counting by the director shall include only [A REVIEW OF]

11 (1) **a review of** the precinct registers, tallies, and ballots case; [AND]

12 (2) **a review of** absentee and questioned ballots as prescribed by law;

13 **and**

14 (3) **a hand count of ballots from one or more randomly selected precincts**  
15 **in each election district that accounts for at least five percent of the ballots cast**  
16 **in that district.**

17 (b) If, following the ballot review set out in (a) of this section, the director  
18 finds an unexplained discrepancy in the ballot count in any precinct, the director 19  
may count the ballots from that precinct. **If there is a discrepancy of more than**  
20 **one percent between the results of the hand count under (a)(3) of this section**  
21 **and the count certified by the election board, the director shall conduct a**

1 **hand count of the ballots from that district.** The director shall certify in  
2 writing to the state ballot counting review board **and publish on the division's**  
3 **Internet website** any changes resulting from a [THE] count **performed under**  
4 **this subsection.**"

5

6 Instructions to Legislative Legal:

7 Make corresponding amendments and renumber accordingly.

AMENDMENT # 10

OFFERED IN THE HOUSE

BY: REPRESENTATIVE GARA

TO: CSHB 94 (STA)

Page 19, line 15

Insert a new bill section to read:

**\*\* Sec. 30. AS 15.45.110(c) is amended to read:**

(c) A circulator may not receive payment or agree to receive payment that is greater than \$1 a signature, and a person or an organization may not pay or agree to pay an amount that is greater than \$1 a signature, for the collection of signatures on a petition. **The Division of Elections shall update this amount at least once every two years to the extent of increases during the second preceding calendar year in the Consumer Price Index for all urban consumers for the Anchorage Metropolitan Area compiled by the Bureau of Labor Statistics, United States Department of Labor.**

Renumber sections accordingly.

Page 22, line 7

Following "petition." Insert, **"The Division of Elections shall update this amount at least once every two years to the extent of increases during the second preceding calendar year in the Consumer Price Index for all urban consumers for the Anchorage Metropolitan Area compiled by the Bureau of Labor Statistics, United States Department of Labor."**

Page 25, line 22

Following "petition." Insert, **"The Division of Elections shall update this amount at least once every two years to the extent of increases during the second preceding calendar year in the Consumer Price Index for all urban consumers for the Anchorage Metropolitan Area compiled by the Bureau of Labor Statistics, United States Department of Labor."**

**AMENDMENT #11**

**OFFERED IN THE HOUSE**

**BY: REPRESENTATIVE GARA**

**TO: CSHB 94 (STA)**

**Page 20, lines 2-3**

**Delete "(5) the signatures are of persons who were qualified voters on the date of signature;"**

**Page 23, lines 4-5**

**Delete "(5) the signatures are of persons who were qualified voters on the date of signature;"**

**Page 26, lines 19-20**

**Delete "(5) the signatures are of persons who were qualified voters on the date of signature;"**

AMENDMENT #12

OFFERED IN THE HOUSE

BY: REPRESENTATIVE GARA

TO: CSHB 94 (STA)

Page 23, line 28

Following "recalled" insert ", 100 of whom will serve as sponsors"

Page 23, line 30

Delete "(A) will serve as sponsors; and"

Reletter the following bill sections accordingly.

# ALASKA STATE LEGISLATURE

*Chair*  
STATE AFFAIRS

*Member*  
RESOURCES

*Member*  
HEALTH, EDUCATION AND SOCIAL SERVICES

*Member*  
WAYS AND MEANS



**REPRESENTATIVE PAUL SEATON**  
House District 35

*Session:*  
State Capitol Building  
Juneau, Alaska 99801  
Phone 907-465-2689  
Fax 907-465-3472  
1-800-665-2689  
Rep.Paul.Seaton@legis.state.ak.us

*Interim:*  
345 W. Sterling Highway  
Suite 102B  
Homer, Alaska 99603  
Phone 907-235-2921  
Fax 907-235-4008

House Finance Committee

April 18, 2005

Dear Sirs:

Re: HB 94 Elections

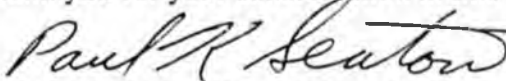
Amendment to page 31, line 19 section 52 (33) (A) after "general election" insert  
"at which a governor was elected"

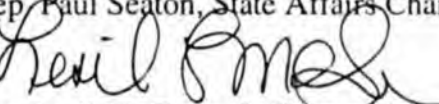
As the Chair of the State Affairs Committee I ask you to consider the minor but important amendment to HB 94(JUD).

The State Affairs committee worked hard to rewrite the "political party" section of the bill to accomplish a fair process that would prevent cross party tampering with party status. A multiple section technical amendment was offered in the Judiciary Committee. The Judiciary committee agreed to the language proposed by State Affairs but an amendment to the amendment unintentionally changed the application of the section.

This is a request of the State Affairs Chair, Judiciary Chair, and the maker of the amendment (and the amendment to the amendment) to reinsert the above language.

Thank you for your consideration in this matter.

  
Rep. Paul Seaton, State Affairs Chair

  
Rep. Lesil McGuire, Judiciary Chair

  
Rep. Max Gruenberg, Amønder



Adopted

24-GH1048L

4/12/05

AMENDMENT 1

Meyer

OFFERED IN THE HOUSE FINANCE BY \_\_\_\_\_

COMMITTEE

TO: CSHB 94(JUD), (24-GH1048\L)

Page 10, lines 21 – 28:

Delete all material and insert:

“(b) If, following the ballot review set out in (a) of this section, the director finds there is a discrepancy of more than one percent between the results of the hand count of ballots under (a)(3) of this section and the count certified by the election board, the director shall conduct a hand count of the ballots from that district.

(c) If the director finds an unexplained discrepancy in the ballot count in any precinct, the director may count the ballots from that precinct.

(d) The director shall certify in writing to the state ballot counting review board and publish on the division’s Internet website any changes resulting from a [THE] count performed under (b) or (c) this section.”



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THE POWERS GRANTED FROM THE PRINCIPAL TO THE AGENT OR AGENTS IN THE FOLLOWING DOCUMENT ARE VERY BROAD. THEY MAY INCLUDE THE POWER TO DISPOSE, SELL, CONVEY, AND ENCUMBER YOUR REAL AND PERSONAL PROPERTY, AND THE POWER TO MAKE YOUR HEALTH CARE DECISIONS. ACCORDINGLY, THE FOLLOWING DOCUMENT SHOULD ONLY BE USED AFTER CAREFUL CONSIDERATION. IF YOU HAVE ANY QUESTIONS ABOUT THIS DOCUMENT, YOU SHOULD SEEK COMPETENT ADVICE.

YOU MAY REVOKE THIS POWER OF ATTORNEY AT ANY TIME.

Pursuant to AS 13.26.338 - 13.26.353, I, (Name of principal), of (Address of principal), do hereby appoint (Name and address of agent or agents), my attorney(s)-in-fact to act as I have checked below in my name, place, and stead in any way which I myself could do, if I were personally present, with respect to the following matters, as each of them is defined in AS 13.26.344, to the full extent that I am permitted by law to act through an agent:

THE AGENT OR AGENTS YOU HAVE APPOINTED WILL HAVE ALL THE POWERS LISTED BELOW UNLESS YOU DRAW A LINE THROUGH A CATEGORY; AND INITIAL THE BOX OPPOSITE THAT CATEGORY

- (A) real estate transactions ( )
- (B) transactions involving tangible personal property, chattels, and goods ( )
- (C) bonds, shares, and commodities transactions ( )
- (D) banking transactions ( )
- (E) business operating transactions ( )
- (F) insurance transactions ( )
- (G) estate transactions ( )

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- (H) gift transactions ( )
  - (I) claims and litigation ( )
  - (J) personal relationships and affairs ( )
  - (K) benefits from government programs and military service ( )
  - (L) records, reports, and statements ( )
  - (M) delegation ( )
  - (N) voter registration and absentee ballot requests ( )
  - (O) all other matters, including those specified as follows: ( )
- 
- 
- 

IF YOU HAVE APPOINTED MORE THAN ONE AGENT, CHECK ONE OF THE FOLLOWING:

- ( ) Each agent may exercise the powers conferred separately, without the consent of any other agent.
- ( ) All agents shall exercise the powers conferred jointly, with the consent of all other agents.

TO INDICATE WHEN THIS DOCUMENT SHALL BECOME EFFECTIVE, CHECK ONE OF THE FOLLOWING:

- ( ) This document shall become effective upon the date of my signature.
- ( ) This document shall become effective upon the date of my disability and shall not otherwise be affected by my disability.

IF YOU HAVE INDICATED THAT THIS DOCUMENT SHALL BECOME EFFECTIVE ON THE DATE OF YOUR SIGNATURE, CHECK ONE OF THE FOLLOWING:

- ( ) This document shall not be affected by my subsequent disability.
- ( ) This document shall be revoked by my subsequent disability.

IF YOU HAVE INDICATED THAT THIS DOCUMENT SHALL BECOME EFFECTIVE UPON THE DATE OF YOUR SIGNATURE AND WANT TO LIMIT THE TERM OF THIS

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DOCUMENT, COMPLETE THE FOLLOWING:

This document shall only continue in effect for \_\_\_\_\_ ( )  
years from the date of my signature.

NOTICE OF REVOCATION OF THE POWERS  
GRANTED IN THIS DOCUMENT

You may revoke one or more of the powers granted in this document. Unless otherwise provided in this document, you may revoke a specific power granted in this power of attorney by completing a special power of attorney that includes the specific power in this document that you want to revoke. Unless otherwise provided in this document, you may revoke all the powers granted in this power of attorney by completing a subsequent power of attorney.

NOTICE TO THIRD PARTIES

A third party who relies on the reasonable representations of an attorney-in-fact as to a matter relating to a power granted by a properly executed statutory power of attorney does not incur any liability to the principal or to the principal's heirs, assigns, or estate as a result of permitting the attorney-in-fact to exercise the authority granted by the power of attorney. A third party who fails to honor a properly executed statutory form power of attorney may be liable to the principal, the attorney-in-fact, the principal's heirs, assigns, or estate for a civil penalty, plus damages, costs, and fees associated with the failure to comply with the statutory form power of attorney. If the power of attorney is one which becomes effective upon the disability of the principal, the disability of the principal is established by an affidavit, as required by law.

IN WITNESS WHEREOF, I have hereunto signed my name  
this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Signature of Principal

Acknowledged before me at \_\_\_\_\_

1 \_\_\_\_\_ on \_\_\_\_\_.

2 Signature of Officer or Notary

3 \* **Sec. 2.** AS 13.26.344 is amended by adding a new subsection to read:

4 (p) In a statutory form power of attorney, the language conferring general  
5 authority with regard to voter registration and absentee ballot requests shall be  
6 construed to mean that the principal authorizes the agent to register the principal to  
7 vote or request an absentee ballot for the principal.

8 \* **Sec. 3.** AS 15.05.020 is amended to read:

9 **Sec. 15.05.020. Rules for determining residence of voter.** For the purpose  
10 of determining residence for voting, the place of residence is governed by the  
11 following rules:

12 (1) A person may not be considered to have gained a residence solely  
13 by reason of presence nor may a person lose it solely by reason of absence while in the  
14 civil or military service of this state or of the United States or of absence because of  
15 marriage to a person engaged in the civil or military service of this state or the United  
16 States, while a student at an institution of learning, while in an institution or asylum at  
17 public expense, while confined in public prison, while engaged in the navigation of  
18 waters of this state or the United States or of the high seas, while residing upon an  
19 Indian or military reservation, or while residing in the Alaska Pioneers' Home or the  
20 Alaska Veterans' Home.

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

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

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

31 (5) A person does not gain residence in any place to which the person

1 comes without the present intention to establish a permanent dwelling at that place.

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

5 (7) The term of residence is computed by including the day on which  
6 the person's residence begins and excluding the day of election.

7 (8) The address of a voter as it appears on the [AN] official voter  
8 registration record [CARD] is presumptive evidence of the person's voting residence.  
9 This presumption is negated only if the voter notifies the director in writing of a  
10 change of voting residence.

11 \* Sec. 4. AS 15.07.050 is amended to read:

12 **Sec. 15.07.050. Manner of registration.** Registration may be made

13 (1) in person before a registration official or through a voter  
14 registration agency;

15 (2) by another individual on behalf of the voter if the voter has  
16 executed a written general power of attorney or a written special power of  
17 attorney authorizing that other individual to register the voter;

18 (3) by mail; or

19 (4) [(3)] by facsimile transmission, scanning, or another method of  
20 electronic transmission that the director approves.

21 \* Sec. 5. AS 15.07.060(a) is amended to read:

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

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

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

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

29 (4) the applicant's Alaska residence address [AND OTHER  
30 NECESSARY INFORMATION ESTABLISHING RESIDENCE, INCLUDING THE  
31 TERM OF RESIDENCE IN THE STATE AND IN THE DISTRICT, IF

1 REQUESTED);

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

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

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

9 (8) the date of application;

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

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

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

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

18 \* Sec. 6. AS 15.07.070(b) is amended to read:

19 (b) To register by mail or by facsimile, scanning, or other electronic  
20 transmission approved by the director under AS 15.07.050, the director, the area  
21 election supervisor, or a voter registration agency shall furnish, at no cost to the voter,  
22 forms prepared by the director on which the registration information required under  
23 AS 15.07.060 shall be inserted by the voter, by a person on behalf of the voter if  
24 that person is designated to act on behalf of the voter in a power of attorney, or  
25 by a person on behalf of the voter if the voter is physically incapacitated. The director  
26 may require proof of identification of the applicant as required by regulations adopted  
27 by the director under AS 44.62 (Administrative Procedure Act). Upon receipt and  
28 approval of the completed registration forms, the director or the election supervisor  
29 shall forward to the voter an acknowledgment, and the voter's name shall immediately  
30 be placed on the master register. If the registration is denied, the voter shall  
31 immediately be informed in writing that registration was denied and the reason for

1 denial. When identifying information has been provided by the voter as required by  
2 this chapter, the election supervisor shall forward to the voter a registration card.

3 \* **Sec. 7.** AS 15.07 is amended by adding a new section to read:

4 **Sec. 15.07.075. Voters unaffiliated with a political party.** 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. 8.** AS 15.07.127 is amended to read:

17 **Sec. 15.07.127. Preparation of master register.** The director shall prepare  
18 both a statewide list and a list by precinct of the names and addresses of all persons  
19 whose names appear on the master register and their political party affiliation.  
20 Subject to the limitations of 15.07.195, any [ANY] person may obtain a copy of the  
21 list, or a part of the list, or an electronic format containing both residence and mailing  
22 addresses of voters, by applying to the director and paying to the state treasury a fee as  
23 determined by the director.

24 \* **Sec. 9.** AS 15.10.090 is repealed and reenacted to read:

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

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

31 (2) providing notice of the change

1 (A) by publication once in a local newspaper of general  
2 circulation in the precinct; or

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

6 (3) posting notice of the change on the Internet website of the division  
7 of elections;

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

12 (5) inclusion in the official election pamphlet.

13 \* Sec. 10. AS 15.15.030(6) is repealed and reenacted to read:

14 (6) The names of the candidates for each office shall be set out in the  
15 same order on ballots printed for use in each house district. The director shall  
16 randomly determine the order of the names of the candidates for state representative  
17 for each house district. The director shall rotate the order of placement of the names  
18 of candidates for governor, lieutenant governor, United States senator, United States  
19 representative, and state senator on the ballot for each house district.

20 \* Sec. 11. 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. 12. AS 15.15.350(a) is amended to read:

27 (a) The director may adopt regulations prescribing the manner in which the  
28 precinct ballot count is accomplished so as to ensure [ASSURE] accuracy in the count  
29 and to expedite the process. The election board shall account for all ballots by  
30 completing a ballot statement containing (1) the number of official ballots received;  
31 (2) the number of official ballots voted; (3) the number of official ballots spoiled; (4)

1 the number of official ballots unused and either destroyed or returned for  
 2 destruction to the elections supervisor or the election supervisor's designee. The  
 3 board shall count the number of questioned ballots and [SHALL] compare that  
 4 number to the number of questioned voters in the register. Discrepancies shall be  
 5 noted and the numbers included in the certificate prescribed by AS 15.15.370. The  
 6 election board, in hand-count precincts, shall count the ballots in a manner that allows  
 7 watchers to see the ballots when opened and read. A person handling the ballot after it  
 8 has been taken from the ballot box and before it is placed in the envelope for mailing  
 9 may not have a marking device in hand or remove a ballot from the immediate vicinity  
 10 of the polls.

11 \* Sec. 13. AS 15.15.430 is amended to read:

12 Sec. 15.15.430. Scope of the review of ballot counting. (a) The review of  
 13 ballot counting by the director shall include only [A REVIEW OF]

14 (1) a review of the precinct registers, tallies, and ballots cast; [AND]

15 (2) a review of absentee and questioned ballots as prescribed by law;

16 and

17 (3) unless the ballot for the election district contains nothing but  
 18 uncontested offices, a hand count of ballots from one randomly selected precinct  
 19 in each election district that accounts for at least five percent of the ballots cast in  
 20 that district.

21 (b) If, following the ballot review set out in (a) of this section, the director  
 22 finds an unexplained discrepancy in the ballot count in any precinct, the director may  
 23 count the ballots from that precinct. If there is a discrepancy of more than one  
 24 percent between the results of the hand count under (a)(3) of this section and the  
 25 count certified by the election board, the director shall conduct a hand count of  
 26 the ballots from that district. The director shall certify in writing to the state ballot  
 27 counting review board and publish on the division's Internet website any changes  
 28 resulting from a [THE] count performed under this subsection.

29 \* Sec. 14. AS 15.20.030 is amended to read: *New Section*

30 Sec. 15.20.030. Preparation of ballots, envelopes, and other material. The  
 31 director shall provide ballots for use as absentee ballots in all districts. The director

1 shall provide a secrecy sleeve in which the voter shall initially place the marked ballot,  
2 and shall provide an envelope with the prescribed voter's certificate on it, in which the  
3 secrecy sleeve with ballot enclosed shall be placed. The director shall prescribe the  
4 form of and prepare the voter's certificate, envelopes, and other material used in  
5 absentee voting. The voter's certificate shall include a declaration, for use when  
6 required, that the voter is a qualified voter in all respects, a blank for the voter's  
7 signature, a certification that the affiant properly executed the marking of the ballot  
8 and gave the voter's identity, blanks for the attesting official or witness  
9 [WITNESSES], and a place for recording the date the envelope was sealed and  
10 witnessed. The envelope with the voter's certificate must include a notice that  
11 false statements made by the voter or by the attesting official or witness on the  
12 certificate are punishable by law.

13 \* Sec. 15. AS 15.20.064 is amended by adding a new subsection to read:

14 (d) The director shall designate locations for early voting by January 1 of an  
15 election year.

16 \* Sec. 16. AS 15.20.066(b) is amended to read:

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

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

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

26 (A) a commissioned or noncommissioned officer of the armed  
27 forces of the United States;

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

30 (C) an individual [TWO UNITED STATES CITIZENS] who  
31 is [ARE] 18 years of age or older.

1 \* Sec. 17. AS 15.20.081(a) is amended to read:

2 (a) A qualified voter may apply by mail or by facsimile, scanning, or other  
3 electronic transmission to the director for an absentee ballot. **Another individual**  
4 **may apply for an absentee ballot on behalf of a qualified voter if that individual**  
5 **is designated to act on behalf of the voter in a written general power of attorney**  
6 **or a written special power of attorney that authorizes the other individual to**  
7 **apply for an absentee ballot on behalf of the voter.** The application must include  
8 the address or, if the application requests delivery of an absentee ballot by electronic  
9 transmission, the telephone electronic transmission number, to which the absentee  
10 ballot is to be returned, the applicant's full Alaska residence address, and the  
11 applicant's signature. However, a person residing outside the United States and  
12 applying to vote absentee in federal elections in accordance with AS 15.05.011 need  
13 not include an Alaska residence address in the application.

14 \* Sec. 18. AS 15.20.081(d) is amended to read:

15 (d) Upon receipt of an absentee ballot by mail, the voter, in the presence of a  
16 notary public, commissioned officer of the armed forces including the National Guard,  
17 district judge or magistrate, United States postal official, registration official, or other  
18 person qualified to administer oaths, may proceed to mark the ballot in secret, to place  
19 the ballot in the secrecy sleeve, to place the secrecy sleeve in the envelope provided,  
20 and to sign the voter's certificate on the envelope in the presence of an official listed in  
21 this subsection who shall sign as attesting official and shall date the signature. If none  
22 of the officials listed in this subsection is reasonably accessible, a absentee voter  
23 shall sign the voter's certificate in the presence of an individual who is [TWO  
24 PERSONS OVER THE AGE OF] 18 years **of age or older**, who shall sign as a  
25 **witness [WITNESSES]** and attest to the date on which the voter signed the certificate  
26 in the individual's [THEIR] presence, and, in addition, the voter shall **certify, as**  
27 **prescribed in AS 09.63.020, under penalty of perjury, that the statements in the**  
28 **voter's certification are true [PROVIDE THE CERTIFICATION PRESCRIBED IN**  
29 **AS 09.63.020].**

30 \* Sec. 19. AS 15.20.081(h) is amended to read:

31 (h) Except as provided in AS 15.20.480, an absentee ballot returned by mail

1 from outside the United States or from an overseas voter qualifying under  
2 AS 15.05.011 [A MILITARY APO OR FPO ADDRESS] that has been marked and  
3 mailed not later than election day may not be counted unless the ballot is received by  
4 the election supervisor not later than the close of business on the 15th day following  
5 the election.

6 \* Sec. 20. AS 15.20.450 is amended to read:

7 **Sec. 15.20.450. Requirement of deposit.** The application must include a  
8 deposit in cash, by certified check, or by bond with a surety approved by the director.  
9 The amount of the deposit is \$1,000 [\$300] for each precinct, \$2,000 [\$750] for each  
10 house district, and \$15,000 [\$10,000] for the entire state. If the recount includes an  
11 office for which candidates received a tie vote, or the difference between the number  
12 of votes cast was 20 or less or was less than .5 percent of the total number of votes  
13 cast for the two candidates for the contested office, or a question or proposition for  
14 which there was a tie vote on the issue, or the difference between the number of votes  
15 cast in favor of or opposed to the issue was 20 or less or was less than .5 percent of the  
16 total votes cast in favor of or opposed to the issue, the application need not include a  
17 deposit, and the state shall bear the cost of the recount. If, on the recount, a candidate  
18 other than the candidate who received the original election certificate is declared  
19 elected, or if the vote on recount is determined to be four percent or more in excess of  
20 the vote reported by the state review for the candidate applying for the recount or in  
21 favor of or opposed to the question or proposition as stated in the application, the  
22 entire deposit shall be refunded. If the entire deposit is not refunded, the director shall  
23 refund any money remaining after the cost of the recount has been paid from the  
24 deposit.

25 \* Sec. 21. AS 15.20.800(b) is amended to read.

26 (b) If the director conducts an election under (a) of this section by mail, the  
27 director shall send a ballot for each election described in (a) of this section to each  
28 person whose name appears on the official registration list prepared under  
29 AS 15.07.125 for that election. The director shall send ballots by first class,  
30 nonforwardable mail. The ballot shall be sent to the address stated on the official  
31 registration list unless *the*

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

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

6 \* Sec. 22. AS 15.20 is amended by adding a new section to article 5 to read:

7           **Sec. 15.20.910. Standards for voting machines and vote tally systems.** The  
8 director may approve a voting machine or vote tally system for use in an election in  
9 the state upon consideration of factors relevant to the administration of state elections,  
10 including whether the Federal Election Commission has certified the voting machine  
11 or vote tally system to be in compliance with the voting system standards approved by  
12 the Federal Election Commission as required by 42 U.S.C. 15481(a)(5) (Help America  
13 Vote Act of 2002). The director may only approve a voting machine or vote tally  
14 system if the machine or system satisfies the requirements of AS 15.15.032(c).

15 \* Sec. 23. AS 15.25.030(a) is amended to read:

16           (a) A member of a political party who seeks to become a candidate of the  
17 party in the primary election shall execute and file a declaration of candidacy. The  
18 declaration shall be executed under oath before an officer authorized to take  
19 acknowledgments and must state in substance

20                   (1) the full name of the candidate;

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

22                   (3) if the candidacy is for the office of state senator or state  
23 representative, the house or senate district of which the candidate is a resident;

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

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

27                   (6) the full residence address of the candidate, and the date on which  
28 residency at that address began;

29                   (7) the date of the primary election at which the candidate seeks  
30 nomination;

31                   (8) the length of residency in the state and in the district of the

1 candidate;

2 (9) that the candidate will meet the specific citizenship requirements of  
3 the office for which the person is a candidate;

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

5 (11) that the candidate will meet the specific age requirements of the  
6 office for which the person is a candidate; if the candidacy is for the office of state  
7 representative, that the candidate will be at least 21 years of age on the first  
8 scheduled day of the first regular session of the legislature convened after the  
9 election; if the candidacy is for the office of state senator, that the candidate will  
10 be at least 25 years of age on the first scheduled day of the first regular session of  
11 the legislature convened after the election; if the candidacy is for the office of  
12 governor or lieutenant governor, that the candidate will be at least 30 years of  
13 age on the first Monday in December following election or, if the office is to be  
14 filled by special election under AS 15.40.230 - 15.40.310, that the candidate will  
15 be at least 30 years of age on the date of certification of the results of the special  
16 election; or, for any other office, by the time that the candidate, if elected, is  
17 sworn into office;

18 (12) that the candidate requests that the candidate's name be placed on  
19 the primary election ballot;

20 (13) that the required fee accompanies the declaration;

21 (14) that the person is not a candidate for any other office to be voted  
22 on at the primary or general election and that the person is not a candidate for this  
23 office under any other declaration of candidacy or nominating petition;

24 (15) the manner in which the candidate wishes the candidate's name to  
25 appear on the ballot; and

26 (16) that the candidate is registered to vote as a member of the political  
27 party whose nomination is being sought.

28 \* Sec. 24. AS 15.25.105(a) is amended to read:

29 (a) If a candidate does not appear on the primary election ballot or is not  
30 successful in advancing to the general election and wishes to be a candidate in the  
31 general election, the candidate may file as a write-in candidate. Votes for a write-in

1 candidate may not be counted unless that candidate has filed a letter of intent with the  
2 director stating

3 (1) the full name of the candidate;

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

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

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

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

11 (6) the office that the candidate seeks;

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

13 (8) the length of residency in the state and in the house district of the  
14 candidate;

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

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

19 (11) that the candidate will meet the specific age requirements of the  
20 office for which the person is a candidate; if the candidacy is for the office of state  
21 representative, that the candidate will be at least 21 years of age on the first  
22 scheduled day of the first regular session of the legislature convened after the  
23 election; if the candidacy is for the office of state senator, that the candidate will  
24 be at least 25 years of age on the first scheduled day of the first regular session of  
25 the legislature convened after the election; if the candidacy is for the office of  
26 governor or lieutenant governor, that the candidate will be at least 30 years of  
27 age on the first Monday in December following election or, if the office is to be  
28 filled by special election under AS 15.40.230 - 15.40.310, that the candidate will  
29 be at least 30 years of age on the date of certification of the results of the special  
30 election; or, for any other office, by the time that the candidate, if elected, is sworn  
31 into office;

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

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

5 \* Sec. 25. AS 15.25.180(a) is amended to read:

6 (a) The petition must state in substance

7 (1) the full name of the candidate;

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

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

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

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

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

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

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

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

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

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

24 (12) the name of the candidate as the candidate wishes it to appear on  
25 the ballot;

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

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

31 (15) that the candidate will meet the specific age requirements of the

1 office for which the person is a candidate; if the candidacy is for the office of state  
2 representative, that the candidate will be at least 21 years of age on the first  
3 scheduled day of the first regular session of the legislature convened after the  
4 election; if the candidacy is for the office of state senator, that the candidate will  
5 be at least 25 years of age on the first scheduled day of the first regular session of  
6 the legislature convened after the election; and if the candidacy is for the office of  
7 governor or lieutenant governor, that the candidate will be at least 30 years of  
8 age on the first Monday in December following election or, if the office is to be  
9 filled by special election under AS 15.40.230 - 15.40.310, that the candidate will  
10 be at least 30 years of age on the date of certification of the results of the special  
11 election; or, for any other office, by the time that the candidate, if elected, is sworn  
12 into office;

13 (16) that the candidate is a qualified voter; and

14 (17) if the candidacy is for the office of the governor, the name of the  
15 candidate for lieutenant governor running jointly with the candidate for governor.

16 \* Sec. 26. AS 15.30 is amended by adding a new section to read:

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

19 (a) A person who desires to be an independent candidate for President of the United  
20 States must file with the director not earlier than January 1 of a presidential election  
21 year and not later than the 90th day before a presidential general election a petition  
22 signed by qualified voters of the state equal in number to at least one percent of the  
23 number of voters who cast ballots in an election under this chapter for President of the  
24 United States at the last presidential general election. The petition must state that the  
25 signers desire the named candidate for President of the United States to appear on the  
26 ballot as an independent candidate for president at the next succeeding presidential  
27 general election.

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

31 (1) the names of the electors for the independent candidate for

1 President of the United States, equal to the number of senators and representatives to  
2 which the state is entitled in Congress;

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

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

7 \* Sec. 27. AS 15.30.050 is amended to read:

8 **Sec. 15.30.050. Interpretation of votes cast for candidates for President**  
9 **and Vice-President [VICE PRESIDENT].** In voting for presidential electors, a vote  
10 marked for the candidates for President and **Vice-President [VICE PRESIDENT]** is  
11 considered and counted as a vote for the presidential electors of the party **or for the**  
12 **presidential electors named under AS 15.30.026, as appropriate.**

13 \* Sec. 28. AS 15.30.090 is amended to read:

14 **Sec. 15.30.090. Duties of electors.** After any vacancies have been filled, the  
15 electors shall proceed to cast their votes for the candidates for the office of President  
16 and **Vice-President [VICE PRESIDENT]** of the party **that [WHICH]** selected them as  
17 candidates for electors, **or for the candidates for the office of President and Vice-**  
18 **President under AS 15.30.026 if the electors were named under AS 15.30.026,** and  
19 shall perform the duties of electors as required by the constitution and laws of the  
20 United States. The director shall provide administrative services and the Department  
21 of Law shall provide legal services necessary for the electors to perform their duties

22 \* Sec. 29. AS 15.45.030 is amended to read:

23 **Sec. 15.45.030. Form of application.** The application **must [SHALL]**  
24 include **the**

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

26 (2) **printed name, the signature, the address, and a numerical**  
27 **identifier of not fewer than 100 qualified voters who will serve as sponsors; each**  
28 **signature page must include** a statement that the sponsors are qualified voters who  
29 signed the application with the proposed bill attached; **and [.]**

30 (3) [THE] designation of an initiative committee **consisting** of three **of**  
31 **the** sponsors who **subscribed to the application and** [SHALL] represent all sponsors

1 and subscribers in matters relating to the initiative; the designation must include the  
2 name, mailing address, and signature of each committee member [, AND (4)  
3 THE SIGNATURES AND ADDRESSES OF NOT LESS THAN 100 QUALIFIED  
4 VOTERS].

5 \* Sec. 30. AS 15.45.060 is amended to read:

6 **Sec. 15.45.060. Designation of sponsors.** The qualified voters who subscribe  
7 to the application in support of the proposed bill are designated as sponsors. The  
8 initiative committee may designate additional sponsors by giving written notice to the  
9 lieutenant governor of the names, [AND] addresses, and numerical identifiers of  
10 those so designated.

11 \* Sec. 31. AS 15.45.090 is repealed and reenacted to read:

12 **Sec. 15.45.090. Preparation of petition.** (a) If the application is certified,  
13 the lieutenant governor shall prepare a sufficient number of sequentially numbered  
14 petitions to allow full circulation throughout the state. Each petition must contain

15 (1) a copy of the proposed bill if the number of words included in both  
16 the formal and substantive provisions of the bill is 500 or less;

17 (2) an impartial summary of the subject matter of the bill;

18 (3) a statement of minimum costs to the state associated with  
19 certification of the initiative application and review of the initiative petition, excluding  
20 legal costs to the state and the costs to the state of any challenge to the validity of the  
21 petition;

22 (4) an estimate of the cost to the state of implementing the proposed  
23 law;

24 (5) the statement of warning prescribed in AS 15.45.100;

25 (6) sufficient space for the printed name, a numerical identifier, the  
26 signature, the date of signature, and the address of each person signing the petition;  
27 and

28 (7) other specifications prescribed by the lieutenant governor to ensure  
29 proper handling and control.

30 (b) Upon request of the initiative committee, the lieutenant governor shall  
31 report to the committee the number of persons who voted in the preceding general

1 election.

2 \* **Sec. 32.** AS 15.45 is amended by adding a new section to read:

3 **Sec. 15.45.105. 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. 33.** AS 15.45.120 is amended to read:

9 **Sec. 15.45.120. Manner of signing and withdrawing name from petition.**

10 Any qualified voter may subscribe to the petition by printing the voter's name, a  
11 numerical identifier, and an address, by signing the voter's name, and by dating  
12 the signature [AND ADDRESS]. A person who has signed the initiative petition  
13 may withdraw the person's name only by giving written notice to the lieutenant  
14 governor before the date the petition is filed.

15 \* **Sec. 34.** AS 15.45.130 is repealed and reenacted to read:

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

21 (1) that the person signing the affidavit meets the residency, age, and  
22 citizenship qualifications for circulating a petition under AS 15.45.105;

23 (2) that the person is the only circulator of that petition;

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

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

27 (5) that, to the best of the circulator's knowledge, the signatures are of  
28 persons who were qualified voters on the date of signature;

29 (6) that the circulator has not entered into an agreement with a person  
30 or organization in violation of AS 15.45.110(c),

31 (7) that the circulator has not violated AS 15.45.110(d) with respect to

1 that petition; and

2 (8) whether the circulator has received payment or agreed to receive  
3 payment for the collection of signature: on the petition, and, if so, the name of each  
4 person or organization that has paid or agreed to pay the circulator for collection of  
5 signatures on the petition.

6 \* Sec. 35. AS 15.45.200 is amended to read:

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

11 \* Sec. 36. AS 15.45.270 is amended to read:

12 **Sec. 15.45.270. Form of application.** The application must [SHALL]  
13 include

14 (1) the act to be referred;

15 (2) a statement of approval or rejection;

16 (3) the printed name, the signature, the address, and a numerical  
17 identifier of not fewer than 100 qualified voters who will serve as sponsors; each  
18 signature page must include a statement that the sponsors are qualified voters who  
19 signed the application with the act to be referred and the statement of approval or  
20 rejection [PROPOSED BILL] attached; and

21 (4) [(3)] the designation of a referendum committee consisting of three  
22 of the sponsors who subscribed to the application and [SHALL] represent all  
23 sponsors and subscribers in matters relating to the referendum; the designation must  
24 include the name, mailing address, and signature of each committee member  
25 [AND

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

28 \* Sec. 37. 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, and numerical identifiers of  
2 those so designated.

3 \* **Sec. 38.** AS 15.45.320 is repealed and reenacted to read:

4 **Sec. 15.45.320. Preparation of petition.** (a) The lieutenant governor shall  
5 prepare a sufficient number of sequentially numbered petitions to allow full circulation  
6 throughout the state. Each petition must contain

7 (1) a copy of the act to be referred if the number of words included in  
8 both the formal and substantive provisions of the act is 500 or less;

9 (2) the statement of approval or rejection;

10 (3) a statement of minimum costs to the state associated with  
11 certification of the referendum application and review of the referendum petition,  
12 excluding legal costs to the state and the costs to the state of any challenge to the  
13 validity of the petition;

14 (4) an estimate of the cost to the state of voter approval or rejection of  
15 the act.

16 (5) an impartial summary of the subject matter of the act;

17 (6) the statement of warning prescribed in AS 15.45.330;

18 (7) sufficient space for the printed name, a numerical identifier, the  
19 signature, the date of signature, and the address of each person signing the petition;  
20 and

21 (8) other specifications prescribed by the lieutenant governor to ensure  
22 proper handling and control.

23 (b) Upon request of the referendum committee, the lieutenant governor shall  
24 report to the committee the number of persons who voted in the preceding general  
25 election.

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

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

29 (1) a citizen of the United States;

30 (2) 18 years of age or older; and

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

1 \* Sec. 40. AS 15.45.340 is amended by adding new subsections to read:

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

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

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

11 (e) In this section,

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

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

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

15 \* Sec. 41. AS 15.45.350 is amended to read:

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

17 Any qualified voter may subscribe to the petition by printing the voter's name, a  
18 numerical identifier, and an address, by signing the voter's name, and by dating  
19 the signature [AND ADDRESS]. A person who has signed the referendum petition  
20 may withdraw the person's name only by giving written notice to the lieutenant  
21 governor before the date the petition is filed.

22 \* Sec. 42. AS 15.45.360 is repealed and reenacted to read:

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

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

30 (2) that the person is the only circulator of that petition;

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

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

3 (5) that, to the best of the circulators knowledge, the signatures are of  
4 persons who were qualified voters on the date of signature;

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

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

9 (8) whether the circulator has received payment or agreed to receive  
10 payment for the collection of signatures on the petition, and, if so, the name of each  
11 person or organization that has paid or agreed to pay the circulator for collection of  
12 signatures on the petition.

13 \* Sec. 43. AS 15.45.430 is amended to read

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

18 \* Sec. 44. AS 15.45.500 is amended to read:

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

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

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

23 (3) the printed name, the signature, the address, and a numerical  
24 identifier of qualified voters equal in number to 10 percent of those who voted in  
25 the preceding general election in the state or in the senate or house district of the  
26 official sought to be recalled, 100 of whom will serve as sponsors; each signature  
27 page must include a statement that the [SPONSORS ARE] qualified voters [WHO]  
28 signed the application with the name and office of the person to be recalled and the  
29 statement of grounds for recall attached; and

30 (4) the designation of a recall committee consisting of three of the  
31 qualified voters [SPONSORS] who subscribed to the application and shall

1 represent all sponsors and subscribers in matters relating to the recall: the designation  
2 must include the name, mailing address, and signature of each committee  
3 member

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

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

11 \* **Sec. 45.** AS 15.45 is amended by adding a new section to read:

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

16 \* **Sec. 46.** AS 15.45.560 is repealed and reenacted to read:

17 **Sec. 15.45.560. Preparation of petition.** (a) The director shall prepare a  
18 sufficient number of sequentially numbered petitions to allow full circulation  
19 throughout the state or throughout the senate or house district of the official sought to  
20 be recalled. Each petition must contain

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

22 (2) the statement of the grounds for recall included in the application;

23 (3) a statement of minimum costs to the state associated with  
24 certification of the recall application, review of the recall petition, and conduct of a  
25 special election, excluding legal costs to the state and the costs to the state of any  
26 challenge to the validity of the petition;

27 (4) an estimate of the cost to the state of recalling the official;

28 (5) the statement of warning required in AS 15.45.570;

29 (6) sufficient space for the printed name, a numerical identifier, the  
30 signature, the date of signature, and the address of each person signing the petition;  
31 and

1 (7) other specifications prescribed by the director to ensure proper  
2 handling and control.

3 (b) Upon request of the recall committee, the lieutenant governor shall report  
4 to the committee the number of persons who voted in the preceding general election,  
5 in the state or in the district of the official sought to be recalled by the recall  
6 committee.

7 \* **Sec. 47.** AS 15.45.570 is amended to read:

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

13 \* **Sec. 48.** AS 15.45 is amended by adding a new section to read:

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

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

19 \* **Sec. 49.** AS 15.45.580 is amended by adding new subsections to read:

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

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

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

29 (e) In this section,

- 30 (1) "organization" has the meaning given in AS 11.81.900;  
31 (2) "other valuable thing" has the meaning given in AS 15.56.030;

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

2 \* Sec. 50. AS 15.45.590 is amended to read:

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

4 Any qualified voter may subscribe to the petition by printing the voter's name, a  
5 numerical identifier, and an address, by signing the voter's name, and by dating  
6 the signature [AND ADDRESS]. A person who has signed the petition may  
7 withdraw the person's name only by giving written notice to the director before the  
8 date the petition is filed.

9 \* Sec. 51. AS 15.45.600 is repealed and reenacted to read:

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

15 (1) that the person signing the affidavit meets the residency, age, and  
16 citizenship qualifications for circulating a petition under AS 15.45.575:

17 (2) that the person is the only circulator of that petition;

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

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

21 (5) that, to the best of the circulator's knowledge, the signatures are of  
22 persons who were qualified voters on the date of signature;

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

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

27 (8) whether the circulator has received payment or agreed to receive  
28 payment for the collection of signatures on the petition, and, if so, the name of each  
29 person or organization that has paid or agreed to pay the circulator for collection of  
30 signatures on the petition.

31 \* Sec. 52. AS 15.45.680 is amended to read:

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

11 \* **Sec. 53.** AS 15.58.020 is amended to read:

12           **Sec. 15.58.020. Contents of pamphlet.** Each election pamphlet must contain

13                   (1) photographs and campaign statements submitted by eligible  
14 candidates for elective office in the region;

15                   (2) information and recommendations filed under AS 15.58.050 on  
16 judicial officers subject to a retention election in the region;

17                   (3) a map of the house district or districts of the region;

18                   (4) sample ballots for house districts of the region;

19                   (5) an absentee ballot application;

20                   (6) for each ballot proposition submitted to the voters by initiative or  
21 referendum petition or by the legislature,

22                           (A) the full text of the proposition specifying constitutional or  
23 statutory provisions proposed to be affected;

24                           (B) the ballot title and the summary of the proposition prepared  
25 by the director or by the lieutenant governor;

26                           (C) a statement of the costs to the state of implementing the law  
27 proposed in an initiative, or of voter approval or rejection of the act that is the  
28 subject of a referendum;

29                           (D) a neutral summary of the proposition prepared by the  
30 Legislative Affairs Agency;

31                           (E) statements submitted that advocate voter approval or

1 rejection of the proposition not to exceed 500 words;

2 (7) for each bond question, a statement of the scope of each project as  
3 it appears in the bond authorization;

4 (8) a maximum of two pages of material submitted by each political  
5 part;

6 (9) additional information on voting procedures that the lieutenant  
7 governor considers necessary;

8 (10) for the question whether a constitutional convention shall be  
9 called,

10 (A) a full statement of the question placed on the ballot;

11 (B) statements not to exceed 500 words that advocate voter  
12 approval or rejection of the question;

13 (11) under AS 37.13.170, the Alaska permanent fund annual income  
14 statement and balance sheet for the two fiscal years preceding the publication of the  
15 election pamphlet;

16 (12) under AS 15.10.090, notice of

17 (A) the establishment or abolition of a precinct;

18 (B) the designation, abolition, or modification of precinct  
19 boundaries; and

20 (C) a change in the location of a polling place.

21 \* **Sec. 54.** AS 15.60 is amended by adding a new section to read:

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

26 (1) files an application with the director;

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

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

30 (b) The director shall verify that each political group seeking recognized  
31 political party status under (a) of this section and each recognized political party meets

1 the definition of a political party in AS 15.60.010.

2 (c) The director shall perform a verification described in (b) of this section at  
3 least once a month after the date of certification of the preceding general election,  
4 except that the director may suspend the monthly verifications on and after June 1 and  
5 before November 30 of a general election year. For purposes of (b) of this section, the  
6 director shall verify that the voters who have submitted registration forms to the  
7 division of elections are qualified under AS 15.65.010 and have declared affiliation  
8 with the political group or recognized political party for which the verification is  
9 performed.

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

14 (e) The director may not withdraw recognized political party status from a  
15 political group that no longer qualifies as a political party until after the first  
16 verification after a general election. The director shall notify the political group in  
17 writing of the withdrawal of recognition.

18 \* Sec. 55. AS 15.60.010(23) is amended to read:

19 (23) "political party" means an organized group of voters that  
20 represents a political program and that

21 (A) [THAT] nominated a candidate for governor who received  
22 at least two [THREE] percent of the total votes cast for governor at the  
23 preceding general election [OR HAS REGISTERED VOTERS IN THE  
24 STATE EQUAL IN NUMBER TO AT LEAST THREE PERCENT OF THE  
25 TOTAL VOTES CAST FOR GOVERNOR AT THE PRECEDING  
26 GENERAL ELECTION];

27 (B) [IF THE OFFICE OF GOVERNOR WAS NOT ON THE  
28 BALLOT AT THE PRECEDING GENERAL ELECTION BUT THE OFFICE  
29 OF UNITED STATES SENATOR WAS ON THAT BALLOT, THAT]  
30 nominated a candidate for United States senator who received at least two  
31 [THREE] percent of the total votes cast for United States senator at the

1 preceding general election or at the most recent general election at which  
 2 a governor was elected; [THAT GENERAL ELECTION OR HAS  
 3 REGISTERED VOTERS IN THE STATE EQUAL IN NUMBER TO AT  
 4 LEAST THREE PERCENT OF THE TOTAL VOTES CAST FOR UNITED  
 5 STATES SENATOR AT THAT GENERAL ELECTION; OR]

6 (C) [IF NEITHER THE OFFICE OF GOVERNOR NOR THE  
 7 OFFICE OF UNITED STATES SENATOR WAS ON THE BALLOT AT  
 8 THE PRECEDING GENERAL ELECTION, THAT] nominated a candidate  
 9 for United States representative who received at least two [THREE] percent of  
 10 the total votes cast for United States representative at the preceding general  
 11 election or at the most recent general election at which a governor was  
 12 elected; [THAT GENERAL ELECTION] or

13 (D) has registered voters in the state equal in number to at least  
 14 two [THREE] percent of the total number of voters registered in the state in  
 15 the month that the director performs verification of party status as set out  
 16 in AS 15.60.008(c) [VOTES CAST FOR UNITED STATES  
 17 REPRESENTATIVE AT THAT GENERAL ELECTION];

18 \* Sec. 56. AS 15.60.010 is amended by adding new paragraphs to read:

19 (40) "numerical identifier" means a voter's date of birth, the last four  
 20 digits of a voter's social security number, a voter's Alaska driver's license number, or a  
 21 voter's Alaska identification card number or voter identification number;

22 (41) "reregistration" means the submission of a registration form by a  
 23 voter whose registration was inactivated on the master register maintained under  
 24 AS 15.07 and the director's reactivation of that registration in accordance with that  
 25 chapter; in this paragraph, "a voter whose registration was inactivated" does not  
 26 include a voter whose registration was inactivated under AS 15.07.130 and whose  
 27 ballot may be counted under AS 15.15.198.

28 \* Sec. 57. AS 29.05.110(b) is amended to read:

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

1 \* Sec. 58. AS 29.05.110(c) is amended to read:

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

9 \* Sec. 59. AS 29.05.110 is amended by adding a new subsection to read:

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

11 \* Sec. 60. AS 15.10.020(b) and AS 15.20.048 are repealed.

12 \* Sec. 61. The uncodified law of the State of Alaska is amended by adding a new section to  
13 read:

14 APPLICABILITY. The changes made by secs. 29 - 52 of this Act apply to an  
15 application for an initiative, referendum, or recall filed with the lieutenant governor on or  
16 after the effective date of this Act.

17 \* Sec. 62. The uncodified law of the State of Alaska is amended by adding a new section to  
18 read:

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

SCS HB 94(STA) "R" version vs. CSHB 94 (FIN) am

A. Senate changes "oath" to "attestation" in the section dealing with voter registration requirements. See page 7 line 20 of "R" version.

**ATTESTATION:** The act of witnessing a person's signing of a written instrument. Some states require that a deed be witnessed by at least two witnesses one of whom may need to be an official witness such as a notary. Without the attestation the deed is void in those states that have this requirement. Some deeds may require a witnessing in cases involving grantors who have not learned to write or are paralyzed. Such a grantor would be required to make a mark or at least a thumbprint, which manifests intent to sign. Both the marking and the statement or declaration of intent by the grantor would need to be witnessed.

**Oath:** An attestation by a person which binds him or her legally and morally. Usually attesting to the truth of something, as an affidavit, or the validity of one's signature. A promise to tell the truth. Also, a promise to carry out a duty with high morality (oath of office). An oath has religious connotations and usually involves the word swear, and may contain the phrase so help me God, or require the one taking the oath to put his or her hand on a bible. An affirmation (see which) is still legally binding.

B. Senate changes "January 1" to "June 1" in the section dealing with the director designating locations for early elections. See page 13 line 20 of "R" version.

New Sections added in Senate

A. Section 11 beginning on page 9 line 20 of "R" version adds to the definition of "contribution" by excluding:

*" a purchase, payment, promise or obligation to pay, loan or loan guarantee, deposit or gift of money, goods, or services for which charge is ordinarily made and that is made for the purpose of party building; "*

B. Section 12 beginning on page 10 line 20 of "R" version adds to the definition of "expenditure" by excluding:

*" a purchase, or a transfer of money or anything of value a promise or agreement to purchase or transfer money or anything of value incurred or made and for the purpose of party building; "*

C. Section 13 beginning on page 11 line 10 of "R" version adds the following definition of party building:

*(17) "party building" means the activities of a political party to register voters, organize precincts, districts, and regions and otherwise engage in activities that build, maintain, or strengthen a political party in this state, but does not include an express communication or electioneering communication. "*

Senate deletes from the House version the following language from a new subsection dealing with preparation and distribution of ballots.

*If the voter did not indicate affiliation with a political party or group when registering to vote, the director shall provide the voter with the ballot offering the greatest range of candidates from different political parties and groups.*

Senate deletes from the House version the section defining a political party which is Section 57 CSHB 94 (FIN) am and reads as follows:

\* Sec. 57. AS 15.60.010(23) is amended to read:

15 (23) "political party" means an organized group of voters that  
16 represents a political program and that

17 (A) [THAT] nominated a candidate for governor who received  
18 at least two [THREE] percent of the total votes cast for governor at the  
19 preceding general election [OR HAS REGISTERED VOTERS IN THE  
20 STATE EQUAL IN NUMBER TO AT LEAST THREE PERCENT OF THE  
21 TOTAL VOTES CAST FOR GOVERNOR AT THE PRECEDING

22 GENERAL ELECTION];  
23 (B) [IF THE OFFICE OF GOVERNOR WAS NOT ON THE  
24 BALLOT AT THE PRECEDING GENERAL ELECTION BUT THE OFFICE  
25 OF UNITED STATES SENATOR WAS ON THAT BALLOT, THAT]  
26 nominated a candidate for United States senator who received at least two  
27 [THREE] percent of the total votes cast for United States senator at the  
28 preceding general election or at the most recent general election at which  
29 a governor was elected; [THAT GENERAL ELECTION OR HAS  
30 REGISTERED VOTERS IN THE STATE EQUAL IN NUMBER TO AT  
31 LEAST THREE PERCENT OF THE TOTAL VOTES CAST FOR UNITED  
01 STATES SENATOR AT THAT GENERAL ELECTION; OR]  
02 (C) [IF NEITHER THE OFFICE OF GOVERNOR NOR THE  
03 OFFICE OF UNITED STATES SENATOR WAS ON THE BALLOT AT  
04 THE PRECEDING GENERAL ELECTION, THAT] nominated a candidate  
05 for United States representative who received at least two [THREE] percent of  
06 the total votes cast for United States representative at the preceding general  
07 election or at the most recent general election at which a governor was  
08 elected; [THAT GENERAL ELECTION] or  
09 (D) has registered voters in the state equal in number to at least  
10 two [THREE] percent of the total number of voters registered in the state in  
11 the month that the director performs verification of party status as set out  
12 in AS 15.60.008(c) [VOTES CAST FOR UNITED STATES  
13 REPRESENTATIVE AT THAT GENERAL ELECTION];

What does APOC cover?

State Candidates, elections, recalls referendums, ballot initiatives and propositions, municipal elections.

What does FEC cover?

Federal Candidates

Absentee Ballots --- e.g.

Issues – should McCain Feingold apply? -- yes if it includes a Federal Candidates.

AMENDMENT

OFFERED IN THE SENATE  
TO SCS CSHB 94(STA)

Page 34, line 6

Insert:

AS 15.60.010(23) is amended to read:

15           (23) "political party" means an organized group of voters that  
16 represents a political program and ~~that~~

17           (A) [THAT] nominated a candidate for governor who received  
18 at least two [THREE] percent of the total votes cast for governor at the  
19 preceding general election [OR HAS REGISTERED VOTERS IN THE  
20 STATE EQUAL IN NUMBER TO AT LEAST THREE PERCENT OF THE  
21 TOTAL VOTES CAST FOR GOVERNOR AT THE PRECEDING  
22 GENERAL ELECTION];

23           (B) [IF THE OFFICE OF GOVERNOR WAS NOT ON THE  
24 BALLOT AT THE PRECEDING GENERAL ELECTION BUT THE OFFICE  
25 OF UNITED STATES SENATOR WAS ON THAT BALLOT, THAT]  
26 nominated a candidate for United States senator who received at least two  
27 [THREE] percent of the total votes cast for United States senator at ~~the~~  
28 preceding general election or at the most recent general election at which  
29 a governor was elected; [THAT GENERAL ELECTION OR HAS  
30 REGISTERED VOTERS IN THE STATE EQUAL IN NUMBER TO AT  
31 LEAST THREE PERCENT OF THE TOTAL VOTES CAST FOR UNITED  
01 STATES SENATOR AT THAT GENERAL ELECTION; OR]

02           (C) [IF NEITHER THE OFFICE OF GOVERNOR NOR THE  
03 OFFICE OF UNITED STATES SENATOR WAS ON THE BALLOT AT  
04 THE PRECEDING GENERAL ELECTION, THAT] nominated a candidate  
05 for United States representative who received at least two [THREE] percent of  
06 the total votes cast for United States representative at the preceding general  
07 election or at the most recent general election at which a governor was  
08 elected; [THAT GENERAL ELECTION] or

09           (D) has registered voters in the state equal in number to at least  
10 two [THREE] percent of the total number of voters registered in the state in  
11 the month that the director performs verification of party status as set out  
12 in AS 15.60.008(c) [VOTES CAST FOR UNITED STATES  
13 REPRESENTATIVE AT THAT GENERAL ELECTION];

---

⊕ 2 AAC 50.327. Political party reporting of donations and money spent on communications

⊕ (a) This section applies to political party reporting requirements for a donation received by a political party that does not qualify as a contribution under AS 15.13.400 and for money spent by a political party that does not qualify as an expenditure under AS 15.13.400.

(b) A political party shall file a full report, in accordance with the contribution reporting requirements for a group in AS 15.13.040 and 15.13.110, of a donation consisting of a purchase, payment, promise or obligation to pay, loan or loan guarantee, deposit or gift of money, goods or services, other than volunteer services provided by an individual, that the political party receives from an individual or person and that does not qualify as a contribution.

(c) A political party shall file a full report, in accordance with the expenditure reporting requirements for a group in AS 15.13.040 and 15.13.110, of all money spent by a political party on a communication and all money spent that does not qualify as an expenditure.

⊕ History: Eff. 12/20/2002, Register 164

⊕ Authority: AS 15.13.010

AS 15.13.030

AS 15.13.040

AS 15.13.110

AS 15.13.400

SENATE CS FOR CS FOR HOUSE BILL NO. 94(STA)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 5/6/05

Referred: Judiciary, Finance

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, <sup>and voter registration records</sup> voter residence, precinct boundary and polling place designation and  
4) <sup>Voter Regis</sup> modification, political parties, voters unaffiliated with a political party, early voting, <sup>absentee ballot request thru a power of attorney, voter registration use</sup>  
5 <sup>absentee voting, ballot design, ballot counting, voting by mail, voting machines, vote</sup> tally systems, qualifications for elected office, initiative, referendum, recall, and  
6 definitions in the Alaska Election Code; and relating to incorporation elections."  
7

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

9 \* Section 1. AS 13.26.332 is amended to read:

10 Sec. 13.26 332. Statutory form power of attorney. A person who wishes to  
11 designate another as attorney-in-fact or agent by a power of attorney may execute a  
12 statutory power of attorney set out in substantially the following form:

13 GENERAL POWER OF ATTORNEY

1 THE POWERS GRANTED FROM THE PRINCIPAL TO THE  
 2 AGENT OR AGENTS IN THE FOLLOWING DOCUMENT ARE  
 3 VERY BROAD. THEY MAY INCLUDE THE POWER TO  
 4 DISPOSE, SELL, CONVEY, AND ENCUMBER YOUR REAL AND  
 5 PERSONAL PROPERTY, AND THE POWER TO MAKE YOUR  
 6 HEALTH CARE DECISIONS. ACCORDINGLY, THE  
 7 FOLLOWING DOCUMENT SHOULD ONLY BE USED AFTER  
 8 CAREFUL CONSIDERATION. IF YOU HAVE ANY QUESTIONS  
 9 ABOUT THIS DOCUMENT, YOU SHOULD SEEK COMPETENT  
 10 ADVICE.

11 YOU MAY REVOKE THIS POWER OF ATTORNEY AT  
 12 ANY TIME.

13 Pursuant to AS 13.26.338 - 13.26.353, I,           (Name of principal)  
 14 , of           (Address of principal), do hereby appoint           (Name and  
 15 address of agent or agents), my attorney(s)-in-fact to act as I have  
 16 checked below in my name, place, and stead in any way which I myself  
 17 could do, if I were personally present, with respect to the following  
 18 matters, as each of them is defined in AS 13.26.344, to the full extent  
 19 that I am permitted by law to act through an agent:

20 THE AGENT OR AGENTS YOU HAVE APPOINTED WILL  
 21 HAVE ALL THE POWERS LISTED BELOW UNLESS YOU  
 22 DRAW A LINE THROUGH A CATEGORY; AND  
 23 INITIAL THE BOX OPPOSITE THAT CATEGORY.

- 24 (A) real estate transactions
- 25 (B) transactions involving tangible personal  
 26 property, chattels, and goods
- 27 (C) bonds, shares, and commodities transactions
- 28 (D) banking transactions
- 29 (E) business operating transactions
- 30 (F) insurance transactions
- 31 (G) estate transactions

- 1 (H) gift transactions ( )  
 2 (I) claims and litigation ( )  
 3 (J) personal relationships and affairs ( )  
 4 (K) benefits from government programs and military service ( )  
 5 (L) records, reports, and statements ( )  
 6 (M) delegation ( )  
 7 (N) voter registration and absentee ballot requests ( )  
 8 (O) all other matters, including those specified as follows: ( )  
 9 \_\_\_\_\_  
 10 \_\_\_\_\_  
 11 \_\_\_\_\_

12 IF YOU HAVE APPOINTED MORE THAN ONE AGENT,  
 13 CHECK ONE OF THE FOLLOWING:

- 14 ( ) Each agent may exercise the powers conferred separately, without  
 15 the consent of any other agent.  
 16 ( ) All agents shall exercise the powers conferred jointly, with the  
 17 consent of all other agents.

18 TO INDICATE WHEN THIS DOCUMENT SHALL  
 19 BECOME EFFECTIVE, CHECK ONE OF THE FOLLOWING:

- 20 ( ) This document shall become effective upon the date of my  
 21 signature.  
 22 ( ) This document shall become effective upon the date of my  
 23 disability and shall not otherwise be affected by my disability.

24 IF YOU HAVE INDICATED THAT THIS DOCUMENT  
 25 SHALL BECOME EFFECTIVE ON THE DATE OF YOUR  
 26 SIGNATURE, CHECK ONE OF THE FOLLOWING:

- 27 ( ) This document shall not be affected by my subsequent disability.  
 28 ( ) This document shall be revoked by my subsequent disability.

29 IF YOU HAVE INDICATED THAT THIS DOCUMENT  
 30 SHALL BECOME EFFECTIVE UPON THE DATE OF YOUR  
 31 SIGNATURE AND WANT TO LIMIT THE TERM OF THIS

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DOCUMENT, COMPLETE THE FOLLOWING:

This document shall only continue in effect for \_\_\_\_\_ ( )  
years from the date of my signature.

NOTICE OF REVOCATION OF THE POWERS  
GRANTED IN THIS DOCUMENT

You may revoke one or more of the powers granted in this document. Unless otherwise provided in this document, you may revoke a specific power granted in this power of attorney by completing a special power of attorney that includes the specific power in this document that you want to revoke. Unless otherwise provided in this document, you may revoke all the powers granted in this power of attorney by completing a subsequent power of attorney.

NOTICE TO THIRD PARTIES

A third party who relies on the reasonable representations of an attorney-in-fact as to a matter relating to a power granted by a properly executed statutory power of attorney does not incur any liability to the principal or to the principal's heirs, assigns, or estate as a result of permitting the attorney-in-fact to exercise the authority granted by the power of attorney. A third party who fails to honor a properly executed statutory form power of attorney may be liable to the principal, the attorney-in-fact, the principal's heirs, assigns, or estate for a civil penalty, plus damages, costs, and fees associated with the failure to comply with the statutory form power of attorney. If the power of attorney is one which becomes effective upon the disability of the principal, the disability of the principal is established by an affidavit, as required by law.

IN WITNESS WHEREOF, I have hereunto signed my name  
this \_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Signature of Principal

Acknowledged before me at \_\_\_\_\_

1 \_\_\_\_\_ on \_\_\_\_\_.

2 Signature of Officer or Notary

3 \* **Sec. 2.** AS 13.26.344 is amended by adding a new subsection to read:

4 (p) In a statutory form power of attorney, the language conferring general  
5 authority with regard to voter registration and absentee ballot requests shall be  
6 construed to mean that the principal authorizes the agent to register the principal to  
7 vote or request an absentee ballot for the principal.

8 \* **Sec. 3.** AS 15.05.020 is amended to read:

9 **Sec. 15.05.020. Rules for determining residence of voter.** For the purpose  
10 of determining residence for voting, the place of residence is governed by the  
11 following rules:

12 (1) A person may not be considered to have gained a residence solely  
13 by reason of presence nor may a person lose it solely by reason of absence while in the  
14 civil or military service of this state or of the United States or of absence because of  
15 marriage to a person engaged in the civil or military service of this state or the United  
16 States, while a student at an institution of learning, while in an institution or asylum at  
17 public expense, while confined in public prison, while engaged in the navigation of  
18 waters of this state or the United States or of the high seas, while residing upon an  
19 Indian or military reservation, or while residing in the Alaska Pioneers' Home or the  
20 Alaska Veterans' Home.

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

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

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

31 (5) A person does not gain residence in any place to which the person

1 comes without the present intention to establish a permanent dwelling at that place.

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

5 (7) The term of residence is computed by including the day on which  
6 the person's residence begins and excluding the day of election.

7 (8) The address of a voter as it appears on the [AN] official voter  
8 registration record [CARD] is presumptive evidence of the person's voting residence.  
9 This presumption is negated only if the voter notifies the director in writing of a  
10 change of voting residence.

11 \* Sec. 4. AS 15.07.050 is amended to read:

12 **Sec. 15.07.050. Manner of registration.** Registration may be made

13 (1) in person before a registration official or through a voter  
14 registration agency;

15 (2) by another individual on behalf of the voter if the voter has  
16 executed a written general power of attorney or a written special power of  
17 attorney authorizing that other individual to register the voter;

18 (3) by mail; or

19 (4) [(3)] by facsimile transmission, scanning, or another method of  
20 electronic transmission that the director approves.

21 \* Sec. 5. AS 15.07.050 is amended by adding new subsections to read:

22 (b) Except as provided in (c) of this section, only the voter or the individual  
23 authorized by the voter in a written power of attorney under (a) of this section may  
24 mark the voter's choice of party affiliation on the voter registration application form.

25 (c) A person may supply a voter registration application form with a  
26 political party or group affiliation indicated to a voter only if the voter is  
27 already registered as affiliated with the political party or group indicated.

28 \* Sec. 6. AS 15.07.060(a) is amended to read:

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

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

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

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

5 (4) the applicant's Alaska residence address [AND OTHER  
 6 NECESSARY INFORMATION ESTABLISHING RESIDENCE, INCLUDING THE  
 7 TERM OF RESIDENCE IN THE STATE AND IN THE DISTRICT, IF  
 8 REQUESTED];

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

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

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

16 (8) the date of application;

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

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

20 (11) an attestation that the information provided by the applicant in (1)  
 21 - (10) of this subsection is true; and

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

25 \* Sec. 7. AS 15.07.070(b) is amended to read:

26 (b) To register by mail or by facsimile, scanning, or other electronic  
 27 transmission approved by the director under AS 15.07.050, the director, the area  
 28 election supervisor, or a voter registration agency shall furnish, at no cost to the voter,  
 29 forms prepared by the director on which the registration information required under  
 30 AS 15.07.060 shall be inserted by the voter, by a person on behalf of the voter if  
 31 that person is designated to act on behalf of the voter in a power of attorney, or

1 by a person on behalf of the voter if the voter is physically incapacitated. The director  
 2 may require proof of identification of the applicant as required by regulations adopted  
 3 by the director under AS 44.62 (Administrative Procedure Act). Upon receipt and  
 4 approval of the completed registration forms, the director or the election supervisor  
 5 shall forward to the voter an acknowledgment, and the voter's name shall immediately  
 6 be placed on the master register. If the registration is denied, the voter shall  
 7 immediately be informed in writing that registration was denied and the reason for  
 8 denial. When identifying information has been provided by the voter as required by  
 9 this chapter, the election supervisor shall forward to the voter a registration card.

10 \* Sec. 8. AS 15.07 is amended by adding a new section to read:

11 **Sec. 15.07.075. Voters unaffiliated with a political party.** The director shall  
 12 consider a voter to be a voter registered as

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

15 (2) "undeclared" if the voter

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

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

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

21 (3) "other" if the voter declares on a voter registration form an  
 22 affiliation with a political group. ~~That is the case for~~

23 \* Sec. 9. AS 15.07.127 is amended to read:

24 **Sec. 15.07.127. Preparation of master register.** The director shall prepare  
 25 both a statewide list and a list by precinct of the names and addresses of all persons  
 26 whose names appear on the master register and their political party affiliation.  
 27 Subject to the limitations of 15.07.195, any [ANY] person may obtain a copy of the  
 28 list, or a part of the list, or an electronic format containing both residence and mailing  
 29 addresses of voters, by applying to the director and paying to the state treasury a fee as  
 30 determined by the director.

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

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

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

7                   (2) providing notice of the change

8                           (A) by publication once in a local newspaper of general  
9 circulation in the precinct; or

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

13                   (3) posting notice of the change on the Internet website of the division  
14 of elections;

15                   (4) providing notification of the change to the appropriate municipal  
16 clerks, community councils, tribal groups, Native villages, and village regional  
17 corporations established under 43 U.S.C. 1606 (Alaska Native Claims Settlement  
18 Act); and

19                   (5) inclusion in the official election pamphlet.

20 \* **Sec. 11.** AS 15.13.400(4) is amended to read:

21                   (4) "contribution"

22                           (A) means a purchase, payment, promise or obligation to pay,  
23 loan or loan guarantee, deposit or gift of money, goods, or services for which  
24 charge is ordinarily made and that is made for the purpose of influencing the  
25 nomination or election of a candidate, and in AS 15.13.010(b) for the purpose  
26 of influencing a ballot proposition or question, including the payment by a  
27 person other than a candidate or political party, or compensation for the  
28 personal services of another person, that are rendered to the candidate or  
29 political party;

30                           (B) does not include

31                                   (i) services provided without compensation by

1 individuals volunteering a portion or all of their time on behalf of a  
2 political party, candidate, or ballot proposition or question;

3 (ii) ordinary hospitality in a home;

4 (iii) two or fewer mass mailings before each election by  
5 each political party describing the party's slate of candidates for  
6 election, which may include photographs, biographies, and information  
7 about the party's candidates;

8 (iv) the results of a poll limited to issues and not  
9 mentioning any candidate, unless the poll was requested by or designed  
10 primarily to benefit the candidate; or

11 (v) any communication in the form of a newsletter from  
12 a legislator to the legislator's constituents, except a communication  
13 expressly advocating the election or defeat of a candidate or a  
14 newsletter or material in a newsletter that is clearly only for the private  
15 benefit of a legislator or a legislative employee;

16 (vi) a purchase, payment, promise or obligation to  
17 pay, loan or loan guarantee, deposit or gift of money, goods, or  
18 services for which charge is ordinarily made and that is made for  
19 the purpose of party building;

20 \* Sec. 12. AS 15.13.400(6) is amended to read:

21 (6) "expenditure"

22 (A) means a purchase or a transfer of money or anything of  
23 value, or promise or agreement to purchase or transfer money or anything of  
24 value, incurred or made for the purpose of

25 (i) influencing the nomination or election of a candidate  
26 or of any individual who files for nomination at a later date and  
27 becomes a candidate;

28 (ii) use by a political party;

29 (iii) the payment by a person other than a candidate or  
30 political party of compensation for the personal services of another  
31 person that are rendered to a candidate or political party; or

1 (iv) influencing the outcome of a ballot proposition or  
2 question;

3 (B) does not include a candidate's filing fee; a purchase or a  
4 transfer of money or anything of value, a promise or agreement to  
5 purchase or transfer money or anything of value, incurred or made for  
6 the purpose of party building; or the cost of preparing reports and statements  
7 required by this chapter;

8 (C) includes an express communication and an electioneering  
9 communication, but does not include an issues communication;

10 \* Sec. 13. AS 15.13.400 is amended by adding a new paragraph to read:

11 (17) "party building" means the activities of a political party to register  
12 voters, organize precincts, districts, and regions, and otherwise engage in activities  
13 that build, maintain, or strengthen a political party in this state, but does not include an  
14 express communication or electioneering communication.

15 \* Sec. 14. AS 15.15.030(6) is repealed and reenacted to read:

16 (6) The names of the candidates for each office shall be set out in the  
17 same order on ballots printed for use in each house district. The director shall  
18 randomly determine the order of the names of the candidates for state representative  
19 for each house district. The director shall rotate the order of placement of the names  
20 of candidates for governor, lieutenant governor, United States senator, United States  
21 representative, and state senator on the ballot for each house district.

22 \* Sec. 15. 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. 16. 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. 17. AS 15.15.430 is amended to read:

14           **Sec. 15.15.430. Scope of the review of ballot counting.** (a) The review of  
 15 ballot counting by the director shall include only [A REVIEW OF]

16                   (1) a review of the precinct registers, tallies, and ballots cast; [AND]

17                   (2) a review of absentee and questioned ballots as prescribed by law;

18           and

19                   (3) unless the ballot for the election district contains nothing but  
 20 uncontested offices, a hand count of ballots from one randomly selected precinct  
 21 in each election district that accounts for at least five percent of the ballots cast in  
 22 that district.

23           (b) If, following the ballot review set out in (a) of this section, the director  
 24 finds there is a discrepancy of more than one percent between the results of the  
 25 hand count under (a)(3) of this section and the count certified by the election  
 26 board, the director shall conduct a hand count of the ballots from that district  
 27 [AN UNEXPLAINED DISCREPANCY IN THE BALLOT COUNT IN ANY  
 28 PRECINCT, THE DIRECTOR MAY COUNT THE BALLOTS FROM THAT  
 29 PRECINCT].

30           (c) If the director finds an unexplained discrepancy in the ballot count in  
 31 any precinct, the director may count the ballots from that precinct.



1 (A) a commissioned or noncommissioned officer of the armed  
2 forces of the United States;

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

5 (C) an individual [TWO UNITED STATES CITIZENS] who  
6 is [ARE] 18 years of age or older.

7 \* Sec. 21. AS 15.20.081(a) is amended to read:

8 (a) A qualified voter may apply by mail or by facsimile, scanning, or other  
9 electronic transmission to the director for an absentee ballot. Another individual  
10 may apply for an absentee ballot on behalf of a qualified voter if that individual  
11 is designated to act on behalf of the voter in a written general power of attorney  
12 or a written special power of attorney that authorizes the other individual to  
13 apply for an absentee ballot on behalf of the voter. The application must include  
14 the address or, if the application requests delivery of an absentee ballot by electronic  
15 transmission, the telephone electronic transmission number, to which the absentee  
16 ballot is to be returned, the applicant's full Alaska residence address, and the  
17 applicant's signature. However, a person residing outside the United States and  
18 applying to vote absentee in federal elections in accordance with AS 15.05.011 need  
19 not include an Alaska residence address in the application. A person may supply to a  
20 voter an absentee ballot application form with a political party or group  
21 affiliation indicated only if the voter is already registered as affiliated with the  
22 political party or group indicated. Only the voter or the individual designated by  
23 the voter in a written power of attorney under this subsection may mark the  
24 voter's choice of primary ballot on an application. A person supplying an  
25 absentee ballot application form may not design or mark the application in a  
26 manner that suggests choice of one ballot over another, except that ballot choices  
27 may be listed on an application as authorized by the division.

28 \* Sec. 22. 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 an individual who is [TWO  
 7 PERSONS OVER THE AGE OF] 18 years of age or older, who shall sign as a  
 8 witness [WITNESSES] and attest to the date on which the voter signed the certificate  
 9 in the individual's [THEIR] presence, and, in addition, the voter shall certify, as  
 10 prescribed in AS 09.63.020, under penalty of perjury, that the statements in the  
 11 voter's certification are true [PROVIDE THE CERTIFICATION PRESCRIBED IN  
 12 AS 09.63.020].

13 \* Sec. 23. AS 15.20.081(h) is amended to read:

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

20 \* Sec. 24. AS 15.20.450 is amended to read:

21 **Sec. 15.20.450. Requirement of deposit.** The application must include a  
 22 deposit in cash, by certified check, or by bond with a surety approved by the director.  
 23 The amount of the deposit is \$1,000 [\$300] for each precinct, \$2,000 [\$750] for each  
 24 house district, and \$15,000 [\$10,000] for the entire state. If the recount includes an  
 25 office for which candidates received a tie vote, or the difference between the number  
 26 of votes cast was 20 or less or was less than .5 percent of the total number of votes  
 27 cast for the two candidates for the contested office, or a question or proposition for  
 28 which there was a tie vote on the issue, or the difference between the number of votes  
 29 cast in favor of or opposed to the issue was 20 or less or was less than .5 percent of the  
 30 total votes cast in favor of or opposed to the issue, the application need not include a  
 31 deposit, and the state shall bear the cost of the recount. If, on the recount, a candidate

1 other than the candidate who received the original election certificate is declared  
 2 elected, or if the vote on recount is determined to be four percent or more in excess of  
 3 the vote reported by the state review for the candidate applying for the recount or in  
 4 favor of or opposed to the question or proposition as stated in the application, the  
 5 entire deposit shall be refunded. If the entire deposit is not refunded, the director shall  
 6 refund any money remaining after the cost of the recount has been paid from the  
 7 deposit.

8 \* Sec. 25. AS 15.20.800(b) is amended to read.

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

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

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

20 \* Sec. 26. AS 15.20 is amended by adding a new section to article 5 to read:

21 **Sec. 15.20.910. Standards for voting machines and vote tally systems.** The  
 22 director may approve a voting machine or vote tally system for use in an election in  
 23 the state upon consideration of factors relevant to the administration of state elections,  
 24 including whether the Federal Election Commission has certified the voting machine  
 25 or vote tally system to be in compliance with the voting system standards approved by  
 26 the Federal Election Commission as required by 42 U.S.C. 15481(a)(5) (Help America  
 27 Vote Act of 2002). The director may only approve a voting machine or vote tally  
 28 system if the machine or system satisfies the requirements of AS 15.15.032(c).

29 \* Sec. 27. AS 15.25.030(a) is amended to read:

30 (a) A member of a political party who seeks to become a candidate of the  
 31 party in the primary election shall execute and file a declaration of candidacy. The

1 declaration shall be executed under oath before an officer authorized to take  
2 acknowledgments and must state in substance

- 3 (1) the full name of the candidate;
- 4 (2) the full mailing address of the candidate;
- 5 (3) if the candidacy is for the office of state senator or state  
6 representative, the house or senate district of which the candidate is a resident;
- 7 (4) the office for which the candidate seeks nomination;
- 8 (5) the name of the political party of which the person is a candidate  
9 for nomination;
- 10 (6) the full residence address of the candidate, and the date on which  
11 residency at that address began;
- 12 (7) the date of the primary election at which the candidate seeks  
13 nomination;
- 14 (8) the length of residency in the state and in the district of the  
15 candidate;
- 16 (9) that the candidate will meet the specific citizenship requirements of  
17 the office for which the person is a candidate;
- 18 (10) that the candidate is a qualified voter as required by law;
- 19 (11) that the candidate will meet the specific age requirements of the  
20 office for which the person is a candidate; if the candidacy is for the office of state  
21 representative, that the candidate will be at least 21 years of age on the first  
22 scheduled day of the first regular session of the legislature convened after the  
23 election; if the candidacy is for the office of state senator, that the candidate will  
24 be at least 25 years of age on the first scheduled day of the first regular session of  
25 the legislature convened after the election; if the candidacy is for the office of  
26 governor or lieutenant governor, that the candidate will be at least 30 years of  
27 age on the first Monday in December following election or, if the office is to be  
28 filled by special election under AS 15.40.230 - 15.40.310, that the candidate will  
29 be at least 30 years of age on the date of certification of the results of the special  
30 election; or, for any other office, by the time that the candidate, if elected, is  
31 sworn into office;

1 (12) that the candidate requests that the candidate's name be placed on  
2 the primary election ballot;

3 (13) that the required fee accompanies the declaration;

4 (14) that the person is not a candidate for any other office to be voted  
5 on at the primary or general election and that the person is not a candidate for this  
6 office under any other declaration of candidacy or nominating petition;

7 (15) the manner in which the candidate wishes the candidate's name to  
8 appear on the ballot; and

9 (16) that the candidate is registered to vote as a member of the political  
10 party whose nomination is being sought.

11 \* Sec. 28. AS 15.25.060 is amended by adding a new subsection to read:

12 (c) If a voter is not voting in person and has requested an absentee ballot or  
13 special needs ballot but has not indicated a choice of ballot, the director shall provide  
14 the voter with the ballot listing the candidates of the political party or group with  
15 which the voter is affiliated, as determined under (b) of this section. *← Language from House*  
*Deleted here*

16 \* Sec. 29. AS 15.25.105(a) is amended to read:

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

22 (1) the full name of the candidate;

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

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

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

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

30 (6) the office that the candidate seeks;

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

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

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

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

7 (11) that the candidate will meet the specific age requirements of the  
8 office for which the person is a candidate; if the candidacy is for the office of state  
9 representative, that the candidate will be at least 21 years of age on the first  
10 scheduled day of the first regular session of the legislature convened after the  
11 election; if the candidacy is for the office of state senator, that the candidate will  
12 be at least 25 years of age on the first scheduled day of the first regular session of  
13 the legislature convened after the election; if the candidacy is for the office of  
14 governor or lieutenant governor, that the candidate will be at least 30 years of  
15 age on the first Monday in December following election or, if the office is to be  
16 filled by special election under AS 15.40.230 - 15.40.310, that the candidate will  
17 be at least 30 years of age on the date of certification of the results of the special  
18 election; or, for any other office, by the time that the candidate, if elected, is sworn  
19 into office;

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

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

24 \* Sec. 30. AS 15.25.180(a) is amended to read:

25 (a) The petition must state in substance

26 (1) the full name of the candidate;

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

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

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

31 (5) if the candidacy is for the office of state senator or state

1 representative, the house or senate district of which the candidate is a resident;

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

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

4 (8) the length of residency in the state and in the district of the  
5 candidate;

6 (9) that the subscribers are qualified voters of the state or house or  
7 senate district in which the candidate resides;

8 (10) that the subscribers request that the candidate's name be placed on  
9 the general election ballot;

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

12 (12) the name of the candidate as the candidate wishes it to appear on  
13 the ballot;

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

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

19 (15) that the candidate will meet the specific age requirements of the  
20 office for which the person is a candidate; if the candidacy is for the office of state  
21 representative, that the candidate will be at least 21 years of age on the first  
22 scheduled day of the first regular session of the legislature convened after the  
23 election; if the candidacy is for the office of state senator, that the candidate will  
24 be at least 25 years of age on the first scheduled day of the first regular session of  
25 the legislature convened after the election; and if the candidacy is for the office of  
26 governor or lieutenant governor, that the candidate will be at least 30 years of  
27 age on the first Monday in December following election or, if the office is to be  
28 filled by special election under AS 15.40.250 - 15.40.310, that the candidate will  
29 be at least 30 years of age on the date of certification of the results of the special  
30 election; or, for any other office, by the time that the candidate, if elected, is sworn  
31 into office;

1 (16) that the candidate is a qualified voter; and

2 (17) if the candidacy is for the office of the governor, the name of the  
3 candidate for lieutenant governor running jointly with the candidate for governor.

4 \* **Sec. 31.** AS 15.30 is amended by adding a new section to read:

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

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

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

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

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

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

26 \* **Sec. 32.** AS 15.30.050 is amended to read:

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

1 \* Sec. 33. AS 15.30.090 is amended to read:

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

10 \* Sec. 34. AS 15.45.030 is amended to read:

11           **Sec. 15.45.030. Form of application.** The application must [SHALL]  
12 include the

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

14                   (2) printed name, the signature, the address, and a numerical  
15 identifier of not fewer than 100 qualified voters who will serve as sponsors; each  
16 signature page must include a statement that the sponsors are qualified voters who  
17 signed the application with the proposed bill attached; and [.]

18                   (3) [THE] designation of an initiative committee consisting of three of  
19 the sponsors who subscribed to the application and [SHALL] represent all sponsors  
20 and subscribers in matters relating to the initiative; the designation must include the  
21 name, mailing address, and signature of each committee member [, AND (4)  
22 THE SIGNATURES AND ADDRESSES OF NOT LESS THAN 100 QUALIFIED  
23 VOTERS].

24 \* Sec. 35. AS 15.45.060 is amended to read:

25           **Sec. 15.45.060. Designation of sponsors.** The qualified voters who subscribe  
26 to the application in support of the proposed bill are designated as sponsors. The  
27 initiative committee may designate additional sponsors by giving written notice to the  
28 lieutenant governor of the names, [AND] addresses, and numerical identifiers of  
29 those so designated. *"Dates of Birth"*

30 \* Sec. 36. AS 15.45.090 is repealed and reenacted to read:

31           **Sec. 15.45.090. Preparation of petition.** (a) If the application is certified,

*now House change*

1 the lieutenant governor shall prepare a sufficient number of sequentially numbered  
2 petitions to allow full circulation throughout the state. Each petition must contain

3 (1) a copy of the proposed bill if the number of words included in both  
4 the formal and substantive provisions of the bill is 500 or less;

5 (2) an impartial summary of the subject matter of the bill;

6 (3) a statement of minimum costs to the state associated with  
7 certification of the initiative application and review of the initiative petition, excluding  
8 legal costs to the state and the costs to the state of any challenge to the validity of the  
9 petition;

10 (4) an estimate of the cost to the state of implementing the proposed  
11 law;

12 (5) the statement of warning prescribed in AS 15.45.100;

13 (6) sufficient space for the printed name, a numerical identifier, the  
14 signature, the date of signature, and the address of each person signing the petition;  
15 and

16 (7) other specifications prescribed by the lieutenant governor to ensure  
17 proper handling and control.

18 (b) Upon request of the initiative committee, the lieutenant governor shall  
19 report to the committee the number of persons who voted in the preceding general  
20 election.

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

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

24 (1) a citizen of the United States;

25 (2) 18 years of age or older; and

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

27 \* Sec. 38. AS 15.45.120 is amended to read:

28 **Sec. 15.45.120. Manner of signing and withdrawing name from petition.**

29 Any qualified voter may subscribe to the petition by printing the voter's name, a  
30 numerical identifier, and an address, by signing the voter's name, and by dating  
31 the signature [AND ADDRESS]. A person who has signed the initiative petition

1 may withdraw the person's name only by giving written notice to the lieutenant  
2 governor before the date the petition is filed.

3 \* **Sec. 39.** AS 15.45.130 is repealed and reenacted to read:

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

9 (1) that the person signing the affidavit meets the residency, age, and  
10 citizenship qualifications for circulating a petition under AS 15.45.105;

11 (2) that the person is the only circulator of that petition;

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

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

15 (5) that, to the best of the circulator's knowledge, the signatures are of  
16 persons who were qualified voters on the date of signature; *John J. ...*

17 (6) that the circulator has not entered into an agreement with a person  
18 or organization in violation of AS 15.45.110(c);

19 (7) that the circulator has not violated AS 15.45.110(d) with respect to  
20 that petition; and

21 (8) whether the circulator has received payment or agreed to receive  
22 payment for the collection of signatures on the petition, and, if so, the name of each  
23 person or organization that has paid or agreed to pay the circulator for collection of  
24 signatures on the petition.

25 \* **Sec. 40.** AS 15.45.200 is amended to read:

26 **Sec. 15.45.200. Display of proposed law.** The director shall provide each  
27 election board with at least five [10] copies of the proposed law being initiate and  
28 the election board shall display at least one copy [THREE COPIES] of the proposed  
29 law in a conspicuous place in the room where the election is held.

30 \* **Sec. 41.** AS 15.45.270 is amended to read:

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

1 include

2 (1) the act to be referred;

3 (2) a statement of approval or rejection;

4 (3) the printed name, the signature, the address, and a numerical  
 5 identifier of not fewer than 100 qualified voters who will serve as sponsors; each  
 6 signature page must include a statement that the sponsors are qualified voters who  
 7 signed the application with the act to be referred and the statement of approval or  
 8 rejection [PROPOSED BILL] attached; and

9 (4) [(3)] the designation of a referendum committee consisting of three  
 10 of the sponsors who subscribed to the application and [SHALL] represent all  
 11 sponsors and subscribers in matters relating to the referendum; the designation must  
 12 include the name, mailing address, and signature of each committee member  
 13 [AND

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

16 \* Sec. 42. AS 15.45.290 is amended to read:

17 Sec. 15.45.290. Designation of sponsors. The qualified voters who subscribe  
 18 to the application in support of the referendum are designated as sponsors. The  
 19 referendum committee may designate additional sponsors by giving notice to the  
 20 lieutenant governor of the names, [AND] addresses, and numerical identifiers of  
 21 those so designated. *Dates of Birth*

22 \* Sec. 43. AS 15.45.320 is repealed and reenacted to read:

23 Sec. 15.45.320. Preparation of petition. (a) The lieutenant governor shall  
 24 prepare a sufficient number of sequentially numbered petitions to allow full circulation  
 25 throughout the state. Each petition must contain

26 (1) a copy of the act to be referred if the number of words included in  
 27 both the formal and substantive provisions of the act is 500 or less;

28 (2) the statement of approval or rejection;

29 (3) a statement of minimum costs to the state associated with  
 30 certification of the referendum application and review of the referendum petition,  
 31 excluding legal costs to the state and the costs to the state of any challenge to the

*Have Included*

1 validity of the petition;

2 (4) an estimate of the cost to the state of voter approval or rejection of  
3 the act;

4 (5) an impartial summary of the subject matter of the act;

5 (6) the statement of warning prescribed in AS 15.45.330;

6 (7) sufficient space for the printed name, a numerical identifier, the  
7 signature, the date of signature, and the address of each person signing the petition;  
8 and

9 (8) other specifications prescribed by the lieutenant governor to ensure  
10 proper handling and control.

11 (b) Upon request of the referendum committee, the lieutenant governor shall  
12 report to the committee the number of persons who voted in the preceding general  
13 election.

14 \* Sec. 44. 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. 45. 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. 46. 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, a  
6 numerical identifier, and an address, by signing the voter's name, and by dating  
7 the signature [AND ADDRESS]. A person who has signed the referendum petition  
8 may withdraw the person's name only by giving written notice to the lieutenant  
9 governor before the date the petition is filed.

10 \* Sec. 47. AS 15.45.360 is repealed and reenacted to read:

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

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

18 (2) that the person is the only circulator of that petition;

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

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

22 (5) that, to the best of the circulators knowledge, the signatures are of  
23 persons who were qualified voters on the date of signature;

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

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

28 (8) <sup>if</sup> whether the circulator has received payment or agreed to receive  
29 payment for the collection of signatures on the petition, and, if so, the name of each  
30 person or organization that has paid or agreed to pay the circulator for collection of  
31 signatures on the petition.

1 \* **Sec. 48.** AS 15.45.430 is amended to read:

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

6 \* **Sec. 49.** AS 15.45.500 is amended to read:

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

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

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

11                   (3) the printed name, the signature, the address, and a numerical  
12 identifier of qualified voters equal in number to 10 percent of those who voted in  
13 the preceding general election in the state or in the senate or house district of the  
14 official sought to be recalled, 100 of whom will serve as sponsors; each signature  
15 page must include a statement that the [SPONSORS ARE] qualified voters [WHO]  
16 signed the application with the name and office of the person to be recalled and the  
17 statement of grounds for recall attached; and

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

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

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

30 \* **Sec. 50.** AS 15.45 is amended by adding a new section to read:

31           **Sec. 15.45.515. Designation of sponsors.** The qualified voters who subscribe

1 to the application in support of the recall are designated as sponsors. The recall  
 2 committee may designate additional sponsors by giving notice to the lieutenant  
 3 governor of the names, addresses, and numerical identifiers of those so designated.

4 \* **Sec. 51.** AS 15.45.560 is repealed and reenacted to read:

5 **Sec. 15.45.560. Preparation of petition.** (a) The director shall prepare a  
 6 sufficient number of sequentially numbered petitions to allow full circulation  
 7 throughout the state or throughout the senate or house district of the official sought to  
 8 be recalled. Each petition must contain

9 (1) the name and office of the person to be recalled;  
 10 (2) the statement of the grounds for recall included in the application;  
 11 (3) a statement of minimum costs to the state associated with  
 12 certification of the recall application, review of the recall petition, and conduct of a  
 13 special election, excluding legal costs to the state and the costs to the state of any  
 14 challenge to the validity of the petition;

15 (4) an estimate of the cost to the state of recalling the official: 7 .

16 (5) the statement of warning required in AS 15.45.570;

17 (6) sufficient space for the printed name, a numerical identifier, the  
 18 signature, the date of signature, and the address of each person signing the petition;  
 19 and

20 (7) other specifications prescribed by the director to ensure proper  
 21 handling and control.

22 (b) Upon request of the recall committee, the lieutenant governor shall report  
 23 to the committee the number of persons who voted in the preceding general election,  
 24 in the state or in the district of the official sought to be recalled by the recall  
 25 committee.

26 \* **Sec. 52.** AS 15.45.570 is amended to read:

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

1 \* **Sec. 53.** AS 15.45 is amended by adding a new section to read:

2 **Sec. 15.45.575. 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. 54.** AS 15.45.580 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. 55.** AS 15.45.590 is amended to read:

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

23 Any qualified voter may subscribe to the petition by printing the voter's name, a  
24 numerical identifier, and an address, by signing the voter's name, and by dating  
25 the signature [AND ADDRESS]. A person who has signed the petition may  
26 withdraw the person's name only by giving written notice to the director before the  
27 date the petition is filed.

28 \* **Sec. 56.** AS 15.45.600 is repealed and reenacted to read:

29 **Sec. 15.45.600. Certification of circulator.** Before being filed, each petition  
30 shall be certified by an affidavit by the person who personally circulated the petition.  
31 In determining the sufficiency of the petition, the lieutenant governor may not count

1 subscriptions on petitions not properly certified at the time of filing or corrected before  
2 the subscriptions are counted. The affidavit must state in substance

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

5 (2) that the person is the only circulator of that petition;

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

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

9 (5) that, to the best of the circulator's knowledge, the signatures are of  
10 persons who were qualified voters on the date of signature;

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

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

15 (8) whether the circulator has received payment or agreed to receive  
16 payment for the collection of signatures on the petition, <sup>p. 26</sup> and, if so, the name of each  
17 person or organization that has paid or agreed to pay the circulator for collection of  
18 signatures on the petition.

19 \* Sec. 57. AS 15.45.680 is amended to read:

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

30 \* Sec. 58. AS 15.58.020 is amended to read:

31 **Sec. 15.58.020. Contents of pamphlet.** Each election pamphlet must contain

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1 (1) photographs and campaign statements submitted by eligible  
2 candidates for elective office in the region;

3 (2) information and recommendations filed under AS 15.58.050 on  
4 judicial officers subject to a retention election in the region;

5 (3) a map of the house district or districts of the region;

6 (4) sample ballots for house districts of the region;

7 (5) an absentee ballot application;

8 (6) for each ballot proposition submitted to the voters by initiative or  
9 referendum petition or by the legislature,

10 (A) the full text of the proposition specifying constitutional or  
11 statutory provisions proposed to be affected;

12 (B) the ballot title and the summary of the proposition prepared  
13 by the director or by the lieutenant governor;

14 (C) a statement of the costs to the state of implementing the law  
15 proposed in an initiative, or of voter approval or rejection of the act that is the  
16 subject of a referendum;

17 (D) a neutral summary of the proposition prepared by the  
18 Legislative Affairs Agency;

19 (E) statements submitted that advocate voter approval or  
20 rejection of the proposition not to exceed 500 words;

21 (7) for each bond question, a statement of the scope of each project as  
22 it appears in the bond authorization;

23 (8) a maximum of two pages of material submitted by each political  
24 party;

25 (9) additional information on voting procedures that the lieutenant  
26 governor considers necessary;

27 (10) for the question whether a constitutional convention shall be  
28 called,

29 (A) a full statement of the question placed on the ballot;

30 (B) statements not to exceed 500 words that advocate voter  
31 approval or rejection of the question;

1 (11) under AS 37.13.170, the Alaska permanent fund annual income  
 2 statement and balance sheet for the two fiscal years preceding the publication of the  
 3 election pamphlet;

4 **(12) under AS 15.10.090, notice of**

5 **(A) the establishment or abolition of a precinct;**

6 **(B) the designation, abolition, or modification of precinct**  
 7 **boundaries; and**

8 **(C) a change in the location of a polling place.**

9 \* Sec. 59. AS 15.60 is amended by adding a new section to read:

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

14 (1) files an application with the director;

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

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

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

21 (c) The director shall perform a verification described in (b) of this section at  
 22 least once a month after the date of certification of the preceding general election,  
 23 except that the director may suspend the monthly verifications on and after June 1 and  
 24 before November 30 of a general election year. For purposes of (b) of this section, the  
 25 director shall verify that the voters who have submitted registration forms to the  
 26 division of elections are qualified under AS 15.05.010 and have declared affiliation  
 27 with the political group or recognized political party for which the verification is  
 28 performed.

29 (d) Within 10 days after a verification under (c) of this section, the director  
 30 shall provide to a political group seeking recognized political party status under (a) of  
 31 this section written notification when the political group has obtained recognized

1 political party status.

2 (e) The director may not withdraw recognized political party status from a  
3 political group that no longer qualifies as a political party until after the first  
4 verification after a general election at which a governor was elected. The director  
5 shall notify the political group in writing of the withdrawal of recognition.

6 \* Sec. 60. AS 15.60.010 is amended by adding new paragraphs to read:

7 (40) "numerical identifier" means a voter's date of birth, the last four  
8 digits of a voter's social security number, a voter's Alaska driver's license number, or a  
9 voter's Alaska identification card number or voter identification number;

10 (41) "reregistration" means the submission of a registration form by a  
11 voter whose registration was inactivated on the master register maintained under  
12 AS 15.07 and the director's reactivation of that registration in accordance with that  
13 chapter; in this paragraph, "a voter whose registration was inactivated" does not  
14 include a voter whose registration was inactivated under AS 15.07.130 and whose  
15 ballot may be counted under AS 15.15.198.

16 \* Sec. 61. AS 29.05.110(b) is amended to read:

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

20 \* Sec. 62. AS 29.05.110(c) is amended to read:

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

28 \* Sec. 63. AS 29.05.110 is amended by adding a new subsection to read:

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

30 \* Sec. 64. AS 15.10.020(b) and AS 15.20.048 are repealed.

31 \* Sec. 65. The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2           APPLICABILITY. The changes made by secs. 34 - 57 of this Act apply to an  
3 application for an initiative, referendum, or recall filed with the lieutenant governor on or  
4 after the effective date of this Act.

5       \* Sec. 66. The uncodified law of the State of Alaska is amended by adding a new section to  
6 read:

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

C

Supreme Court of Alaska.  
LIBERTARIAN PARTY OF ALASKA, INC.,  
Kenneth P. Jacobus, and Kenneth P. Jacobus,  
P.C., Appellants,  
v.  
STATE of Alaska and Alaska Public Offices  
Commission, Appellees.  
No. S-11012.

Nov. 19, 2004.

**Background:** Political party challenged legality of campaign contributions regulation promulgated by Public Offices Commission (POC), which required parties to report donations and expenditures of "soft money." The Superior Court, Third Judicial District, Anchorage, Mark Rindner, J., ruled that the regulation was legally promulgated. Political party appealed.

**Holding:** The Supreme Court, Matthews, J., held that the regulation was consistent with the Campaign Disclosure Act, and thus the POC was authorized to promulgate the regulation.  
Affirmed.

West Headnotes

[1] Administrative Law and Procedure ■■■ 390.1  
15Ak390.1 Most Cited Cases

[1] Administrative Law and Procedure ■■■ 391  
15Ak391 Most Cited Cases

Administrative regulations are presumptively valid and will be upheld as long as they are consistent with and reasonably necessary to implement the statutes authorizing their adoption.

[2] Administrative Law and Procedure ■■■ 797  
15Ak797 Most Cited Cases

Where an administrative regulation is adopted in accordance with the Administrative Procedures Act, and the legislature intended to give the agency discretion, the Supreme Court reviews the regulation first by ascertaining whether the regulation is consistent with the statutory provisions which authorize it and second by determining whether the

regulation is reasonable and not arbitrary. AS 44.62.010 et seq.

[3] Administrative Law and Procedure ■■■ 797  
15Ak797 Most Cited Cases

In determining whether an administrative regulation is reasonable and not arbitrary, courts are not to substitute their judgment for the judgment of the agency, and therefore judicial review consists primarily of ensuring that the agency has taken a hard look at the salient problems and has genuinely engaged in reasoned decision making.

[4] Elections ■■■ 317.2

144k317.2 Most Cited Cases

Campaign contributions regulation promulgated by Public Offices Commission (POC), which required parties to report donations and expenditures of "soft money," was consistent with the Campaign Disclosure Act, and thus the POC was authorized to promulgate the regulation; regulation facilitated enforcement of Act's limits on contributions of hard money, i.e., contributions which were made directly for the purpose of influencing the nomination or election of a candidate, deterred practices which could reasonably be regarded as efforts to evade such limits, and advanced public informational goals of Act. AS 15.13.040, 15.13.070; Alaska Admin.Code tit. 2, § 50.327.

[5] Elections ■■■ 317.2

144k317.2 Most Cited Cases

Purposes of campaign contribution and expenditure limits are to prevent corruption and the appearance of corruption spawned by the real or imagined coercive influence of large financial contributions on candidates' positions and on their actions if elected to office. AS 15.13.040, 15.13.070; Alaska Admin.Code tit. 2, § 50.327.

[6] Elections ■■■ 317.2

144k317.2 Most Cited Cases

Campaign finance disclosure requirements are intended to inform the electorate, deter actual corruption, avoid the appearance of corruption, and aid in the detection of violations of contribution and expenditure limits. AS 15.13.040, 15.13.070; Alaska Admin.Code tit. 2, § 50.327.

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Before: BRYNER, Chief Justice, MATTHEWS,  
EASTAUGH, FABE, and CARPENETI, Justices.

### OPINION

MATTHEWS, Justice.

The Alaska Campaign Disclosure Act expressly regulates only hard money. The question presented is whether an Alaska Public Offices Commission regulation requiring the disclosure by political parties of soft money contributions and expenditures is authorized by the act. We give an affirmative answer. Soft money can be used in numerous ways to evade hard money restrictions. Requiring the disclosure of soft money contributions and expenditures implements the act by aiding in its enforcement, deterring evasions, and informing the public. We therefore affirm the superior court's decision upholding 2 Alaska Administrative Code (AAC) 50.327.

### BACKGROUND AND PROCEEDINGS

This case involves a regulation of the Alaska Public Offices Commission (APOC) that requires political parties to report donations and expenditures of "soft money." "Soft money" and "hard money" are exclusive categories. "Hard money" refers to donations made for the purpose of influencing the nomination or election of a candidate. [FN1] "Soft \*618 money" is most easily defined negatively as donations to political parties that are not "hard money," thus not made directly for the purpose of influencing the nomination or election of a candidate.

[FN1. Jacobus v. Alaska, 338 F.3d 1095, 1098 n. 1 (9th Cir.2003).

The Campaign Disclosure Act limits the amount of contributions that may be made to political parties and candidates and limits contributions that political parties may make to candidates. [FN2] The act also requires that candidates and political parties report individual contributions larger than \$100 and all expenditures made. [FN3] The word "contribution" is defined as a donation of hard money. "Contribution" means a ... gift ... made for the purpose

of influencing the nomination or election of a candidate...." [FN4] The word \*619 "expenditure" is defined in broader terms, in part, as "a transfer of money ... made for the purpose of influencing the nomination or election of a candidate ... [or] use by a political party...." [FN5]

[FN2. AS 15.13.070 provides:

(a) An individual or group may make contributions, subject only to the limitations of this chapter and AS 24.45, including the limitations on the maximum amounts set out in this section.

(b) An individual may contribute not more than

(1) \$1,000 per year to a nongroup entity for the purpose of influencing the nomination or election of a candidate, to a candidate, to an individual who conducts a write-in campaign as a candidate, or to a group that is not a political party;

(2) \$10,000 per year to a political party for the purpose of influencing the nomination or election of a candidate or candidates.

(c) A group that is not a political party may contribute not more than

(1) \$2,000 per year to a candidate, or to an individual who conducts a write-in campaign as a candidate;

(2) \$2,000 per year to another group or a nongroup entity; or

(3) \$4,000 per year to a political party.

(d) A political party may contribute to a candidate, or to an individual who conducts a write-in campaign, for the following offices an amount not to exceed

(1) \$100,000 per year, if the election is for governor or lieutenant governor;

(2) \$15,000 per year, if the election is for the state senate;

(3) \$10,000 per year, if the election is for the state house of representatives; and

(4) \$5,000 per year, if the election is for

(A) delegate to a constitutional convention;

(B) judge seeking retention; or

(C) municipal office.

(e) This section does not prohibit a candidate from using up to a total of \$1,000 from campaign contributions in a year to pay the cost of

(1) attendance by a candidate or guests of the candidate at an event or other function sponsored by a political party or by a

subordinate unit of a political party;  
(2) membership in a political party, subordinate unit of a political party, or other entity within a political party, or subscription to a publication from a political party; or  
(3) co-sponsorship of an event or other function sponsored by a political party or by a subordinate unit of a political party.  
(f) A nongroup entity may contribute not more than \$1,000 a year to another nongroup entity for the purpose of influencing the nomination or election of a candidate, to a candidate, to an individual who conducts a write-in campaign as a candidate, to a group, or to a political party.

FN3. AS 15.13.040(a) and (b) provide: (a) Except as provided in (g) and (f) of this section, each candidate shall make a full report, upon a form prescribed by the commission,

(1) listing

(A) the date and amount of all expenditures made by the candidate;

(B) the total amount of all contributions, including all funds contributed by the candidate;

(C) the name, address, date, and amount contributed by each contributor; and

(D) for contributions in excess of \$250 in the aggregate during a calendar year, the principal occupation and employer of the contributor; and

(2) filed in accordance with AS 15.13.110 and certified correct by the candidate or campaign treasurer.

(b) Except as provided in (f) of this section, each group shall make a full report upon a form prescribed by the commission, listing

(1) the name and address of each officer and director;

(2) the aggregate amount of all contributions made to it;

(3) the name, address, date, and amount contributed by each contributor and, for contributions in excess of \$250 in the aggregate during a calendar year, the principal occupation and employer of the contributor; and

(4) the date and amount of all contributions made by it and all expenditures made, incurred, or authorized by it.

FN4. AS 15.13.400(4)(A). "contribution" means a purchase, payment, promise or obligation to pay, loan or loan guarantee, deposit or gift of money, goods, or services for which charge is ordinarily made and that is made for the purpose of influencing the nomination or election of a candidate, and in AS 15.13.010(b) for the purpose of influencing a ballot proposition or question, including the payment by a person other than a candidate or political party, or compensation for the personal services of another person, that are rendered to the candidate or political party[.]

FN5. AS 15.13.400(6)(A). "expenditure" means a purchase or a transfer of money or anything of value, or promise or agreement to purchase or transfer money or anything of value, incurred or made for the purpose of  
(i) influencing the nomination or election of a candidate or of any individual who files for nomination at a later date and becomes a candidate;

(ii) use by a political party;

(iii) the payment by a person other than a candidate or political party of compensation for the personal services of another person that are rendered to a candidate or political party; or

(iv) influencing the outcome of a ballot proposition or question[.]

Prior to the 2002 legislative amendment that we describe below, APOC had considered that all donations to political parties were for the purpose of influencing the election of candidates and thus were hard money. [FN6] Under this interpretation all donations to political parties were subject to the \$5,000 annual limit of subsection .070(b)(2) and all donations in excess of \$100 had to be reported under subsection .040(b)(2).

FN6. See Greg Granquist, APOC Advisory Opinion AO97-08-CD (issued Feb. 27, 1997).

In Jacobus v. Alaska, the United States District Court for the District of Alaska ruled that donations to political parties for purposes other than the nomination or election of a candidate could not constitutionally be limited. [FN7] This holding necessarily rejected APOC's view that all donations to

political parties are ultimately for the purpose of influencing the election of a candidate.

FN 7, 182 F.Supp.2d 881, 892 (D.Alaska 2001), *rev'd in part*, 338 F.3d 1095 (9th Cir.2003).

In 2002, while the district court decision in Jacobus was on appeal to the Ninth Circuit, the legislature amended subsection .070(b)(2). [FN8] Before the amendment the statute provided that "An individual may contribute not more than ... \$5,000 per year to a political party." The amendment added the following language: "for the purpose of influencing the nomination or election of a candidate or candidates." [FN9] Literally, the new language seems merely redundant since any donation to a political party would not be a contribution under subsection .400(4)(A) unless it were for the purpose of influencing the nomination or election of a candidate. [FN10] But the use of the "for the purpose" clause specifically in the context of political party donations may imply that donations to political parties for other purposes are possible. The State observes in its brief that the amendment reflects an intent "to codify part of the federal district court's decision in Jacobus." The appellants do not take issue with this. We can accept, at least for the purposes of this case, that the amendment is the product of a legislative purpose to reject APOC's view that all donations to political parties are intended to influence elections. Some donations to political parties may be, in other words, soft money. [FN11]

FN8, Ch. 3, § 2, SLA 2002.

FN9, AS 15.13.070(b)(2) now provides:  
An individual may contribute not more than

...  
(2) \$10,000 per year to a political party for the purpose of influencing the nomination or election of a candidate or candidates.

FN10. Substituting the definition of "contribution" for "contribute" in the amended subsection, the amended sentence states that "an individual may [donate for the purpose of influencing the nomination or election of a candidate] not more than \$5,000 per year to a political party for the purpose of influencing the nomination or election of a candidate or candidates."

FN11. After the 2002 amendment was adopted the Ninth Circuit reversed much of the district court's ruling in Jacobus, 338 F.3d 1095. Aided by an intervening United States Supreme Court decision, Federal Election Commission v. Colorado Republican Federal Campaign Committee, 533 U.S. 431, 121 S.Ct. 2351, 150 L.Ed.2d 461 (2001), the court held that the \$5,000 limit on contributions to political parties in subsection .070(b), before it was amended, could constitutionally be applied to soft as well as hard money donations. No legislative change was made in reaction to this decision.

Subsequent to the adoption of the 2002 amendments, APOC received a petition urging the adoption of a regulation governing \*620 the reporting of soft money received and expended by political parties. According to the petition, "at least hundreds of thousands, and perhaps millions, of dollars of 'soft money' " had been donated to Alaska's major political parties since the district court decision. The petitioners argued that

[g]iven the lack of reporting to APOC, it is not possible for the public to determine if the "soft money" has been given to political parties and/or spent in compliance with Alaska law.... This thwarts a fundamental goal of AS 15.13, which is to require full public disclosure of campaign contributions and expenditures prior to elections so that the voting public can make an informed choice between candidates.

....  
Without immediate disclosure of this information, the voting public in the primary will not have complete information on which to base an informed choice of which party's ballot to choose (in the upcoming closed primary), or which candidates to vote for.

In November 2002 the commission voted to adopt 2 AAC 50.327. The regulation requires political parties to report all money received or spent that does not qualify as a "contribution" or "expenditure" as those terms are defined in AS 15.13.400. [FN12]

FN12, 2 AAC 50.327 provides:

(a) This section applies to political party reporting requirements for a donation received by a political party that does not qualify as a contribution under AS

15.13.400 and for money spent by a political party that does not qualify as an expenditure under AS 15.13.400.

(b) A political party shall file a full report, in accordance with the contribution reporting requirements for a group in AS 15.13.040 and 15.13.110, of a donation consisting of a purchase, payment, promise or obligation to pay, loan or loan guarantee, deposit or gift of money, goods or services, other than volunteer services provided by an individual, that the political party receives from an individual or person and that does not qualify as a contribution.

(c) A political party shall file a full report, in accordance with the expenditure reporting requirements for a group in AS 15.13.040 and 15.13.110, of all money spent by a political party on a communication and all money spent that does not qualify as an expenditure.

The Libertarian Party and Kenneth Jacobus (the Party) filed suit in the superior court, challenging the legality of 2 AAC 50.327. The Party then filed a motion for a preliminary injunction on the basis that the APOC lacked the authority to promulgate the regulation. Superior Court Judge Mark Rindner ruled that 2 AAC 50.327 was legally promulgated, and denied the Party's motion for injunctive relief. Subsequently a final judgment declaring that APOC had authority to promulgate the regulation was entered under Alaska Civil Rule 54(b). The Party appeals.

#### The Decision of the Superior Court

The superior court concluded that APOC had the authority to promulgate the regulation. We set out a portion of the superior court's opinion:

Administrative regulations are presumptively valid and the challenger bears the burden of proving such regulations to be invalid. O'Callaghan v. Ruc, 996 P.2d 88, 95 (Alaska 2000). Under Alaska's Administrative Procedures Act, either expressed or implied statutory authority is sufficient to support an agency's adoption of a regulation. Kelly v. Zamarello, 486 P.2d 906, 911 (Alaska 1971).

As previously noted certain provisions of the underlying Act were declared unconstitutional by the United States District Court for the District of Alaska in Jacobus v. State, 182 F.Supp.2d 881 (D.Alaska 2001). Prior to that other provisions of

the Act were also reviewed by the Alaska Supreme Court. See State v. Alaska Civil Liberties Union, 978 P.2d 597 (Alaska 1999). There, the Alaska Supreme Court noted that "it is the purpose of this Act to substantially revise Alaska's election campaign finance laws in order to restore the public's trust in the electoral process and to foster good government." Id. at 601; see also Ch. 48 § 1, SLA 1996.

The Plaintiffs concede that the authority of an administrative agency ordinarily includes the power to adopt regulations with regard to matters within the jurisdiction of the agency, provided that the regulations are not inconsistent with law. A regulation \*621 is consistent with law if it bears a reasonable relationship to the statutory objective. Vail v. Coffman Engineers, Inc., 778 P.2d 211, 214 (Alaska 1989); see also, Kalmakoff v. State, Commercial Fisheries Entry Commission, 693 P.2d 844, 853 (Alaska 1985).

The Alaska Supreme Court has also recognized that an agency may adopt a regulation based on implied statutory authority, where the Legislature has given an agency authority to promulgate regulations, and the regulation is reasonably necessary to carry out the provisions of the agency's enabling charter. See Chevron U.S.A., Inc. v. LeResche, 663 P.2d 923 (Alaska 1983); Boehl v. Sabre Jet Room, Inc., 349 P.2d 585, 587-88 (Alaska 1960).

While the parties vigorously dispute whether the APOC has the express authority to promulgate the regulation, there can be little doubt that the agency has the implied authority to require the disclosure of soft money contributions in light of the purpose of the Act. Indeed, the Alaska Supreme Court has previously noted that disclosure requirements, such as the one at issue in this case, serve various purposes including providing for an informed electorate, deterring corruption, and assisting in the detection of violations of contribution limitations. See VECO International, Inc. v. APOC, 753 P.2d 703, 711 (Alaska 1988). In VECO, the Alaska Supreme Court reiterated its own observation in Messeri v. State, 626 P.2d 81, 85 (Alaska 1981), and that of the United States Supreme Court in Buckley v. Vaio, 424 U.S. 1, 67-68, 96 S.Ct. 612, 46 L.Ed.2d 659 (1976), as follows:

[D]isclosure requirements deter actual corruption and avoid the appearance of corruption by exposing large contributions and expenditures to the light of publicity. This exposure may discourage those who would use money for improper purposes either before or after the election. A public armed with

information about a candidate's most generous supporters is better able to detect any post election special favors that may be given in return.

...  
[N]o, least significant, record keeping, reporting, and disclosure requirements are an essential means of gathering the data necessary to detect violations of the contributions limitations....

VECO, supra 753 P.2d at 712.

A similar observation was made in United States v. Kanchanalak, 192 F.3d 1037 (D.C.Cir.1999).

There, the D.C. Circuit in *dicta* noted that the Federal Election Commission, the federal equivalent of the APOC, has for some time required by regulation the disclosure of soft money contributions received by political parties at the federal level under 11 C.F.R. § 104.8(e). This ability to require soft money disclosure enhances the agency's ability to prohibit the illegal commingling of hard and soft money receipts. While plaintiffs argue that the APOC has less authority to promulgate regulations than does the Federal Election Commission, the regulation at issue in this case similarly allows the APOC to enforce hard money limits and other provisions of the Campaign Finance Law.

Given the stated purpose of the Act there can be little doubt that the soft money disclosure requirement falls within, at the very least, the implied authority of the APOC. As previously indicated such disclosures inform the electorate, aid in the deterrence of corruption, and the detection of violations of contribution limitations. Such requirements serve the expressed legislative purpose of the Campaign Finance Statutes from which the APOC derives its authority to restore the public's trust in the electoral process and to foster good government.

#### Contentions on Appeal

The Party contends that the regulation exceeds the authority of the commission because the act only regulates hard money donations and expenditures. Alaska Statute 15.13.010(b) provides:

Except as otherwise provided, this chapter applies to contributions, expenditures and communications made by a candidate, group, nongroup entity, municipality or individual \*622 for the purpose of influencing the outcome of a ballot proposition or question as well as those made to influence the nomination or election of a candidate.

The Party argues that since the act does not apply to

soft money, APOC cannot require the disclosure of soft money donations or expenditures.

The State contends that the regulation is within both the express and the implied authority of the commission. The State notes that APOC has the express authority to develop and provide forms for reports required under the act, to audit such reports, and to adopt regulations necessary to implement and clarify the provisions of the act. [FN13] Based on this authority, the State contends that "the soft money disclosure regulation is necessary to allow APOC to make sure that soft money is not spent on election activities; without such a regulation it will be unable to do so."

FN13. AS 15.13.030(1), (7), and (9).

#### STANDARD OF REVIEW

[1][2][3] In this case we are asked to decide whether a regulation is within the authority of the agency that promulgated it. The principles applicable to appellate review of such questions are as follows:

Regulations are presumptively valid and will be upheld as long as they are "consistent with and reasonably necessary to implement the statutes authorizing their adoption." But reasonable necessity is not a requirement separate from consistency. If it were, courts would be required to judge whether a particular administrative regulation is desirable as a matter of policy. Thus where a regulation is adopted in accordance with the Administrative Procedures Act, and the legislature intended to give the agency discretion, we review the regulation first by ascertaining whether the regulation is consistent with the statutory provisions which authorize it and second by determining whether the regulation is reasonable and not arbitrary.

In determining whether a regulation is reasonable and not arbitrary courts are not to substitute their judgment for the judgment of the agency. Therefore review consists primarily of ensuring that the agency has taken a hard look at the salient problems and has genuinely engaged in reasoned decision making. ([FN14])

FN14. Interior Alaska Airboat Ass'n v. State, Bd. of Game, 18 P.3d 686, 689-90 (Alaska 2001) (citations omitted).

#### DISCUSSION

[4] We conclude that 2 AAC 50.327 is consistent with the Campaign Disclosure Act and that its provisions are reasonable and not arbitrary. We do so largely for the reasons expressed by Judge Rindner, as expanded in the paragraphs that follow.

[5][6] The purposes of campaign contribution and expenditure limits are to prevent "corruption and the appearance of corruption spawned by the real or imagined coercive influence of large financial contributions on candidates' positions and on their actions if elected to office." [FN15] The purposes of campaign finance disclosure requirements are closely related. Disclosure is intended to inform the electorate, deter actual corruption and avoid the appearance of corruption, and aid in the detection of violations of contribution and expenditure limits. In *Messerli v. State* we quoted with approval the following language from *Buckley v. Valeo* concerning the function of campaign finance disclosure requirements:

FN15. State v. Alaska Civil Liberties Union, 978 P.2d 597, 605 (Alaska 1999) (quoting Buckley v. Valeo, 424 U.S. 1, 25, 96 S.Ct. 612, 46 L.Ed.2d 659 (1976)):

To the extent that large contributions are given to secure a political *quid pro quo* from current and potential office holders, the integrity of our system of representative democracy is undermined....

Of almost equal concern as the danger of actual *quid pro quo* arrangements is the impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of large individual financial contributions....

Here ... Congress could legitimately conclude that the avoidance of the appearance of improper influence "is also critical ... if confidence in the system of representative Government is not to be eroded to a disastrous extent."

\*623 *First, disclosure provides the electorate with information "as to where political campaign money comes from and how it is spent by the candidate" in order to aid the voters in evaluating those who seek federal office. It allows voters to place each candidate in the political spectrum more precisely than is often possible solely on the basis of party labels and campaign speeches. The sources of a*

candidate's financial support also alert the voter to the interests to which a candidate is most likely to be responsive and thus facilitate predictions of future performance in office.

*Second, disclosure requirements deter actual corruption and avoid the appearance of corruption by exposing large contributions and expenditures to the light of publicity. This exposure may discourage those who would use money for improper purposes either before or after the election. A public armed with information about a candidate's most generous supporters is better able to detect any post-election special favors that may be given in return. And, as we recognized in *Burroughs v. United States*, [290 U.S. 534, 548, 54 S.Ct. 287, 78 L.Ed. 484 (1934).] Congress could reasonably conclude that full disclosure during an election campaign tends "to prevent the corrupt use of money to affect elections." In enacting these requirements it may have been mindful of Mr. Justice Brandeis' advice:*

Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most efficient policeman.

*Third, and not least significant, recordkeeping, reporting, and disclosure requirements are an essential means of gathering the data necessary to detect violations of the contribution limitations.... [FN16]*

FN16. 626 P.2d 81, 84-85 (Alaska 1980) (quoting *Buckley*, 424 U.S. at 66-68, 96 S.Ct. 612) (emphasis added) (citations omitted). We also acknowledged these purposes in *VECO Int'l, Inc. v. Alaska Pub. Offices Comm'n*, 753 P.2d 703, 711-12 (Alaska 1988).

We conclude that all three of these reasons are served by the regulation in question. Soft money disclosure implements the act because it informs the electorate as to the sources of political party money. It aids in the deterrence of corruption by exposing large contributions and expenditures to the light of publicity. And it provides information that aids the commission in enforcing the hard money contribution and expenditure limits that the act imposes.

The nexus between soft money and the recognized purposes of the act was recognized by the Ninth Circuit in *Jacobus v. Alaska*. [FN17] The Ninth Circuit stated:

FN17. 338 F.3d 1095 (9th Cir.2003).

[S]oft money presents a danger of corruption and the appearance of corruption because political parties trade influence and access to candidates for soft money dollars, and candidates trade influence and access for the indirect benefits that they receive from soft money contributions to their party. In addition, candidates' heavy involvement in soft money fundraising and the creation of "tallying" and other methods for tracking soft money contributions secured by particular candidates indicate that soft money is indeed used to circumvent hard money contribution limits. [FN:81]

FN18. *Id.* at 1099.

Concerning the goals of preventing corruption and the appearance of corruption, the court expanded on these observations as follows:

In light of modern campaign practices, it is not necessary that money funneled through political parties be specifically designated for the election or nomination of a candidate to have a corrupting influence. *Colorado Republican II* offers a compelling account of the danger of corruption inherent in unlimited soft money contributions to parties, one that accounts for "how the power of money actually works in the political structure." 533 U.S. at 450, 121 S.Ct. 2351. Parties centralize fundraising for a broad set of candidates and programs, and therefore act as magnets for special interest groups who are looking for the most efficient ways to "advanc[\*624 e] their narrow interests." *Id.* at 451, 121 S.Ct. 2351 (alteration marks omitted).

[M]any PACs ... contribut[e] to both parties during the same electoral cycle, and sometimes even directly to two competing candidates in the same election. Parties are thus necessarily the instruments of some contributors whose object is not to support the party's message or to elect party candidates across the board, but rather to support a specific candidate for the sake of a position on one narrow issue, or even to support any candidate who will be obliged to the contributors.

*Id.* at 451-52, 121 S.Ct. 2351 (footnotes and citation omitted). Such practices lead to two types of inappropriate influence by large soft money contributors.

First, such contributions create the danger that the

parties themselves will become beholden to special interests. As the Supreme Court noted in *Colorado Republican II*, these obligations are of concern because of the parties' unique ability to reward major benefactors with access to lawmakers and candidates: "the record shows that even under present law substantial donations turn the parties into matchmakers whose special meetings and receptions give the donors the chance to get their points across to the candidates." 533 U.S. at 461, 121 S.Ct. 2351; see also *id.* at 461 n. 25, 121 S.Ct. 2351; *Mariani v. United States*, 212 F.3d 761, 768 (3d Cir.2000) (en banc) ("Large and repeat donors sometime [sic] get more access than other donors, and donating soft money can be a more effective means for getting access than hard money."). Like direct influence-peddling by candidates, this kind of access-peddling creates a danger of corruption and the appearance of corruption.

Second, candidates and officeholders who are party members may become directly beholden to the party's donors, even if the benefit that they receive from a large donation to the party is indirect. Contributing to parties is an extremely efficient way for a special interest group "to produce obligated officeholders," because it allows such a group to obligate anyone and everyone in a political party, rather than limiting its influence to specific candidates. *Colorado Republican II*, 533 U.S. at 452, 121 S.Ct. 2351. Candidates and officeholders are likely to feel obligated to major party donors because they are already beholden to the party as a result of the benefits that flow from party membership. See *Colorado Republican Federal Campaign Committee v. Federal Election Committee (Colorado Republican I)*, 518 U.S. 604, 648, 116 S.Ct. 2309, 135 L.Ed.2d 795 (1996) (Stevens, J., dissenting) ("A party shares a unique relationship with the candidate it sponsors because their political fates are inextricably linked. That interdependency creates a special danger that the party--or the persons that control the party--will abuse the influence it has over the candidate by virtue of its power to spend."). The Court in *Colorado Republican II* ~~em~~ noted that influence within the party itself was a significant benefit for which candidates and officeholders might be willing to trade influence over the legislative process. See 533 U.S. at 460 n. 23, 121 S.Ct. 2351.

As *Colorado Republican II* recognized, special interests contribute to candidates competing against each other in the same election "because they want

favors" from whomever is elected. 533 U.S. at 451 n. 12, 121 S.Ct. 2351; see also *id.* at 451-52 & nn. 13, 14, 121 S.Ct. 2351. Because a modern election campaign simply cannot be conducted without significant sums of money, candidates become beholden to the sources of any contributions that aid their campaign, whether given directly or indirectly. See Buckley, 424 U.S. at 26, 96 S.Ct. 612 ("The increasing importance of the communications media and sophisticated mass-mailing and polling operations to effective campaigning make the raising of large sums of money an ever more essential ingredient of an effective candidacy."). The Alaska Legislature focused on this issue in passing the Act, finding that "organized special interests are responsible for raising a significant portion of all election campaign funds and may thereby gain an undue influence over election campaigns \*625 and elected officials." 1996 Alaska Sess. Laws 48 § 1(a)(3). Amicus curiae Republican National Committee notes that some political parties have functions other than simply electing candidates to office. Although this position is contrary to that taken by its state affiliates in previous litigation, see, e.g., Colorado Republican I & II, it may well be accurate. However, even where contributions to a political party are expressly earmarked for the purpose of administrative costs or off-year issue advocacy, and even if political parties do not use donations for these purposes to shift funds into election campaigns, the perception of corruption decried by the Supreme Court may still persist when contributors provide large sums of money to political parties, regardless of the purpose and ultimate use of the funds. As noted above, this perception of corruption was a matter of particular concern to Alaska legislators in enacting the Act. 1996 Alaska Sess. Laws 48 § 1(b). [[FN19]]

[FN19. *Id.* at 1112-14 (footnotes omitted).

As to the objective of preventing circumvention of hard money limits, the Ninth Circuit stated:

In Colorado Republican II, the Supreme Court recognized a closely-related additional governmental interest that might justify contribution limits--the interest in preventing "circumvention of contribution limits designed to combat the corrupting influence of large contributions to candidates." 533 U.S. at 456 n. 12, 121 S.Ct. 2351; see also *id.* at 456, 121 S.Ct. 2351; [Federal Election Commission v. Beaumont,

539 U.S. 1146] at 155, 123 S.Ct. [2200] at 2207 [156 L.Ed.2d 179 (2003)] ("[R]ecent cases have recognized that restricting contributions by various organizations hedges against their use as conduits for 'circumvention of [valid] contribution limits.'" (quoting Colorado Republican II, 533 U.S. at 456 & n. 18, 121 S.Ct. 2351) (second alteration in original)); Cal. Med. Ass'n v. Federal Election Commission, 453 U.S. 1182] at 197-99, 101 S.Ct. 2712 [69 L.Ed.2d 557 (1981)] (holding that limits on contributions to multicandidate committees are "an appropriate means by which Congress could seek to protect the integrity of the contribution restrictions upheld by this Court in Buckley"); Buckley, 424 U.S. at 35-36, 38, 96 S.Ct. 612.

As the Supreme Court found in Colorado Republican II, faced with federal limits on direct contributions to candidates, powerful donors have used "contributions to a party ... as a tunnel from donors to candidates." 533 U.S. at 461, 121 S.Ct. 2351. This response shows how soft money contributions are used to circumvent contribution limits.

Under [FECA], a donor is limited to \$2,000 in contributions to one candidate in a given election cycle. The same donor may give as much as another \$20,000 each year to a national party committee supporting the candidate. What a realist would expect to occur has occurred. Donors give to the party with the tacit understanding that the favored candidate will benefit.

*Id.* at 458, 121 S.Ct. 2351. This practice is so common, the Court went on to note, that "[a]lthough the understanding between donor and party may involve no definite commitment and may be tacit on the donor's part," the National Democratic Party has developed a "manner of informal bookkeeping" known as "tallying" to ensure that the amount of money that a candidate receives from the party corresponds to the amount that the candidate raised for the party. *Id.* at 459, 121 S.Ct. 2351. The theory that soft money contributions are a means of circumventing limits on contributions to candidates is bolstered by the extensive role that candidates play in party fundraising.

Many of the "party-building" activities claimed by Jacobus to be unrelated to electing candidates are easily targeted to a particular candidate, such as the promotion of a Get Out the Vote initiative in a candidate's district, or sponsorship of a legislative initiative that a candidate has made part of his or her campaign platform. Thus, these activities

provide a low effort, \*626 low-risk way to circumvent contribution limits. See *Republican Party v. Pauly*, 63 F.Supp.2d [1008] at 1016 [D.Minn.1999] ("The [Republican Party of Minnesota] often provided administrative and strategic support to the candidates. The party coordinated candidate appearances and voter registration drives, and helped to recruit volunteer assistance.').

In sum, "parties ... function for the benefit of donors whose object is to place candidates under obligation." *Colorado Republican II*, 533 U.S. at 455, 121 S.Ct. 2351. Prevention of the corruption and appearance of corruption that result from this inescapable reality is a sufficiently important governmental interest to support limiting soft money contributions. [FN20]

FN20. *Id.* at 1114-15 (footnote omitted).

The relevance of unregulated soft money to regulated hard money has also been recognized by the federal counterpart to APOC, the Federal Election Commission. The FEC requires political committees to report the sources of their soft money donations even though the Federal Election Campaign Act only prohibits transfers of hard money. [FN21] The Court of Appeals for the District of Columbia Circuit has observed that the FEC requires the disclosure of soft money donations in order "to enhance its ability to prohibit the illegal commingling of hard and soft money receipts ... to assist it in tracking the flow of funds between the two." [FN22]

FN21. See *United States v. Kanchanalak*, 192 F.3d 1037, 1042 (D.C.Cir.1999).

FN22. *Id.* at 1046. The Party argues that the federal example is inapposite because the FEC has been delegated broader powers than APOC. But we refer to the federal example to illustrate that there is a logical nexus between the disclosure of soft money contributions and the enforcement of limits on contributions and expenditures of hard money. This nexus is factual and is independent of the differences in delegated authority between the federal and state agencies.

In committee hearings that led to the enactment of the 2002 amendment to AS 15.13.070(b)(2) concern was also expressed about the potential enforcement

difficulties that might result from exempting soft money from contribution and expenditure limits. These concerns were answered by assurances that APOC's regulatory powers could be used to address the problem. Thus, when the proposed amendment came before the House Rules Committee, Mr. Balash of the staff of the Senate State Affairs Committee testified on behalf of the sponsoring Senate committee. Representative Berkowitz expressed concern about commingling. According to the official minutes:

REPRESENTATIVE BERKOWITZ said that his biggest concern with the Singleton ruling and version Q is the \$5,000 allowance for the purpose of influencing the nomination or election of a candidate. Although he understood the court's ruling, he expressed concern with how large gifts could be cordoned off and how one could account for what works towards influencing the nomination or election of a candidate. For example, the Democratic Party has an executive director who isn't always working on campaigns and thus he inquired as to how one segregates the value of something generic from something that benefits a campaign. [FN23]

FN23. Committee Minutes, House Rules Committee Hearing on S.B. 103 (April 19, 2001) at 130.

Balash responded that APOC's regulatory powers would supply the answer:

MR. BALASH surmised that under APOC's regulatory powers, certain instances and forms would be established in order to determine what contributions are for what. [FN24]

FN24. *Id.*

Based on this exchange, it is apparent that in the process of enacting the 2002 amendment the legislature recognized that the commission would be able to provide at least a partial regulatory solution to the problem of commingling soft and hard money.

In sum, as the authorities cited above recognize, soft and hard money contributions to and expenditures by political parties are closely related. The regulation at issue, requiring that political parties report soft money contributions and expenditures, implements the Campaign Disclosure Act by facilitating the enforcement of hard money limits. It also deters practices that can reasonably be regarded as efforts to

evade those limits, and advances the public informational \*627 goals of the act. For these reasons, we conclude that the regulation is consistent with the Campaign Disclosure Act.

The Party makes no separate challenge that the regulation is unreasonable and arbitrary. We have noted that in reviewing the reasonableness of a regulation we will not question its wisdom, but rather will consider "whether the agency has taken a hard look at the salient problems and has genuinely engaged in reasoned decision making." [FN25] This regulation was promulgated following the district court's decision in *Jacobus* and the subsequent petition by a group of citizens concerned that political parties would attempt to bypass contribution and expenditure limits through the use of soft money. The Party does not contend that the regulation was the product of capricious or insufficiently deliberative decision making and thus, under the presumption of administrative regularity, [FN26] the regulation readily passes this aspect of appellate review.

FN25. *O'Callaghan v. Ruc.* 996 P.2d 88, 98 (Alaska 2000) (quotations omitted); *Rutter v. State.* 963 P.2d 1007, 1009 (Alaska 1998).

FN26. *O'Callaghan.* 996 P.2d at 95.

## CONCLUSION

For these reasons we conclude that the Alaska Public Offices Commission was authorized to promulgate 2 AAC 50.327. The judgment of the superior court is therefore AFFIRMED.

101 P.3d 616

END OF DOCUMENT

**HOUSE BILL NO. 429**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES STOLTZE, McGuire

Introduced: 2/4/04

Referred: State Affairs, Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act expanding the definition of 'political party' to include a party that nominated a  
2 candidate for United States senator who received at least three percent of the total votes  
3 cast for United States senator at the preceding general election and a party that  
4 nominated a candidate for United States representative who received at least three  
5 percent of the total votes cast for United States representative at the preceding general  
6 election."

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

8 \* Section 1. 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 meets at least one of the following criteria:

11 (A) the group [EITHER] nominated a candidate for governor  
12 who received at least three percent of the total votes cast for governor at the  
13 preceding general election;

1  
2  
3  
4  
5  
6  
7  
8  
9

(B) the group nominated a candidate for United States senator who received at least three percent of the total votes cast for United States senator at the preceding general election;

(C) the group nominated a candidate for United States representative who received at least three percent of the total votes cast for United States representative at the preceding general election; or

(D) the group 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;

**Political Party Status /Percentage of Registered Voters**

**2004**

Number of registered voters on General Election Day	472,160			
3% of those who voted for US Senate	9,329			
Parties that nominated a candidate receiving 3%		Republicans	Democrats	
3% of those who voted for US Representative	9,298			
Parties that nominated a candidate receiving 3%		Republicans	Democrats	Green -
2% of those registered to vote 4/03/04	8,977			
Parties who would have qualified		Republicans	Democrats	AIP <

**2002**

Number of registered voters on General Election Day	460,855			
3% of those who voted for Governor	6,986			
Parties that nominated a candidate receiving 3%		Republicans	Democrats	
3% of those who voted for US Senate	6,986			
Parties that nominated a candidate receiving 3%		Republicans	Democrats	Green
3% of those who voted for US Representative	6,986			
Parties that nominated a candidate receiving 3%		Republicans	Democrats	Green
2% of those registered to vote 04/02/02	8,964			
Parties who would have qualified		Republicans	Democrats	AIP

**2000**

Number of registered voters on General Election Day	473,648			
3% of those who voted for US Representative	8,519			
Parties that nominated a candidate receiving 3%		Republicans	Democrats	AIP Green
2% of those registered to vote 4/03/00	9,094			
Parties who would have qualified		Republicans	Democrats	AIP

Same day voting in

IDAHO

MAINE

MINNESOTA

NEW HAMPSHIRE

WISCONSIN

WYOMING

24-GH1048G.10  
Kurtz  
2/10/05

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 94(STA), Draft Version "G"

1 Page 6, following line 21:

2 Insert a new bill section to read:

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

4 (b) The director shall [MAY] designate by regulation adopted under AS 44.62  
5 (Administrative Procedure Act) locations at which absentee voting stations will be  
6 operated on or after the 15th day before an election up to and including the date of the  
7 election. The director shall supply absentee voting stations with ballots for all house  
8 districts in the state and shall designate absentee voting officials to serve at absentee  
9 voting stations."

10

11 Renumber the following bill sections accordingly.

12

13 Page 21, line 4:

14 Delete "secs. 20 - 43"

15 Insert "secs. 21 - 44"

# STATE AFFAIRS

Saturday

10 am

PERS/TRS.  
Working group

Test was 3% in statewide records.

1% but not less than 3 votes

→ S necessary in some districts.

R

G No

E Yes

L No

Ran

Gov No

Governor No

Sec No

S No

I Yes

Amendment #1 fails

Amendment #2 ↓ fails

Amendment #2

E → No

Lynn → Pass No

4 No

Tax

Governor Yes

Governor No

Governor Yes

Sec No

~~There is someone~~

Gatto Amnd #1 Pass to G

Gardner Amnd #2 fails

\* → Amnd #1 Section Adapt ↑ Page 19 line 18 strike "first"

AMMendment #1 to F Version Passed

\* → Amendment #2 Ledoux (f. 5)

Roll

Passed

Gardner	Yes	5-yea	2 N-Y
Lynn	Yes		
Gatto	Yes		
Seaton	No		
Greenberg	Yes		
Ransas	Yes		
Elkins	No		

\* → Repugnant Amnd #3 as amended → f. 2

Passed

Roll

Gardner	Y	6-1
Lynn	Y	
Gatto	Y	
Seaton	Y	
Greenberg	N	
Ransas	Y	
Elkins	Y	

→ Amnd #3 to #3 → the first Page 2 line 6 → "Standard" below 1st day

- 5 units

AM read method # 4 ← w/ Drawn for revision

"Presumptive of rehab"

to be looked over by D.Visions

- Gator
  - Lynn
  - Gatto
  - Scatex
  - Greenberg
  - Ransas
  - Elkins
-

To L Glass for consideration → progressively → leave it like.  
→ possible pilot product of elections → by regulation

Pilot program for dual language ballots?

- pilot on touch screens possible  
better to test it. → this rule is a better sell.  
currently not required to do in Spanish

Who will specify the following:

- How long, where, what languages?
- Should Division promulgate regs?
- Ballots? Touchscreens? Both?

2006 primary

How broad or narrow should be the grant of authority?

Will the Official Election Pamphlet (OEP) be translated? — Would drive up fiscal notes

Do we want a report from the Division?

Legislative Intent—Better educates and increases participation?

Do we want to have 'may' language or 'shall' language?

Does U.S. Census data include sufficient data to assist in making determination of 'best' location for pilot program? — Would help to determine distribution

Will it apply to 'Early Voting?', 'Mail in' Voting? Etc.

When pilot is over and if we decide to make it a permanent requirement of the election laws—what will the standard be for deciding what additional ballot "languages"?

Should we have a task force for making recommendations to the legislature?

How have other states done it?

ADA implications—we currently provide reasonable accommodation to the blind.

Strong desire to "de-politicize" the project.

Should we have a working group in the Division.

Other Issues

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LG12

Legal issue #1  
Legal issue #2  
Legal issue #3

'no liability to director'  
Voting Act? Who should we work with?  
Equal Protection issues under Constitution, US? AK?



# HOUSE STATE AFFAIRS COMMITTEE

STATE CAPITOL, ROOM 102  
465-4963

## Testifier List

### COMMITTEE MEMBERS

Rep. Paul Seaton,  
Chairman  
Room 102  
465-2689

Rep. Carl Gatto  
Vice-Chair  
Room 411  
465-3743

Rep. Bob Lynn  
Room 415  
465-4931

Rep. Jim Elkins  
Room 416  
465-3424

Rep. Jay Ramras  
Room 104  
465-3004

Rep. Berta Gardner  
Room 422  
465-4932

Rep. Max Gruenberg  
Room 112  
465-4940

HCR 4

Rep. Jay Ramras

Diane Castro, Division of Behavioral Health, Division of Health  
and Social Services

HB 94

Laura Glaiser, Director, Division of Elections

SB 36

Sen. Gene Therriault

Laura Glasier, Director, Division of Elections

HB 114

Dianne Olsen, Chief Assistant Attorney General, Statewide  
Human Services Section Supervisor, Department of Law

Linda Wilson, Deputy Director, Public Defender Agency,  
Department of Administration

HB 152

Maybe

Kevin Brooks, Deputy Commissioner, Department of  
Administration

or

Mike Tibbies, Deputy Commissioner, Department of  
Administration

Pam Varni, Executive Director, Legislative Affairs Agency

**Louie Flora**

---

**From:** Rep. Paul Seaton  
**Sent:** Thursday, February 17, 2005 12:36 PM  
**To:** Louie Flora  
**Subject:** FW: HB 94, G amendment, others

Ian Laing  
Rep. Paul Seaton  
Legislative Staff  
(907) 465-2689

---

**From:** Donald Anderson [mailto:don.anderson@softwarerorth.com]  
**Sent:** Thursday, February 17, 2005 10:08 AM  
**To:** Rep. Paul Seaton  
**Subject:** HB 94, G amendment, others

Representative Seaton,  
Chairman House State Affairs Committee

[I apparently failed to get on the list to testify about amendment G of HB 94 this morning. I noticed that her amendment did not move forward, however I am sending my comment on that topic well as several others. It is being sent to all members of the State Affairs Committee.]

I am a former member of the state election board and have been in the computer programming business for 40 years. I have run the software construction firm, Software North for the past 27 years

I am quite familiar with the operation of computer-based electronic voting machines although I have no financial interest or association with any voting machine company.

Based upon my background as a programmer and my experience with election oversight, I support HB 94 in those parts that update our election language. One minor point is that choice of party affiliation is not on the list of applicant entries in section 3. AS 15,07.060 (a) although it is mentioned in later sections.

My main point is to speak in favor of Representative Gardner's amendment to add **post-election audits** to the election process.

We currently hand count the ballots in cases where the machine count is close. This however does not attempt to detect serious cases of vote theft which can skew an election decisively.

Alaska's current voting machines where a paper ballot is scanned and secured for possible recount or audit are quite satisfactory, and much superior to any of the paperless devices.

Pre and post-election testing is touted by manufacturers as providing protection against fraud. This is not true!

While programming the scanners, it is possible to add code that would be undetectable during pre and post-election testing. I will be glad to discuss the general means by which this is accomplished with those interested.

The best means of detecting election fraud is a post-election audit in which the marked ballots are counted and compared to the scanned totals.

The the audit team should not be informed of which precinct they are auditing and the comparative results posted on the Division of Elections website along with the scanned totals immediately. This will help maintain the confidence of our citizens in their elections.

There are several other concerns that I will mention today for your future reference:

**Absentee ballots particularly in combination with loosely verified registration** allow phantom voters into the process provided someone is willing to perjure themselves. This can be reduced by rigorous identity verification using national databases but at some cost and against accusations of snooping. A better way is to require all new registrants to vote in person at their own precinct polling place the 1st time and identify themselves with photo ID. Absentee ballots would be reserved for those who had previously identified themselves to an election clerk and voted at least once in person at their local polling place.

**Was my vote counted?** When the scanner grabs your ballot and whisks it into its box did it really count all the votes you marked on your ballot. The answer is "quite probably" based on information from recent recounts that showed the manual counts just slightly larger than the machine counts. This still doesn't leave a warm feeling in the mind of the individual voter who would like complete assurance. The way to achieve that level of assurance is to set the scanners to reject "undervotes" (as they are currently set to reject overvotes). In that way the voter can be told that if the scanner has accepted his ballot it has recorded his vote for every position on the ballot. Since some voters do not wish to vote for every position or issue on the ballot a way of indicating this abstention is necessary. This could be accommodated by including a "none of the above" or "no opinion" for each position on the ballot.

Sincerely,  
Donald N. Anderson  
Anchorage

DT: February 14, 2005

ATTN: Louie Flora Fax is 4 pages.

TO: Representative Paul Seaton, Chairman  
And other Members of the House State Affairs Committee

FR: Jim Sykes Phone: 745-6962 Email: jsykes@ak.net

RE: HB94, background info on definition of political parties.

Hello Representative Seaton—

Thank you for the opportunity to testify on HB94 on Thursday, February 10th. I realized that the committee has some new members and I am preparing this background memo to provide some context for the section of the bill that I addressed on the definition of political parties. Please distribute to all members and I will try to answer any questions that may arise.

The proposed amendment to AS 15.60.010(23) would clarify a fair set of standards for political party recognition that would be more simple for the Division of Elections to administer, set reasonable requirements that create good public policy, and provide a defensible definition less likely to invite litigation.

**PROPOSED AMENDMENT TO CSHB 94(STA) Draft Version "**

Page 20, following line 10:

Insert a new bill section to read:

\*\*Sec45 AS15.60.010(23) is repealed and reenacted to read:

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

(A) within the last four years nominated a candidate for Governor, United States Senator, United States Representative, or President, and the person nominated as the candidate received at least three percent of the total votes cast for candidates for that office at the general election; or

(B) has registered voters in the state equal in number to at least one percent of the total votes cast for governor at the preceding general election.

Renumber the following bill sections accordingly

The question this amendment addresses is the demonstration of a "reasonable modicum of support." Under case law from the U.S. Supreme Court, it is unconstitutional for a state to deny ballot access to a political organization, which has demonstrated more than a "reasonable modicum of support" among the voters of the state.

The current law requires a political group to either receive at least 3% of the votes cast in a single statewide race (in 2004 it was the U.S. Senate race) or to have registered members equal in number to 3% of the voters who voted for Governor in the last general election. No other state has a registration requirement as difficult to meet. States that have requirements for both a ballot test and a registration test all require a tiny fraction of registrations compared to receipt of votes cast.

States with ballot test AND registration test requirements:

State	Vote Req	Registration Req.	% of Registration to vote test.
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

In "Vogler I" the Alaska Supreme Court acknowledged that the State has a legitimate interest in eliminating confusion among voters resulting from large numbers of candidates on ballots, the Court also ruled in Vogler I, that the restrictions must be

**"...the least restrictive alternative possible consistent with the achievement of these goals."**

The Court further observed:

**"...that application of this standard in ballot access cases requires an inquiry into whether less restrictive alternatives will adequately protect any asserted governmental interest"**

In Vogler I, the court also said:

**"...only a regulation which impinges on the right to speak and associate to the least degree possible consistent with the states legitimate goals will pass constitutional muster."**

The Supreme Court of Alaska has ruled that Alaska's voters are entitled to the least restrictive mechanisms possible consistent with the State's need to achieve its legitimate goals. The Supreme Court of Alaska has also ruled that the difficulty of qualifying through one route cannot be justified by the openness of the other. In effect, at a minimum, Alaska's parties and voters are entitled to the least

restrictive of all the most common mechanisms of qualifying for full ballot access in both the primary and in the general election.

When addressing the issue of multiple parties in *Vogler I*, the Court said:

**"Competition in ideas and government policies is at the core of our electoral process and of the First Amendment freedoms. New parties struggling for their place must have the time and opportunity to organize in order to meet reasonable requirements for ballot position, just as the old parties had in the past... The right to form a party for the advancement of political goals means little if a party can be kept off the election ballot and thus denied an equal opportunity to win votes. So also, the right to vote is also heavily burdened if that vote can be cast only for one of two parties at a time when other parties are clamoring for a place on the ballot."**

In granting an order for preliminary injunction to keep the Green Party recognized for the 2004 ballot Superior Court Judge Reese plainly stated twice that the Green Party had demonstrated a modicum of support even though it had not met the 3% ballot test in the Governor's race:

**"The Green Party did have a modicum of support during the 2002 election. Although the candidate for governor did not receive the requisite 3% vote, two other statewide candidates did receive over 6% of the votes."  
[Order, October 30, 2003, p.7, Case No. 3AN 03-9936C]**

The impetus for the proposed amendment is to have a fair and clear public policy for all political parties in Alaska. For example, one of Alaska's smallest political parties has clearly demonstrated activity and "modicum of support" since it became a political party in 1990 whether acquiring the 3% in the designated race, another statewide race, or both.

#### **Green Party of Alaska Statewide Races 2002-1990**

<b>Seat</b>	<b>Vote %</b>
2004 US Senate	0.99
2004 US House	3.82
2002 US Senate	7.24
2002 US House	6.34
2002 Gov/Lt Gov	1.26
2000 US House	8.18
1998 US Senate	3.21
1998 US House	2.65
1998 Gov/Lt Gov	3.01
1996 US Senate	12.5
1996 US House	1.9
1994 US House	10.2
1994 Gov/Lt Gov	4.1
1992 US Senate	8.3
1992 US House	3.9
1990 Gov/Lt Gov	3.3

The proposed amendment will:

- 1) Simplify the current law in line with the need for a political party to show a "modicum of support" in any statewide race that garners 3% of the vote,
- 2) Recognize the extremely higher degree of difficulty in registering voters to a particular political party over the much easier task of receiving votes during an election or the still easier requirement of gathering petition signatures,
- 3) Set a reasonable and legally defensible requirement for political party recognition, while retaining the ability of Alaskans to have a variety of choices they have demanded—especially among the 51% not registered to any political party.

If there are any questions or suggestions, please contact me at 745-6962 or send an email to [jsvkes@ak.net](mailto:jsvkes@ak.net). Thank you for working to make our election laws more clear and fair for all.

Jim Sykes

From: David Koester <swarming@mosquitonet.com>  
To: Fairbanks\_LIO@legis.state.ak.us  
Date: Tue, March 15, 2005 10:47 am  
Subject: Public Testimony on HB94 - State Affairs Committee

---

Dear Committee Members,

You are now considering a bill that would raise the cost of voter-initiated statewide recounts to \$50,000. In essence, you are now considering a bill that would eliminate voter-initiated statewide recounts. In the electronic age, a vote recount is one of the means by which vote-tally security can be maintained. Regular audits of the system need to be conducted to prevent or catch, fraud, hacking or systematic machine error. Alaska has an excellent system to check the functioning of user-initiated voting machine programming and insure that the optical scanning machines are set the way that they should be.

Alaska does not and cannot, however, control the hard programming of the machines including the programming by which the machines receive instructions. It is important to understand that, in theory, any card that enters an optical scanning machine can reprogram the machine. Any electronic hookup of the machine via modem also presents a security risk. These risks are an unavoidable downside of electronic technology. The upside is that using optical scanning of physical ballots means that it is always possible to recount those paper ballots and that this can be done efficiently and securely by a combination of machine and hand recounting.

There are two good security options.

One that is recommended by voting experts is random hand recounts of every election. Depending on the distribution of machines, recounting of something less than ten percent of precincts or machines could provide very secure results.

Alternatively, allowing for occasional recounts that check the integrity of the whole system can catch errors when there is reason to think it might have occurred. This is possible with voter-initiated recounts, the system we currently have. The potential for a recount not only checks the count done by the machines but offers a significant disincentive for anyone who would seek to tamper with elections.

This past fall Alaskans for Fair Elections were barely able to raise the necessary funds in time for a statewide recount with the limit at \$10,000. Raising the limit to \$50,000 would open the system to considerable security risk because it would essentially remove the audit possibility. Lowering the fee to, say, \$5000 would provide the proper balance of preventing overuse of the recount yet sufficient access to maintain security.

It is important to note as well that most of the recount done in 2004 was done by machines, checked by random hand counts. This very secure procedure is much cheaper than that which could have been anticipated by the original legislation that called for a \$10,000 deposit.

Voting and the will of the voters is the heart of democracy. In the electronic age we need proper safeguards to protect the sanctity of this institution. Voter-initiated audits of the system is a critical safeguard that should not be put out of reach.

David Koester, Ph.D.  
Fairbanks

**Christine Marasigan**

---

**From:** Mendez, Paul, Mr., OSD P&R/FVAP [mendszp@fvap.ncr.gov]  
**Sent:** Wednesday, February 16, 2005 6:53 AM  
**To:** Christine Marasigan  
**Cc:** vote  
**Subject:** RE: absentee ballot witness question  
**Importance:** High

Christine R. Marasigan, Legislative Aide  
Representative Gabriel e LeDoux  
District 36  
State Capitol  
Juneau, Alaska 99801

Dear Ms. Marasigan:

It is up to the State to decide who can witness or notarize and there is no requirement that witnesses be US citizen. However, the witness requirement creates problems for individuals living overseas where this may be difficult, if not impossible, to obtain. For example those U.S. citizens of Alaska that do not live near an American Embassy. Also, some small military installations may have no commissioned officer assigned. We recommend Alaska remove all witness requirement for all absentee balloting materials. **Thirty-six** states and territories have eliminated the notary and witness requirement on all election materials.

*Sample Language*

*If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.*

For information on other state election laws, please see the State-By-State Instructions in Chapter 3 of the 2004-05 Voting Assistance Guide available on the FVAP website at [www.fvap.gov](http://www.fvap.gov).

Fell free to contact me if you need further assistance.

Sincerely,

Paul Mendez  
Program Analyst  
Federal Voting Assistance Program  
703-588-1584

**Rep. Paul Seaton**

---

**From:** Elizabeth Villarreal [no-reply@democracyinaction.org]  
**Sent:** Monday, March 07, 2005 5:16 PM  
**To:** Rep. Paul Seaton  
**Subject:** Please Ensure Alaska's Elections Are Verifiable

**Congressman**

As you consider Election Reform Bill HB 94, please do not include any amendment seeking to increase the cost or fee for recounts above \$10,000. A proposed increase to \$50,000 would severely impede the public's ability to obtain a recount when needed, and would have a very negative impact on the verifiability of our elections in this state.

Please support an amendment calling for automatic recounts of a percentage of randomly selected precincts. Such a measure will increase rather than decrease the transparency and public verifiability of our voting system.

To recap, please ensure that the language in HB94 is not modified to increase recount fees, and that it will allow randomized recounts of a percentage of precincts if such an amendment is offered. This will ensure reliable and publicly verifiable elections in Alaska.

Elizabeth Villarreal  
POB 1453

Homer, AK 99603

**FAX CONTAINS 3 pages including this page. Please phone 745-8962 if there are any difficulties receiving this transmission. Thank you.**

**DT: Feb 21, 2005**

**FAX TO: Representative Paul Seaton, Chairman, House State Affairs Committee**

**FR: Jim Sykes, 745-8962**

**RE: HB94 Amendment**

Hello Representative Seaton—

It was good to talk with you earlier this afternoon on a proposed HB94 amendment. I marked up a draft of a proposed amendment in two different ways.

Idea "A" eliminates the Presidential race and stays with the registration requirement of 3% in the preceding Governor's race (which was the law for a long time).

Idea "B" also eliminates the Presidential race and changes the registration requirement to 1% of ALL registered voters, not just those who show up to vote. I've summarized the more precise numbers below that we discussed over the phone. I think that Idea "B" is more defensible as public policy and more legally defensible. If the current legislature cannot support it at this time then it may be premature to try. Then "A" is OK.

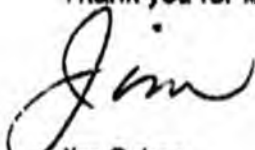
The current law pegs 3% of the US Senate race (for 2004) which makes the registration requirement 9,249 registered voters—a figure that can change drastically depending on how many people vote from election to election.

The previous law required 3% of the Governor's race, which would be 6,988 based on the 2002 race.

The proposal in Idea "B" would require 1% of ALL registered voters (476,646) which would be 4,766. It would more fairly recognize the degree of difficulty in registering voters to a particular party, it would be easier for the Division of Elections to monitor and it would eliminate the wild fluctuations that are inherent in establishing a percentage attached to a statewide race.

Hopefully Idea "B" is seen as a good idea by all sides. If not, Idea "A" will be a partial solution.

Thank you for looking into this.



Jim Sykes

DT: February 9, 2005  
 TO: Representative Max Gruenberg  
 FR: Jim Sykes  
 RE: HB94 Amendment

FAX IS  
 2 pages  
 Please call  
 907-45-6962  
 if there are  
 difficulties.  
 Thanks

Hello Representative Gruenberg—

The attached sheet contains a proposed amendment that will accomplish important public policy goals.

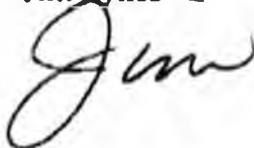
- 1) It will simplify the current law in line with the need for a political party to show a "modicum of support" in any statewide race that garners 3% of the vote,
- 2) It will recognize the extremely higher degree of difficulty in registering voters to a particular political party over the much easier task of receiving votes during an election or the still easier requirement of gathering petition signatures,
- 3) It will set a reasonable requirement for political party recognition, while retaining the ability of Alaskans to have a variety of choices they have demanded—especially among the 51% not registered to any political party.

One of the questions when this issue was raised last year was the "modicum of support." In granting an order for preliminary injunction to keep the Green Party recognized for the 2004 ballot Superior Court Judge Reese plainly stated twice that the Green Party had demonstrated a modicum of support even though it had not met the 3% ballot test in the Governor's race:

*"The Green Party did have a modicum of support during the 2002 election. Although the candidate for governor did not receive the requisite 3% vote, two other statewide candidates did receive over 6% of the votes."  
 [p. 7 Order, October 30, 2003, Case No. JAN 03-9936CI]*

I do not have to report to my jury pool tomorrow and I will try to be online to make a brief presentation on behalf of the proposed amendment. Please call me at 745-6962 if there are any problems, questions or suggestions. Thanks for your work on this important matter!

Jim Sykes



March 8, 2005

I urge you to **reject** a provision that raises the fee for requesting a ~~hand~~ recount. It was extremely hard to raise the \$10,000 fee currently in Alaska law. Provisions that would tie recount fees to a margin of difference between candidates wouldn't make much sense, since anyone bent on fraud involving programming could get whatever margin they wanted. And an increase in the price of statewide recounts from \$10,000 to \$50,000 to start and responsibility for anything the Division of Elections spends OVER that amount would be a serious setback for democratic processes for the citizens of Alaska and should be removed. Alaska is a MODEL state in terms of elections, and we should not degrade it by raising the fee for a citizen recount to a prohibitive \$50,000.

I encourage you to consider an amendment that would require automatic **manual** counts of election results of at least 1 precinct per District, said precinct to have at least 5% of the district's voters in it. I believe it is an important element in improving Alaska elections that would give citizens greater confidence in the democratic process. Some may say we do not have a problem of computer hacking in Alaska that would indicate a need for such measures. It would be wise to be proactive in setting procedures in place that would uncover any such tampering should there be a reason to suspect it some time in the future. This is not a wild speculation. There are well-founded suspicions that this may have occurred elsewhere already.

Another important electoral reform which should be adopted would let felons vote again once released from prison automatically (even if on probation or parole), rather than having to make special application for that right to be re-instated. People who have paid for their crimes by serving time in prison need to feel they can recover their rights of citizenship. To deny them this implies that we do not believe people can be rehabilitated.

Amy Paige  
Volunteer recount observer for Alaskans for Fair Elections  
592 Seatter Street  
Juneau, Alaska 99801  
586-4409

## Louie Flora

---

**From:** Lesley M. Lyman [lesleymlyman@hotmail.com]  
**Sent:** Monday, March 14, 2005 9:24 PM  
**To:** Louie Flora; Peter Naoroz  
**Subject:** HB94- oppose fee hikes!

Please honor our democratic system and do not allow fee hikes for recounts.  
Recounts protect everyone from election tampering and show that that our system works!  
Recounts may seem like a frivolous expenditure, but they keep our system honest and  
reaffirm the voters' faith in it. No faith = decrease in voters= death of democracy in  
the long run. Thank you for your attention!

**Rep. Paul Seaton**

---

**From:** Nina Faust [no-reply@democracyinaction.org]  
**Sent:** Monday, March 07, 2005 6:12 PM  
**To:** Rep. Paul Seaton  
**Subject:** Please Ensure Alaska's Elections Are Verifiable

**Congressman**

As you consider Election Reform bill HB 94, please do not include any amendment seeking to increase the cost or fee for recounts above \$10,000. A proposed increase to \$50,000 would severely impede the public's ability to obtain a recount when needed, and would have a very negative impact on the verifiability of our elections in this state.

Please support an amendment calling for automatic recounts of a percentage of randomly selected precincts. Such a measure will increase rather than decrease the transparency and public verifiability of our voting system.

To recap, please ensure that the language in HB94 is not modified to increase recount fees, and that it will allow randomized recounts of a percentage of precincts if such an amendment is offered. This will ensure reliable and publicly verifiable elections in Alaska.

Nina Faust  
P.O. Box 2994

Homer, AK 99603



# Alaska State Legislature

Please enter into the record my testimony to the HOUSE STATE AFFAIRS  
 committee name  
 committee on HB 94, dated Mar 8 2005  
 bill/subject

I would like to encourage this House Committee to accept and endorse the amendment to this bill that would grant state ballot recognition to any political party that obtains three percent (3%) of the vote in a statewide election, or can register to that party 3% of registered voters.

If the state of Alaska wishes to affirm that it is a genuine democracy, it must allow, for inclusion, into the political process smaller independent parties. The amendment to HB 94 is a very, very small but essential step in that direction.

Signed: Timothy Feller *Timothy Feller*  
 Testifier  
Himself and Green Party of Alaska  
 Representing (Optional)  
536 W. 13<sup>th</sup> Avenue Anchorage Ak 99501  
 Address  
278-7637  
 Phone No.

## Louie Flora

---

**From:** Michael J Murray III [mjm3iii@netscape.net]  
**Sent:** Friday, March 11, 2005 9:31 PM  
**To:** Louie Flora  
**Subject:** Oppose ridiculous fee hikes!

Raising the recount fee to such a astronomical amount is the same as eliminating the problem. Takes democracy out of the equation and a neat trick!

I am opposed to this maneuver to subdue the democratic process!

--  
mjm3iii

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## Louie Flora

---

**From:** lookitover99821 [lookitover@worldnet.att.net]  
**Sent:** Wednesday, March 09, 2005 1:04 PM  
**To:** Louie Flora  
**Subject:** Testimony on Increasing fee for vote recount

I would recommend only a reasonable adjustment for inflation over the period since this \$10,000 figure was calculated.

More important than that, however, is this:

Because of recent supreme court judgements, state funded political primaries now are actually heavily subsidized forums for PRIVATE CLUBS - called registered political parties - candidate elections.

By documented demographics, the majority of Alaskans are now subsidizing the private elections of political parties they do not belong to. This subsidy is justified as a public expenditure, despite this fact.

Thus, while we need a fee to curb frivolous recounts, it is black hypocrisy to make petitioners for recounts pay for the whole thing. Paying for vote recounts are MORE of a public expenditure than subsidizing candidate elections of private political clubs. This is obvious through the use of grade school arithmetic.

The potential legal fallout from practising legislative hypocrisy constitutes waste of public funds -- potentially more costly than the cost overruns from doing vote recounts. So I caution the Legislature to exercise care with this issue.

**CONCLUSION:** Subsidizing vote recounts in this state has the same logical and political justification as subsidizing state election primaries. So you cannot invalidate public subsidy of vote recounts without also invalidating the legitimacy of public subsidy of primary elections.

Stuart Thompson  
PO Box 211228  
Auke Bay, AK 99821  
1-877-950-7980

**Rep. Paul Seaton**

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**From:** Randy Ruedrich [raraep@gci.net]  
**Sent:** Sunday, January 30, 2005 9:22 PM  
**To:** Kevin Jardell; Rep. Mark Neuman; Rep. Bill Stoltze; Rep. Bill Williams; Rep. Bob Lynn; Rep. Bruce Weyhrauch; Rep. Carl Gatto; Rep. Bill Thomas; Rep. Gabrielle LeDoux; Rep. Mike Kelly; Rep. Jim Holm; Rep. John Coghill; Rep. John Harris; Rep. Kurt Olson; Rep. Kevin Meyer; Rep. Lesil McGuire; Rep. Mike Chenault; Rep. Mike Hawker; Rep. Nancy Dahlstrom; Rep. Jay Ramras; Rep. Norman Rokeberg; Rep. Paul Seaton; Representative Peggy Wilson; Rep. Ralph Samuels; Rep. Richard Foster; Rep. Tom Anderson; Rep. Vic Kohring; Rep. Pete Kott; Sen. Tom Wagoner; Sen. Charlie Huggins; Sen. Ralph Seekins; Sen. Lyda Green; Sen. John Cowdery; Sen. Gene Therriault; Sen. Gary Wilken; Sen. Gary Stevens; Sen. Fred Dyson; Sen. Bert Stedman; Senator Con Bunde; Sen. Ben Stevens  
**Cc:** Joseph Balash; Whitney Brewster; Laura Glaiser  
**Subject:** AFP Resolution to Relocate Absentee Ballot Processing  
**Attachments:** 041204 Resolution - DOE.doc



The Alaska Republican Party on December 4 adopted the attached Resolution to relocate the Division of Election Absentee Ballot Section to Anchorage.

The resolution recognizes the need to expedite the entire absentee ballot handling process. Too much time is lost sending applications to Juneau and get them back to Alaskan Voters.

Lets improve the DOE process and relocate the absentee ballot process to Anchorage to benefit from direct access to the Anchorage US Post Office. More Alaskans will have the chance to vote.

The Alaska Republican Party provided this Resolution to Lt. Governor Leman who was in attendance at the State Central Committee on December 4.

Please call me at 907 227-3031 if you have any questions.

Randy Ruedrich  
Chair - Alaska Republican Party

**Alaska Republican Party  
Resolution #4 -1**

**Changes for Alaska Division of Elections**

**Whereas**, assuring all citizens the opportunity to vote is a paramount responsibility of the Division of Elections in the office of the Lt. Governor and;

**Whereas**, Juneau is not the primary distribution post office for Alaska which increases two-way mail times by at least two days for most voters and,

**Whereas**, Juneau is subject to airport service disruptions that negatively impact the orderly flow of mail and;

**Whereas**, legal interventions in the election process and the related delays are becoming more common and;

**Whereas**, more voters in our mobile culture are applying for absentee ballots and;

**Whereas**, the failure of timely absentee ballot distributions disenfranchises many Alaskan voters;

**Therefore**, be it resolved that the Republican Party of Alaska request the Alaska Legislature to relocate the absentee ballot application processing function to Anchorage to improve the distribution process and its timeliness.

**Adopted by the Alaska Republican Party on December 4, 2004.**

to:  
the Alaska State House Affairs Committee  
Alaska Legislature

from:  
Nina Mollett  
PO Box 22590  
Juneau, Alaska 99802

Regarding HB94 and related election reform legislation

March 8, 2005

To Representatives Seaton, Gatto, Elins, Gardner, Gruenberg, Lynn, and Ramras,

I am one of those who requested the recount of our Senate race. I am currently in Tucson, Arizona, receiving medical treatment for a serious illness. I've had to cut my activities down to a few I really care about. One of the things I care about the most is what is happening to democracy in America.

Alaska has so far been a model state when it comes to elections. Alaska is one of only two states which received an A+ in 2000 from Common Cause for the integrity of its elections. In no small part this is because of the overhaul of Alaska's election system under our last lieutenant governor, Fran Ulmer, who bent over backwards to be fair to all sides and instituted both a careful system of checks and safeguards, and rules forbidding conflicts of interest among elections officers. In Alaska, unlike some states, you won't find yourself with the same person trying to run an impartial election while chairing one candidate's election effort.

Alaska's recount system is also better than most states. We chose to install opti-scan machines which use paper ballots. The paper trail is one of the most important aspects of election reform nationwide, but it does no good to have it if you don't use it. We were able to recount our ballots in the recent Senate race recount, using different machines, newly programmed. The elections division agreed to our request to recount one tenth of the precincts by hand. Those precincts were picked from a hat. In Ohio, by contrast, whose recount reassured nobody, people complained that precincts to be recounted were preselected, and not chosen randomly.

Most all the citizens who asked for the recount were satisfied that it was fair, and that the winner of the Senate race was the real winner. This enhanced Alaska's image nationwide, as we got the word out that Alaska's elections officials seem to have real integrity, and that Alaska has a better system than most. Indeed, one of the things that most worried us beforehand is the partnership with Diebold, a company much in the news for its questionable ethics. It appears that although Diebold makes and repairs our machines, Alaska does its own independent election programming and counting, which is not the

case in many states. This was quite reassuring, and we hope it stays that way.

What is not so reassuring is that our recount is being used as an excuse by the governor to push for raising the amount citizens must raise for a recount to \$50,000. It was exceedingly hard to raise \$10,000 in five days, and \$50,000 would not be doable by ordinary citizens.

It's not as if a citizen recount were a common occurrence. The last statewide recount was ten years ago, and was triggered automatically by the close margin between the candidates. Indeed, it was hard enough to raise the money that the likelihood of this occurring again any time soon is very small.

It is indeed rather unseemly for Gov. Murkowski to be injecting himself in this issue, since his daughter was involved, but I will say that nobody I know suspected Lisa herself of being involved in rigging the election, nor of being the type of person who would have agreed to any such thing. It would have had to occur behind her back. What was of concern was the intense national interest in Alaska's Senate race. With power in the Senate in the balance, if Alaska's system were easy to game, this would have been a likely year for someone to try to game it.

A recount amounts to an audit, and as such should be part of the cost of doing business. Computer experts in all government agencies and at major corporations are constantly on the alert for hackers. The same should be true of all election offices. You assume that someone is trying to tamper with your system, and you do everything you can to prevent or detect such activity. The prospect of a possible recount is a deterrent to hackers. The cost to the state of this recount, about \$40,000, was minor in comparison to other avoidable costs this year, particularly \$238,000 to reprint a poorly worded ballot, which could have been easily avoided, and would have paid for six recounts at \$40,000 each. If the governor really wishes to lower frivolous elections costs, he might introduce legislation to create a nonpartisan committee to ensure that ballots are worded correctly and in a non-biased way.

In this day and age when about 100,000 voters registered complaints after the last election that reached the U.S. House Judiciary Committee, and many people in other states no longer believe that their votes are being counted fairly, Alaska should be strengthening its voting system, not weakening it. We should be lowering the cost to citizens of requesting a recount, not raising it. And we should be taking other measures. Experts in voting technology at Stanford, Harvard, the University of Iowa and elsewhere have been publicly recommending that a statistically valid number of random hand recounts be done routinely after every election.

Another idea would be to conduct a complete hand recount every election. That would amount to duplicate data entry, which is often used in social science research to ensure accuracy. It would ensure fair elections, but the cost is higher than we are likely to want to pay. If you put the occasional citizen-requested recount, mostly conducted by machine, against a more rigorous audit system, what we do doesn't seem so expensive.

The audit method we use is cheaper because it only occurs occasionally, but it does act as a deterrent to fraud because it is always a possibility. If the cost to citizens of requesting a recount is raised further, we lose the deterrent effect of our law. We also use the point of having paper ballots if we never actually recount them.

This issue may appear partisan to some. Democrats and independents have been feeling most threatened lately, nationwide. But of course, vote tampering is as old as elections themselves and the chips can fall either way. In Washington State right now it is Republicans who are arguing that the State and its taxpayers should pay not thousands but millions, not for a recount but a revote.

Republicans could bully through this idea to raise the amount citizens must raise to a prohibitive \$50,000. But please reconsider. Last year a bill passed with bipartisan support requiring a paper trail by 2006 in any voting machine used in Alaska. In the current atmosphere of nationwide concern, it makes no sense to weaken our safeguards. Voting is our most basic right.

Here in Alaska we can still pride ourselves on a system that is not corrupt. But we must not allow it to erode, and that could happen easily. Governor Murkowski and Loren Leman inherited a system that was well-designed and fair to everyone. All they, and you, have to do, in order to live up to Alaska's history, is to be fair, too.

Sincerely yours,

*Nina Mollett*

Nina Mollett

**Written Testimony of Dr. Joe Sonneman on HB 94 Amendments**

[Joe Sonneman, an Alaskan for 33+ years, earned a Ph.D. in Government (Public Finance) from Claremont and a J.D. (cum laude) from Georgetown. He's also worked many Alaskan jobs, from fighting forest fires, to building mountain hiking trails, commercial fishing, delivering the mail, driving tour bus and taxi cab, reporting on the Legislature for the All-Alaska Weekly and other newspapers and television, teaching at the University of Alaska, and working as a State employee (budget analyst and internal auditor. In Fall 2004, he chaired "Alaskans for Fair Elections," the group that raised \$10,000 in five days to start the Recount of the U.S. Senate race. Sonneman lives at 324 Willoughby, Juneau AK 99801, phone is 463-2624. He writes independently, not representing here any group he may be a member of.]

**G.1, New Section 8, rotating candidate names, and related G.2**

For about 70 years Alaska rotated candidate names on ballots, to assure fair elections.

With the discovery of statistics, people realized that voters often voted more often for the top name on a candidate list. Back then, government listed candidates in alphabetic order, so when the word got out about a top-of-list advantage, some candidates changed their names to be first. To prevent such 'strategic' name changes, many States and also the then-Territory of Alaska, went to ballot rotation.

With paper ballots, ballot rotation was easy.

Ballot rotation of candidate names was fair and seen to be fair. But under Lt. Gov. Fran Ulmer, the Division of Elections changed the system, allegedly for cost savings. Now Elections has a drawing to order names. Whoever wins the drawing in that district gets ALL of whatever advantage there may be to a top position.

Although a drawing may be fair, yet also a drawing is not an ELECTION. When the top position may give that candidate an extra 5% of votes ballot rotation of names fairly distributes that extra percentage among all candidates. The new method gives all that benefit to ONE candidate.

So please return to the method that worked so well for Alaska for so long: ballot rotation.

Some concerns arise about ballot rotation and here's how to handle those concerns.

First, Division of Elections routinely prints sample ballots and publicizes those sample ballots in newspapers. Voters were getting confused, because they would fill out a sample ballot at home, bring it with them to the polling place, and there get a ballot with names in different order than was printed in the newspapers.

But the problem there is with Division of Elections, not with ballot rotation. If only Elections told the public that names would rotate, the public would not be confused. Amendment G.2 goes a long way to erasing any claimed confusion. An Alaska Supreme Court decision even suggests a law change such as G.2.

Second, there is some concern that Elections might need to print too many different combinations of ballots, what with Presidential or Gubernatorial races, U.S. Senate and U.S. House races, as well as State Senate and State House races. But one way to reduce the number of different printings is to have a separate ballot for statewide races, and another ballot for State Senate and State House races. That way the combination of statewide races only ADDS to the combination of 'local' races, and does not MULTIPLY.

Third, there is some undeniable additional cost to ballot rotation. On the other hand, ballot rotation is more fair, because any top position advantage is allocated equally among all candidates. So Alaska pays more, but gets a more fair result. Considering the importance of fair elections in our form of Government, that's not unreasonable.

I brought suit against Election's new method. The Lt. Governor's Transition team had estimated the savings at about \$240,000, but the Alaska Supreme Court noted the actual savings were more on the order of \$60,000, according to Division of Election's own numbers.

So, yes, ballot rotation does cost somewhat more, but Alaska gets fairer elections as a result. For 70 years Alaska thought fair elections worth the extra cost and most of that time Alaska did not have oil billions. If Alaska could afford the extra cost then, Alaska can afford the extra cost of fair elections now.

**G.3, Section 7**

Public notice of voting-related precinct boundary changes seems fair and right.

Need for another public notice When I chaired Alaskans for Fair Elections during the 2004 Recount, I notified the U.S. Senate candidates and political parties of the time and location of the Recount. Some of the candidates said they had not been so notified by the Division of Elections. Some other States by law require their Elections system to notify all affected candidates of Recount details. Alaska ought to do the same, just out of fairness.

**F.7**

Members of Alaskans for Fair Elections are quite concerned that any voting system have an auditable paper trail. The reason for this concern is in part that technology has created DRE voting machines—direct response electronic voting machines. Alaska already requires that any voting machine create a paper receipt or ballot which the voter can check accurately records the voter's choice and which paper receipt or ballot can be used in any recount.

There is new language in Draft F which allows the director of Elections to approve a voting machine or tally system. The new language does not specifically refer to the requirement created last year for creation of a paper receipt or ballot. Amendment F.7 just makes that requirement explicit.

[Comment on Style: I dislike cross-references, but understand that is the present style the Legislature uses. I think it would be better to state what the requirements are, than to use a number as shorthand. I think the 'cleaner' law, more understandable to the general public, would be:

**The director may approve a voting machine or vote tally system only if that machine or system produces a paper receipt or ballot which the voter can see accurately reflects the voter's choices and which can be used in recounts or election contests.**

**G.12 This section would increase greatly (5-12 times) the Deposit which candidates or citizens have to deposit to initiate a Recount and would make their liability for Elections Division costs unlimited.**

Recounts perform a Needed Audit Function I chaired Alaskans for Fair Elections during the 2004 Recount. Prof. David Koester, who teaches at UAF, wrote a paper in our draft White Paper which says essentially that Recounts have a audit function in elections, much as audits of money have for a bank.

The threat of Recounts helps to prevent vote fraud and actual Recounts helps to find out intentional fraud or error in elections, just as the threat of audits helps to prevent embezzlement at a bank and actual audits help catch fraud or error in accounting.

Raising the Deposit is like Telling Everyone Alaska Rarely Audits Elections So if Alaska announces a huge and unlimited increase in liability for Recounts, that's equivalent to Alaska announcing that it's not going to audit elections very often. And telling the world that election audits will be rare, is just like issuing an invitation to vote fraud specialists.

The Deposit is Already Too High At \$10,000, the Deposit requirement for recounts is already too high, because the time period is just five (5) days. Members of Alaskans for Fair Elections are not, so far as is known, personally wealthy. Most of the money was raised through contributions. Alaskans for Fair Elections raised only \$9,600 through contributions in the five days allowed, the \$400 balance being contributed by a member of Alaskans for Fair Elections.

Recount Deposits are Not "User Fees" The proposed Amendment treats those who request Recounts as if they (alone) were the users and beneficiaries of the Recount. That's just not true. A Recount establishes that the election count was accurate. All Alaskans, all candidates, and Alaska's government itself all benefit by knowing the election count was accurate. So since everyone benefits, Government (everyone) ought to pay—not just the people who request a Recount. The "user fee" approach is wrong.

(4)

Recount Deposits are Not a Penalty International environmental law uses the "polluter pays principle." But a Recount is not pollution. As noted above, everyone benefits from knowing, through a Recount, that the election count was accurate. With pollution, everyone (except maybe the polluter) loses. So it's *right* to make polluters pay. Just so. It's *wrong* to make Recount requesters pay. A Recount is NOT pollution, not like pollution.

Not All Non-Automatic Recounts are "Frivolous" Under the proposed Amendment, Deposits are not required if the percentage difference is 0.5% and Deposits are refunded if the first-declared winner is replaced with another, or if the requesting candidate gains 4+% votes. In all other cases, the requesting candidate's—or the requesting citizens' group's—Deposit is used to pay the State's recount expenses, but, if the State's expenses are more, the requesting group or candidate is liable for ANY overage.

Too Drastic This proposed rule wrongly implies that all Recounts (other than automatic Recounts) are frivolous, except where the Deposit is refunded. That's too drastic a rule.

The Maine Way The State of Maine has a better approach. As the percentage difference between the winner and a recount-requesting candidate rises, the amount of the Deposit rises also. As the percentage difference between the winner and a recount-requesting candidate drops, the Deposit amount required also drops. The Maine deposit amount reaches its maximum when the percentage difference exceeds 10%. By using a graduated, proportionate Deposit, Maine really does make more 'frivolous' Recount requests more expensive, and also makes more 'real' Recount requests less expensive.

What's Wrong with Percentage Differences But in this computerized, electronic age, any 'percentage difference' method—even Maine's—has a serious flaw. If you accept that computerized, programmable vote-counting-machines can be 'hacked' or 'mis-programmed,' then any competent programmer or hacker can make the vote-counting machine produce a result that is outside the 'free' Recount area and even outside the 'cheap' Recount area. That is, for example, in a state using the Maine system, a programmer or hacker could make the result appear to be just over 10% different.

Computers Change Everything Computers change everything. The risk of cheating is greater and the risk of detection is less ... except when there is a manual count or manual recount of all or at least a sample of all ballots. Alaska is particularly vulnerable because Alaska uses only ONE programmer for ALL of its voting machines. Alaskans for Fair Elections draft White Paper cited reasons why "end-use" programmers need supervision by centralized Information Technology departments.

Danger of One Programmer But if you think about a small bank with only one teller or one cashier, if you were the Bank President, you would be all the MORE certain to audit that teller or cashier just because there is no one else working with them who might blow the whistle on any embezzlement. When candidates spend literally millions of dollars on campaigns, how can anyone know that someone has not made "an offer you can't refuse" to the State's ONE unaudited, unchecked, civil servant programmer?

Automatic Manual Sample Count Accordingly, a number of Alaskans for Fair Elections members would favor Rep. Gardner's amendment, which called for automatic manual counting of at least one precinct per district, holding at least 5% of the district's voters, at every election. Regrettably, the Committee declined at first to accept that amendment, because that problem had not yet occurred. This is like a local assembly refusing to erect a "Stop" sign at a pedestrian crossing over a highway, just because no one had yet died there. Problem is, with computers and programmers in charge of counting votes, if vote fraud occurs and there is no manual count, no one but the miscreants will know fraud occurred!! ... except that there may be an unusually high difference between the announced results and exit polls. Some members of Alaskans for Fair Elections would like the Committee to re-consider the Gardner amendment, because computers make it so hard to find out when cheating takes place.

Four Percent Is Too High The Amendment as written allows Elections to keep the Recount Deposit even if Elections's own initial count was wrong by 3,999 votes per 100,000 votes cast. That's quite a bit of 'sloppiness', yes? If Recounts are automatic when the challenger is within 0.5% of the winner, isn't it fair for Elections to have to refund Deposits if the initial Elections count is more than 0.5% off the Recount total? That would be 500 votes off, per 100,000 votes cast, still quite a wide margin. In the 2004 Recount, the biggest precinct variation I remember was 7 votes, and there was no persistent trend. The Accu-Vote machines proved quite accurate, given no tampering or vote fraud. Elections needs to be held to a tighter standard.

No Unlimited Spending for Elections The G.12 amendment also gives Elections unlimited ability to spend, without any thought of economizing, during a Recount, because Elections may well be able to make the Recount requester pay ANY amount by which the Recount cost exceeds the Deposit. That's wrong. Elections needs to economize. Recount requesters need to know what fixed amount they must raise. Unfair to tag requesters with what could be gold-plated Recounts under the proposal.

RECOMMENDATIONS RE: AMENDMENT G.12

- a. Leave the Deposit rules as they are, or,
- b. Re-consider and pass the Gardner Amendment or something similar, or
- c. Pass a Maine-like system of graduated Deposits, and
- d. In every and any event, drop or cut or excise the last sentence of G.12, and
- e. Change the 4% rule for refunds to 0.5% (500 votes per 100,000), because the machines are pretty accurate and a 4% rule permits too much sloppiness in counting.

I do commend the Division of Elections actions in the 2004 Recount in agreeing to hand-count a random sample of 44 precincts, said sample being taken from only those precincts machine counted Election night. That was my suggestion, they did it, and I thank them for it. By doing this, they showed everyone that the machines were accurate and that, very likely, no programming or other errors had occurred. This procedure would be good for you to enact as a requirement or law of Recounts, but it was commendable that the Division did it in 2004.

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DT: February 9, 2005  
 TO: Representative Max Gruenberg  
 FR: Jim Sykes  
 RE: HB94 *A amendment*

*FAX is  
 2 pages  
 Please call  
 907-745-6962  
 if there are  
 difficulties.  
 Thanks*

Hello Representative Gruenberg—

The attached sheet contains a proposed amendment that will accomplish important public policy goals.

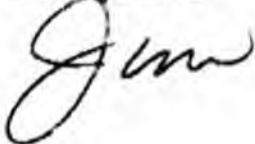
- 1) It will simplify the current law in line with the need for a political party to show a "modicum of support" in any statewide race that garners 3% of the vote,
- 2) It will recognize the extremely higher degree of difficulty in registering voters to a particular political party over the much easier task of receiving votes during an election or the still easier requirement of gathering petition signatures,
- 3) It will set a reasonable requirement for political party recognition, while retaining the ability of Alaskans to have a variety of choices they have demanded—especially among the 51% not registered to any political party.

One of the questions when this issue was raised last year was the "modicum of support." In granting an order for preliminary injunction to keep the Green Party recognized for the 2004 ballot Superior Court Judge Reese plainly stated twice that the Green Party had demonstrated a modicum of support even though it had not met the 3% ballot test in the Governor's race:

*"The Green Party did have a modicum of support during the 2002 election. Although the candidate for governor did not receive the requisite 3% vote, two other statewide candidates did receive over 6% of the votes."  
 [p. 7 Order, October October 30, 2003, Case No. JAN 03-9936CI]*

I do not have to report to my jury pool tomorrow and I will try to be online to make a brief presentation on behalf of the proposed amendment. Please call me at 745-6962 if there are any problems, questions or suggestions. Thanks for your work on this important matter!

Jim Sykes



*Gwenberg*

PROPOSED AMENDMENT TO HOUSE BILL NO. 94.

The current AS 15.60.010 (23) is repealed and replaced by amendment to read:

(23) "political party" means an organized group of voters that represents a political program and that either nominated a candidate for Governor, or for U.S. Senator, or for U.S. Representative, or for President within the last four years who received at least three percent of the total votes cast in the general election in which that candidate ran; OR has registered voters in the state equal in number to at least one percent of the total votes cast for governor at the preceding general election.

(20)

Language that is repealed by above amendment to AS15.60.010(23):

[(23) "political party" means an organized group of voters that represents a political program and

(A) that nominated a candidate for governor who received at least three percent of the total votes cast for governor at the preceding general election or 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;

(B) if the office of governor was not on the ballot at the preceding general election but the office of United States senator was on that ballot, that nominated a candidate for United States senator who received at least three percent of the total votes cast for United States senator at that general election or has registered voters in the state equal in number to at least three percent of the total votes cast for United States senator at that general election; or

(C) if neither the office of governor nor the office of United States senator was on the ballot at the preceding general election, that nominated a candidate for United States representative who received at least three percent of the total votes cast for United States representative at that general election or has registered voters in the state equal in number to at least three percent of the total votes cast for United States representative at that general election;]

**Christine Marasigan**

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**From:** Mendez, Paul, Mr., OSD P&R/FVAP [mendezp@fvap.ncr.gov]  
**Sent:** Wednesday, February 16, 2005 6:53 AM  
**To:** Christine Marasigan  
**Cc:** vote  
**Subject:** RE: absentee ballot witness question  
**Importance:** High

Christine R. Marasigan, Legislative Aide  
Representative Gabrielle LeDoux  
District 36  
State Capitol  
Juneau, Alaska 99801

Dear Ms. Marasigan:

It is up to the State to decide who can witness or notarize and there is no requirement that witnesses be US citizen. However, the witness requirement creates problems for individuals living overseas where this may be difficult, if not impossible, to obtain. For example those U.S. citizens of Alaska that do not live near an American Embassy. Also, some small military installations may have no commissioned officer assigned. We recommend **Alaska remove all witness requirement for all absentee balloting materials. Thirty-six states and territories have eliminated the notary and witness requirement on all election materials.**

**Sample Language**

*If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.*

For information on other state election laws, please see the State-By-State Instructions in Chapter 3 of the 2004-05 Voting Assistance Guide available on the FVAP website at [www.fvap.gov](http://www.fvap.gov).

Fell free to contact me if you need further assistance.

Sincerely,

Paul Mendez  
Program Analyst  
Federal Voting Assistance Program  
703-588-1584