

LEG. FINANCE - BILLS 1979 - 1980 1329

SB 312 cont. , 1329

1           Sec. 15.15.390. CERTIFYING ELECTION EXPENSES. The director [LIEU-  
2    TENANT GOVERNOR] shall prescribe the manner of certifying, auditing, and  
3    paying election expenses, including the cost of giving notice, renting  
4    polling places, paying judges, clerks, and counters, securing a ballot  
5    box, postage, and stationery, and obtaining similar election neces-  
6    sities.

7    \* Sec. 62. AS 15.15.400 is amended to read:

8           Sec. 15.15.400. PREPARATION OF VOTER LIST. The director [LIEU-  
9    TENANT GOVERNOR] shall prepare both a statewide list and a list by  
10   precinct of the names and addresses of all persons who voted in the  
11   election and their political party affiliation [IF THE PARTY AFFILIATION  
12   WAS SPECIFICALLY DECLARED BY THE VOTER]. Any person may obtain a copy  
13   of the list, or a part of the list, or a computer tape containing both  
14   residence and mailing addresses of voters, by applying to the director  
15   [LIEUTENANT GOVERNOR] and paying to the state treasury a fee as deter-  
16   mined by the director [LIEUTENANT GOVERNOR].

17   \* Sec. 63. AS 15.15.410 is amended to read:

18           Sec. 15.15.410. PLURAL VOTING. Upon a determination that a person  
19   has cast more than one general ballot, the director [LIEUTENANT GOVER-  
20   NOR] shall notify the attorney general to proceed to prosecute.

21   \* Sec. 64. AS 15.15.420 is amended to read:

22           Sec. 15.15.420. DUTY TO CANVASS VOTE. The director [LIEUTENANT  
23   GOVERNOR] shall canvass the vote with the assistance of and in the  
24   presence of the appointed representatives from the political parties.

25   \* Sec. 65. AS 15.15.430 is amended to read:

26           Sec. 15.15.430. SCOPE OF CANVASS. (a) The canvass by the  
27   director [LIEUTENANT GOVERNOR] shall include only

28           (1) a review and comparison of the tallies of hand-mark  
29    [PAPER] ballots in the election poll books with the precinct election

1 certificates to correct any mathematical error in the count of hand-mark  
2 [PAPER] ballots.

3 (2) a review of the tallies of write-in ballots and a review  
4 [COMPARISON] of election certificates as provided by law from precincts  
5 using punch-card ballots [VOTING MACHINES].

6 (3) the canvass of absentee and questioned ballots as pre-  
7 scribed by law.

8 (b) If the director [LIEUTENANT GOVERNOR] finds an unexplained  
9 error in the tally of hand-mark [PAPER] ballots in any precinct election  
10 poll book, he may recount the ballots from the precinct according to the  
11 rules set out in AS 15.15.300(2). If the director [LIEUTENANT GOVERNOR]  
12 finds the precinct counters have not entered tallies in the precinct  
13 tally books but have certified a candidate as having received a fixed  
14 number of votes, the director [LIEUTENANT GOVERNOR] may recount the  
15 ballots from that precinct according to the rules set out in AS 15.15.-  
16 300(a). The director [LIEUTENANT GOVERNOR] shall certify in writing to  
17 the state canvass board any changes resulting from the count.

18 \* Sec. 60. AS 15.15.440 is amended to read:

19 Sec. 15.15.440. DATES FOR OPENING AND CLOSING STATE CANVASS. The  
20 state canvass shall be in eight days after the election and be continued  
21 daily until completed. The director [LIEUTENANT GOVERNOR] may designate  
22 the hours each [1] day during which the state canvass board is to con-  
23 duct its canvass. The director [LIEUTENANT GOVERNOR] shall close the  
24 canvass when he is satisfied that no missing precinct certificate of  
25 election would, if received, change the result of the election. If no  
26 election certificate has been received from a precinct, the director  
27 [LIEUTENANT GOVERNOR] may secure from the election supervisors and may  
28 count a certified copy of the duplicate election certificate of the  
29 precinct. If no election poll books have been received, but an autho-

1 rized election certificate has been received by telegram or radio, the  
2 director [LIEUTENANT GOVERNOR] shall count the election certificate so  
3 received. If the director [LIEUTENANT GOVERNOR] has reason to believe  
4 that a missing precinct certificate, if received, would affect the  
5 result of the election, the director [LIEUTENANT GOVERNOR] shall await  
6 the receipt of the certificate until four o'clock in the afternoon of  
7 the 15th day after the date of election. A certificate not actually  
8 delivered to the director [LIEUTENANT GOVERNOR] by four o'clock on the  
9 15th day after the election shall not be counted at the canvass.

10 \* Sec. 67. AS 15.15.450 is amended to read:

11       Sec. 15.15.450. CERTIFICATION OF STATE CANVASS. Upon completion  
12 of the canvass, the director [LIEUTENANT GOVERNOR] shall certify the  
13 person receiving the largest number of votes for the office for which he  
14 was a candidate as elected to that office and shall certify the approval  
15 of a justice or judge not rejected by a majority of the voters voting on  
16 the question. The director [LIEUTENANT GOVERNOR] shall issue to the  
17 elected candidates and approved justices and judges, a certificate of  
18 their election or approval. The director [LIEUTENANT GOVERNOR] shall  
19 also certify the results of a proposition and other question except that  
20 the lieutenant governor shall certify the results of an initiative,  
21 referendum or constitutional amendment.

22 \* Sec. 68. AS 15.15.460 is amended to read:

23       Sec. 15.15.460. TIE VOTES. If two or more candidates tie in  
24 having the highest number of votes for the same office for which there  
25 is to be elected only one candidate, the director [LIEUTENANT GOVERNOR]  
26 shall so notify the candidates who are tied. The director [LIEUTENANT  
27 GOVERNOR] shall immediately proceed with the recount of votes in the  
28 manner provided by AS 15.20.430 - 15.20.530.

29 \* Sec. 69. AS 15.15.470 is amended to read:

1           Sec. 15.15.470. PRESERVATION OF ELECTION BALLOTS, PAPERS, AND  
2 MATERIALS. The director [LIEUTENANT GOVERNOR] shall preserve all pre-  
3 cinct election certificates, tallies, and registers for four years after  
4 the election. All ballots and stubs may be destroyed 30 days after the  
5 certification of state canvass unless an application for recount has  
6 been filed and not completed, or unless their destruction is stayed by  
7 an order of the court. The director [LIEUTENANT GOVERNOR] may permit  
8 the inspection of election materials upon call by Congress, the state  
9 legislature, or a court of competent jurisdiction.

10 \* Sec. 70. AS 15.15 is amended by adding a new section to read:

11           Sec. 15.15.480. SECURITY OF BALLOTS. All official ballots in the  
12 possession of election officials, whether marked or unmarked, shall be  
13 kept in a secure manner until destroyed in accordance with law. The  
14 director shall adopt regulations which provide for the security of  
15 ballots during transportation and storage.

16 \* Sec. 71. AS 15.20.010 is amended to read:

17           Sec. 15.20.010. PERSONS WHO MAY VOTE ABSENT. At any election a  
18 [A] qualified voter may vote an absentee ballot [AT ANY ELECTION] for  
19 the district in which he resides and is registered.

20           (1) If he believes that he will be unavoidably absent from  
21 his voting precinct on election day, whether inside the state or not, or

22           (2) if he will be unable to be present at the polls because  
23 of physical disability, 1. OR

24           (3) [IF HE BELIEVES HE WILL BE UNABLE TO BE PRESENT AT THE  
25 POLLS BECAUSE OF THE PHYSICAL INACCESSIBILITY OF THE POLLING PLACE  
26 CAUSING undue travel expense, hardship, or hazard to the voter.]

27 \* Sec. 72. AS 15.26.020 is amended to read:

28           Sec. 15.26.020. PROVISION FOR GENERAL ADMINISTRATIVE SUPERVISION.  
29 The director [LIEUTENANT GOVERNOR] shall provide general administrative

1 supervision over the conduct of absentee voting [AND MAY ISSUE RULES  
2 NECESSARY TO THE ADMINISTRATION OF ABSENTEE VOTING TO ASSURE EFFICIENCY  
3 AND ENCOURAGE VOTER PARTICIPATION]. The director [LIEUTENANT GOVERNOR]  
4 shall issue instructions to absentee voters regarding the procedure for  
5 absentee voting. One set of instructions shall accompany each absentee  
6 ballot.

7 \* Sec. 73. AS 15.20.030 is amended to read:

8 Sec. 15.20.030. PREPARATION OF BALLOTS, ENVELOPES, AND OTHER  
9 MATERIAL. The director [LIEUTENANT GOVERNOR] shall provide hand-mark  
10 [THE PAPER] ballots [PREPARED] for use [AT THE POLLS] as [THE] absentee  
11 ballots in those districts which do not use punch-card ballots. The  
12 director [LIEUTENANT GOVERNOR] shall provide a small blank envelope in  
13 which the voter shall initially place the marked ballot, and shall  
14 provide a larger envelope, with the prescribed voter's certificate on  
15 the back, in which the small blank envelope with ballot enclosed shall  
16 be placed. The director [LIEUTENANT GOVERNOR] shall prescribe the form  
17 of and prepare the voter's certificate, envelopes, and other material  
18 used in absentee voting. The voter's certificate shall include an oath,  
19 for use when required, that the voter is a qualified voter in all  
20 respects, a blank for the voter's signature, a certification that the  
21 affiant properly executed the marking of the ballot and identified  
22 himself, blanks for the attesting official [WITNESSES], and a place for  
23 recording the date [AND TIME] the envelope was sealed and witnessed  
24 [DELIVERED].

25 \* Sec. 74. AS 15.20.040 is amended to read:

26 Sec. 15.20.040. DISTRIBUTION OF BALLOTS, ENVELOPES, AND OTHER  
27 MATERIAL. The director [LIEUTENANT GOVERNOR] shall distribute the  
28 absentee ballots, envelopes, and other absentee voting material to the  
29 election supervisors for redistribution to absentee voting [THE PROPER

1 ELECTION] officials and absentee ballot stations before the date upon  
2 which a person may first apply for an absentee ballot in person.

3 \* Sec. 75. AS 15.20.045 is amended to read:

4 Sec. 15.20.045. DESIGNATION OF MAGISTRATES AND OTHERS AS ELECTION  
5 OFFICIALS. (a) The director [LIEUTENANT GOVERNOR] or election super-  
6 visor may designate persons to act as absentee voting [ELECTION] offi-  
7 cials under AS 15.20.010 - 15.20.220 in areas where election supervisors  
8 do not have offices. Magistrates may, with the approval of the admini-  
9 strative director of the Alaska Court System, be designated under this  
10 section. At least 15 days before the election the director shall supply  
11 each absentee voting official with appropriate ballots.

12 (b) The director may designate by regulation adopted under the  
13 Administrative Procedure Act (AS 44.62) locations at which absentee  
14 voting stations will be operated on election day and on other dates and  
15 at times to be designated by the director. The director shall supply  
16 absentee voting stations with ballots for all election districts in the  
17 state and shall designate absentee voting officials to serve at absentee  
18 voting stations.

19 \* Sec. 76. AS 15.20 is amended by adding a new section to read:

20 Sec. 15.20.048. ABSENTEE VOTING IN OFFICES OF ELECTION SUPER-  
21 VISORS. At least 15 days before an election the director shall supply  
22 each election supervisor with ballots for all districts in the state to  
23 be used for absentee voting in that election. Absentee voting shall be  
24 conducted by election supervisors during regular office hours on the  
25 dates specified in AS 15.20.061 and in the offices of the election  
26 supervisors from 8:00 a.m. through 4:30 p.m. on the last two Saturdays  
27 before the election.

28 \* Sec. 77. AS 15.20.050 is amended to read:

29 Sec. 15.20.050. REQUIREMENT OF FULL PUBLIC NOTICE. The director

1 (LIEUTENANT GOVERNOR) shall give full public notice of the dates and  
2 manner of voting absentee and may select any means of communication  
3 permitted to be used in giving notice of the date and time of the gener-  
4 al election.

5 \* Sec. 78. AS 15.20 is amended by adding a new section to read:

6 Sec. 15.20.061. ABSENTEE VOTING IN PERSON. (a) A qualified voter  
7 may apply in person for an absentee ballot to the following election  
8 officials at the times specified:

9 (1) to an absentee voting official in the election district  
10 in which the voter resides on or after the 15th day before an election  
11 up to and including the day before the date of the election;

12 (2) to an election supervisor on or after the 15th day before  
13 an election up to and including the date of the election;

14 (3) to an absentee voting official at an absentee voting  
15 station designated under AS 15.20.045(b) at any time when the absentee  
16 voting station is operating.

17 (b) On receipt of an application in person for an absentee ballot  
18 and exhibition of proof of identification as required in AS 15.15.229,  
19 the absentee voting official or election supervisor shall issue the  
20 ballot to the applicant.

21 (c) On receipt of an absentee ballot in person, the voter shall  
22 proceed to mark the ballot in secret, to place the ballot in the small  
23 blank envelope, to place the small blank envelope in the larger envelope  
24 and to sign the voter's certificate on the back of the larger envelope  
25 in the presence of the absentee voting official who shall sign as  
26 attesting official and date his signature. The absentee voting official  
27 shall then accept the ballot.

28 (d) The absentee voting official may not accept a marked ballot  
29 that has been exhibited by an absentee voter with intent to influence

1 other voters. If the absentee voter improperly marks or otherwise  
2 damages a ballot, the voter may request and the absentee voting official  
3 shall provide him with another ballot up to a maximum of three. Im-  
4 properly marked or damaged ballots shall be destroyed. The numbers of  
5 all ballots destroyed shall be noted on the registration lists.

6 (c) Each absentee voting official shall keep a register containing  
7 the names and signatures of voters who cast absentee ballots before him  
8 and the dates on which the ballots were cast.

9 \* Sec. 79. AS 15.20 is amended by adding new sections to read:

10 Sec. 15.20.071. ABSENTEE VOTING BY PERSONAL REPRESENTATIVE. (a) A  
11 qualified voter who is physically disabled may apply for an absentee  
12 ballot through a personal representative to the following election  
13 officials at the times specified:

14 (1) to an absentee voting official in the election district  
15 in which the voter resides on or after the 15th day before an election  
16 up to and including the day before the date of the election;

17 (2) to an election supervisor on or after the 15th day before  
18 an election up to and including the date of the election;

19 (3) to an absentee voting official at an absentee voting  
20 station designated under AS 15.29.045(b) at a time when the absentee  
21 voting station is operating;

22 (4) to the election board chairman or his designee on elec-  
23 tion day in the precinct in which the voter is entitled to vote except  
24 that the voter may not apply to the election board chairman in an area  
25 in which absentee voting officials have been designated.

26 (b) Upon receipt of a written application by personal representa-  
27 tive, the election official authorized to issue the absentee ballot  
28 shall provide the ballot and other absentee voting material to the  
29 personal representative if the written application is signed by the

1 applicant and is accompanied by a letter from a licensed physician or a  
2 statement signed by two qualified voters stating that the applicant will  
3 be unable to go to the polling place because of physical disability.

4 (c) The personal representative shall deliver the absentee ballot  
5 to the voter as soon as practicable. Upon receipt of an absentee ballot  
6 through a personal representative, the voter shall proceed to mark the  
7 ballot in secret, to place the ballot in the small blank envelope, to  
8 place the small blank envelope in the larger envelope, and to sign the  
9 voter's certificate on the back of the envelope in the presence of the  
10 personal representative who shall sign as attesting witness and date his  
11 signature. The voter shall then return the ballot to his personal  
12 representative who shall deliver the ballot to the election official who  
13 provided the ballot. The ballot must be returned to the election offi-  
14 cial on the same day it is obtained.

15 (d) Each absentee voting official shall keep a register containing  
16 the name and signature of each personal representative requesting an  
17 absentee ballot and the name of the person on whose behalf the ballot is  
18 requested. The official shall record the date and time the ballot is  
19 provided and the time the ballot is returned.

20 (e) A candidate for office at that election may not act as a  
21 personal representative.

22 Sec. 15.20.091. ABSENTEE VOTING BY MAIL. (a) A qualified voter  
23 may apply by mail to the director for an absentee ballot. The applica-  
24 tion shall include the address to which the absentee ballot is to be  
25 returned, the applicant's full Alaska residence address, and the appli-  
26 cant's signature. Persons residing outside the United States and ap-  
27 plying to vote absentee in federal elections in accordance with AS 15.-  
28 05.011 need not include an Alaska residence address in the application.

29 (b) An application for an absentee ballot by mail must be post-

1 marked not more than six months nor less than seven days before the  
2 election for which the absentee ballot is sought.

3 (c) After receipt of an application by mail, the director shall  
4 send the absentee ballot and other absentee voting material to the  
5 applicant by the most expeditious mail service. The materials shall be  
6 sent as soon as they are ready for distribution. The return envelope  
7 sent with the materials shall be addressed to the election supervisor in  
8 the district in which the voter is a resident.

9 (d) Upon receipt of an absentee ballot by mail, the voter, in the  
10 presence of an election judge, notary public, commissioned officer of  
11 the armed forces including the National Guard, district judge or magis-  
12 trate, United States postal official, or other person qualified to  
13 administer oaths, may proceed to mark the ballot in secret, to place the  
14 ballot in the small blank envelope, to place the small blank envelope in  
15 the larger envelope, and to sign the voter's certificate on the back of  
16 the larger envelope in the presence of an official listed in this sub-  
17 section who shall sign as attesting official and shall date his signa-  
18 ture. In remote areas where none of the officials are reasonably ac-  
19 cessible, an absentee voter shall have the ballot witnessed by two  
20 persons over the age of 18 years and, in addition, shall provide the  
21 certification prescribed in AS 09.65.012.

22 (e) An absentee ballot must be marked and attested on or before  
23 the date of the election. The voter shall return the marked ballot by  
24 the most expeditious mail service, mailed not later than the day of the  
25 election, to the election supervisor in his election district. If the  
26 ballot is postmarked, it must be postmarked on or before election day.

27 (f) The director may require a voter casting an absentee ballot by  
28 mail to provide proof of identification or other information to aid in  
29 the establishment of his identity as prescribed by regulations adopted

1 under the Administrative Procedure Act (AS 44.62).

2 (g) The director shall maintain a register containing the name of  
3 each voter to whom an absentee ballot is sent by mail. The register  
4 must list the date on which the ballot is mailed and the date on which  
5 the ballot is received by the election supervisor and the dates on which  
6 the ballot was executed and postmarked.

7 \* Sec. 50. AS 15.20.170 is amended to read:

8 Sec. 15.20.170. DISPOSITION OF BALLOTS. Each absentee voting  
9 [ELECTION] official [WHO HAS BEEN DESIGNATED BY AN ELECTION SUPERVISOR  
10 OR THE LIEUTENANT GOVERNOR TO ISSUE ABSENTEE BALLOTS] shall transmit  
11 marked ballots [STAMP ON THE ENVELOPE CONTAINING THE OATH THE DATE ON  
12 WHICH THE BALLOT IS RECEIVED IN HIS OFFICE. ALL BALLOTS RECEIVED SHALL  
13 BE IMMEDIATELY TRANSMITTED] by the most expeditious mail service to the  
14 election supervisor for his district. Upon receipt of the absentee  
15 ballots the election supervisor shall stamp on the envelope the date  
16 on which the ballot is received.

17 \* Sec. 31. AS 15.20.190 is amended to read:

18 Sec. 15.20.190. APPOINTMENT, DUTIES, AND COMPENSATION OF DISTRICT  
19 CANVASSING AND COUNTING BOARDS [BOARD]. (a) Thirty days prior to the  
20 date of an election, the election supervisors shall appoint, in the same  
21 manner provided for the appointment of election judges prescribed in  
22 AS 15.10.150, district absentee ballot canvassing boards and district  
23 questioned ballot canvassing boards, each composed of four members, two  
24 from each [MAJOR] political party. The district boards [BOARD] shall  
25 assist the election supervisors in counting and canvassing the absentee  
26 and questioned ballots and shall receive [THE SAME] compensation as pre-  
27 vided in AS 15.15.330 [PAID ELECTION JUDGES].

28 (b) The election supervisor shall appoint a counting team or  
29 teams to aid the district canvassing board in counting absentee and

1 questioned ballots. There shall be four counters on each counting  
2 team, no more than two of whom may be members of the same political  
3 party.

4 \* Sec. 52. AS 15.20 is amended by adding new sections to read:

5 Sec. 15.20.201. TIME OF DISTRICT ABSENTEE BALLOT CANVASS. (a) On  
6 the seventh day preceding the day of election, the election supervisor,  
7 in the presence and with the assistance of the district absentee ballot  
8 canvassing board, shall canvass all voter certificates of absentee  
9 ballots received by that date. The canvass of absentee ballots shall  
10 continue at times designated by the election supervisor until completed  
11 and shall include all absentee ballots received in the office of the  
12 election supervisor by 4.00 p.m. on the seventh day following the day of  
13 the election.

14 (b) Counting of absentee ballots which have been canvassed shall  
15 begin at 8:00 p.m. local time on the day of the election at places  
16 designated by each election supervisor and shall continue until all  
17 ballots canvassed and eligible for counting have been counted. The  
18 counting teams shall report the count of absentee ballots to the dis-  
19 trict absentee ballot canvassing board.

20 (c) On the eighth day following the day of the election, the  
21 district absentee ballot canvassing board shall certify the absentee  
22 ballot canvass.

23 (d) Absentee ballots received in the office of an election super-  
24 visor after the seventh day following the day of the election shall be  
25 forwarded immediately to the director by the most expeditious mail  
26 service.

27 Sec. 15.20.203. PROCEDURE FOR DISTRICT ABSENTEE BALLOT CANVASS.  
28 (a) The district absentee ballot canvassing board shall examine each  
29 absentee ballot envelope and shall determine whether the absentee voter

1 is qualified to vote at the election and whether the ballot has been  
2 properly cast.

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

4 (1) the voter is not registered in the district for which the  
5 ballot is cast;

6 (2) the voter has failed to properly execute the certificate;

7 (3) the official authorized by law to attest the voter's  
8 certificate fails to affix his signature;

9 (4) the voter fails to enclose the marked ballot inside the  
10 small blank envelope;

11 (5) the ballot is not attested on or before the date of the  
12 election; or

13 (6) the ballot, if postmarked, is not postmarked on or before  
14 the date of the election.

15 (c) Any person present at the district absentee ballot canvass may  
16 challenge the name of an absentee voter when read from the voter's  
17 certificate on the back of the large envelope if he has good reason to  
18 suspect that the challenged voter is not qualified to vote, is disquali-  
19 fied, or has voted at the same election. The person making the chal-  
20 lenge shall specify the basis of the challenge in writing. The district  
21 absentee ballot canvassing board by majority vote may refuse to accept  
22 and count the absentee ballot of a person properly challenged on grounds  
23 listed in (b) of this section.

24 (d) If an absentee ballot is rejected, the election supervisor  
25 shall send a copy of the statement of the challenge to the absentee  
26 voter. The election supervisor shall place all rejected absentee ballots  
27 in a separate envelope with the statements of challenge. The envelope  
28 shall be labeled "rejected absentee ballots" and shall be forwarded to  
29 the director with the election certificates and other returns.

1 (e) If an absentee ballot is not rejected, the large envelope  
2 shall be opened and the small blank envelope containing the ballot shall  
3 be placed in a container and mixed with other small blank envelopes.

4 (f) The small blank envelopes shall be drawn from the container,  
5 opened, and the ballots counted at the times specified in AS 15.20.201  
6 and according to the rules for determining properly marked ballots in  
7 AS 15.15.360(a).

8 (g) Upon completion of the absentee ballot canvass, the election  
9 supervisor shall prepare an election certificate for execution by the  
10 district absentee ballot canvassing board, and shall forward the original  
11 certificate and other returns to the director on the eighth day  
12 following the election.

13 Sec. 15.20.205. TIME OF DISTRICT QUESTIONED BALLOT CANVASS. (a)  
14 On the second day following the day of the election, the election super-  
15 visor, in the presence and with the assistance of the district ques-  
16 tioned ballot canvassing board, shall canvass all voter certificates of  
17 questioned ballots received by that date. The canvass of questioned  
18 ballots shall continue at times designated by the election supervisor  
19 until completed.

20 (b) Counting of questioned ballots which have been canvassed shall  
21 begin on the third day following the day of the election and shall  
22 continue at times designated by the election supervisor until all bal-  
23 lets canvassed and eligible for counting have been counted. The count-  
24 ing teams shall report the count to the district questioned ballot  
25 canvassing board.

26 (c) The district questioned ballot canvassing board shall certify  
27 the questioned ballot canvass as soon as the count is completed but no  
28 later than the eighth day following the election.

29 (d) Questioned ballots received after certification of the count

1 shall be forwarded immediately to the director by the most expeditious  
2 mail service.

3 Sec. 15.20.207. PROCEDURE FOR DISTRICT QUESTIONED BALLOT CANVASS.

4 (a) The district questioned ballot canvassing board shall examine each  
5 questioned ballot envelope and shall determine whether the questioned  
6 voter is qualified to vote at the election and whether the ballot has  
7 been properly cast.

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

9 (1) the voter is not registered in the district in which the  
10 ballot is cast;

11 (2) the voter has failed to properly execute the certificate;

12 (3) the official authorized by law to access the voter's  
13 certificate did not affix his signature; or

14 (4) the voter did not enclose the marked ballot inside the  
15 small blank envelope.

16 (c) Any person present at the district questioned ballot canvass  
17 may challenge the vote of a questioned voter when read from the voter's  
18 certificate on the back of the large envelope if he has good reason to  
19 suspect that the questioned voter is not qualified to vote, is dis-  
20 qualified, or has voted at the same election. The person making the  
21 challenge shall specify the basis of the challenge in writing. The  
22 district questioned ballot canvassing board by majority vote may refuse  
23 to accept and count the questioned ballot of a person properly chal-  
24 leged under grounds listed in (b) of this section.

25 (d) If a questioned ballot is rejected, the election supervisor  
26 shall send a copy of the statement of the challenge to the questioned  
27 voter. The election supervisor shall place all rejected questioned  
28 ballots in a separate envelope with statements of challenge. The enve-  
29 lope shall be labeled "rejected questioned ballots" and shall be for-

1 warded to the director with the election certificates and other returns.

2 (e) If a questioned ballot is not rejected, the large envelope  
3 shall be opened and the small blank envelope containing the ballot shall  
4 be placed in a container and mixed with other small blank envelopes  
5 containing questioned ballots.

6 (f) The small blank envelopes shall be drawn from the container,  
7 opened, and the ballots counted at the times specified in AS 15.20.205  
8 and according to the rules for determining properly marked ballots in  
9 AS 15.15.360(a).

10 (g) Upon completion of the questioned ballot canvass, the election  
11 supervisor shall prepare an election certificate for execution by the  
12 district questioned ballot canvassing board, and shall forward the  
13 original certificate and returns to the director as soon as the count is  
14 completed but no later than the eighth day following the election.

15 \* Sec. 23. AS 15.20.220 is amended to read:

16 Sec. 15.20.220. PROCEDURE FOR STATE CANVASS. (a) When the direc-  
17 tor [LIEUTENANT GOVERNOR] and appointed party representatives have  
18 completed the canvass of [PAPER] ballots cast at the voting precincts  
19 [AND THE CANVASS OF VOTING MACHINE BALLOTS], they shall proceed to  
20 canvass the absentee and questioned ballot votes certified [COUNTED] by  
21 the district canvassing boards [BOARD]. The canvass of the absentee  
22 and questioned ballot vote certified [COUNTED] by the district can-  
23 vassing board shall be accomplished by reviewing the tallies of the  
24 recorded vote to check for mathematical error and by comparing the  
25 totals with the election certificate of results.

26 (b) The state canvass board shall canvass and count absentee and  
27 questioned ballots not canvassed or counted by the district canvassing  
28 boards and which have been forwarded to the director. Absentee and  
29 questioned ballots not received in the office of the director by

1 4:00 p.m. on the 15th day following the election may not be counted in  
2 the canvass.

3 \* Sec. 34. AS 15.20.430 is amended to read:

4       Sec. 15.20.430. AUTHORIZATION OF RECOUNT APPLICATION. (a) A  
5 defeated candidate or 10 qualified voters who believe there has been a  
6 mistake made by an election official or by the canvassing board in  
7 counting the votes in an election, may file an application within five  
8 days after the completion of the state canvass to the director [LIEU-  
9 TENANT GOVERNOR] for a recount of the votes from any particular precinct  
10 or any election district and for any particular office, proposition, or  
11 question. However, the application may be filed only within three days  
12 after the completion of the state canvass after the general election for  
13 a recount of votes cast for the office of governor and lieutenant gover-  
14 nor. If there is a tie vote as provided in AS 15.15.450, the director  
15 [LIEUTENANT GOVERNOR] shall initiate the recount and give notice to the  
16 interested parties as provided in AS 15.20.470.

17       (b) The date on which the director [LIEUTENANT GOVERNOR] receives  
18 an application rather than the date of mailing or transmission deter-  
19 mines whether the application is filed within the time allowed under (a)  
20 of this section. If the actual physical delivery by telegram of a copy  
21 in substance of the statements made in the application for recount is  
22 received in the office of the director [LIEUTENANT GOVERNOR] at or  
23 before 5:00 p.m. Alaska Standard time, on the due date the application  
24 will be accepted; providing the original signed application is post-  
25 marked at or before 5:00 p.m. Alaska Standard time of the same day.

26 \* Sec. 35. AS 15.20.440(b) is amended to read:

27       (b) Candidates, political parties, or organized groups having a  
28 direct interest in a recount and who are seeking to protect their in-  
29 terests during a recount may provide, at their own expense, NOT MORE

1           THAN] two or more observers to witness the recount.

2 \* Sec. 85. AS 15.20.450 is amended to read:

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

25 \* Sec. 87. AS 15.20.460 is amended to read:

26           Sec. 15.20.460. DETERMINATION OF DATE OF RECOUNT. If the director  
27 [LIEUTENANT GOVERNOR] determines that the application is substantially  
28 in the required form, he shall fix the date of the recount to be held  
29 within three days after the receipt of an application requesting a

1 recount of the general election votes cast for the office of governor  
2 and lieutenant governor and within five days after the receipt of an  
3 application requesting a recount for any other office, question, or  
4 proposition.

5 \* Sec. 88. AS 15.20.470 is amended to read:

6       Sec. 15.20.470. REQUIREMENT OF NOTICE. The director [LIEUTENANT  
7 GOVERNOR] shall give the candidate or designated chairman signing the  
8 application, the two persons appointed to represent the applicant during  
9 the recount, and other directly interested parties, notice of the time  
10 and place of the recount by certified mail, by telegraph, or by tele-  
11 phone.

12 \* Sec. 89. AS 15.20.480 is amended to read:

13       Sec. 15.20.480. PROCEDURE FOR RECOUNT. In conducting the recount,  
14 the director [LIEUTENANT GOVERNOR], or his appointed representative,  
15 shall review all [PAPER, ABSENTEE, AND MACHINE] ballots whether [OR NOT]  
16 the ballots were counted at the precinct or by computer or by the dis-  
17 trict absentee or questioned ballot canvassing board to determine which  
18 ballots, or parts of ballots, were properly marked and which ballots are  
19 to be counted in the recount, and shall [MAY] check the accuracy of the  
20 original count, the precinct certificate and the canvass. The director  
21 shall check the number of ballots and questioned ballots cast in a pre-  
22 inct against the registers and shall check absentee ballots voted  
23 against absentee ballots distributed. For administrative purposes, the  
24 director [LIEUTENANT GOVERNOR] may join and include two or more applica-  
25 tions in a single review and count of votes. The rules in AS 15.15.-  
26 360(a) [RULE] governing the counting of hand-mark [MARKED] ballots  
27 and the rules in AS 15.20.730 governing the counting of punch-card bal-  
28 lots [BY THE ELECTION BOARD] shall be followed in the recount. The  
29 ballots and other election material shall remain in the custody of the

1 director [LIEUTENANT GOVERNOR] during the recount and the highest degree  
2 of care shall be exercised to protect the ballots against alteration or  
3 mutilation. The recount shall be completed within 10 [FIVE] days. The  
4 director [LIEUTENANT GOVERNOR] may employ additional personnel necessary  
5 to assist in the recount.

6 \* Sec. 90. AS 15.20.490 is amended to read:

7 Sec. 15.20.490. CERTIFICATION OF RESULTS. If it is determined by  
8 recount that the plurality of votes was cast for a candidate, the direc-  
9 tor [LIEUTENANT GOVERNOR] shall issue a certificate of election or  
10 nomination to the elected or nominated candidate as determined by the  
11 recount. If it is determined by the recount that a proposition or  
12 question should be certified as having received the required vote, the  
13 director [LIEUTENANT GOVERNOR] shall so certify except that the lieu-  
14 tenant governor shall so certify if the proposition or question involves  
15 an initiative, referendum or constitutional amendment.

16 \* Sec. 91. AS 15.20.510 is amended to read:

17 Sec. 15.20.510. PROVISION FOR APPEAL TO COURTS. A candidate or  
18 any person who requested a recount who has reason to believe an error  
19 has been made in the recount (1) involving any question or proposition  
20 or the validity of any ballot may appeal to the superior court in ac-  
21 cordance with applicable court rules governing appeals in civil matters,  
22 and (2) involving candidates for the legislature or Congress or the  
23 office of governor and lieutenant governor may appeal to the supreme  
24 court in accordance with rules as may be promulgated by the court.  
25 Appeal shall be filed within five days of the completion of the recount.  
26 Upon order of the court, the director [LIEUTENANT GOVERNOR] shall fur-  
27 nish the record of the recount taken including all ballots, registers,  
28 and other election material and papers pertaining to the election con-  
29 tent. The appeal shall be heard by the court sitting without a jury.

1 The inquiry in the appeal shall extend to the questions whether or not  
2 the director [LIEUTENANT GOVERNOR] has properly determined what ballots,  
3 parts of ballots, or marks for candidates on ballots are valid, and to  
4 which candidate or division on the question or proposition the vote  
5 should be attributed. The court shall enter judgment either setting  
6 aside, modifying, or affirming the action of the director [LIEUTENANT  
7 GOVERNOR] on recount.

8 \* Sec. 92. AS 15.20.520 is amended to read:

9 Sec. 15.20.520. PROVISION FOR APPEAL TO LEGISLATURE OR CONGRESS.

10 A candidate or persons who requested a recount, who have reason to  
11 believe an error has been made in the recount involving a candidate for  
12 the general election for the state legislature or Congress, may appeal  
13 to the chamber in which the candidate seeks membership in accordance  
14 with applicable rules of the legislature or Congress. Upon request of  
15 the legislature or Congress, the director [LIEUTENANT GOVERNOR] shall  
16 furnish the record of the recount taken including all ballots, regis-  
17 ters, and other election material and papers pertaining to the election  
18 contest.

19 \* Sec. 93. AS 15.20.530 is amended to read:

20 Sec. 15.20.530. DETERMINATION OF TIE VOTES. If after a recount  
21 and appeal two or more candidates tie in having the highest number of  
22 votes for the same office, the director [LIEUTENANT GOVERNOR] shall  
23 notify the candidates who are tied. The director [LIEUTENANT GOVERNOR]  
24 shall notify the candidates of a reasonably suitable time and place to  
25 determine the successful candidate by lot. After the determination has  
26 been made by lot, the director [LIEUTENANT GOVERNOR] shall so certify.

27 \* Sec. 94. AS 15.20.560 is amended to read:

28 Sec. 15.20.560. JUDGMENT OF COURT. The judge shall pronounce  
29 judgment on which candidate was elected or nominated and whether the

1 question or proposition was accepted or rejected. The director [LIEU-  
2 TENANT GOVERNOR] shall issue a new election certificate to correctly  
3 reflect the judgment of the court. If the court decides that the elec-  
4 tion resulted in a tie vote, the director [LIEUTENANT GOVERNOR] shall  
5 immediately proceed to determine the election by lot as is provided by  
6 law. If the court decides that no candidate was duly elected or nomi-  
7 nated, the judgment shall be that the contested election be set aside.  
8 The provisions of this section and AS 15.20.540 and 15.20.550 are not  
9 intended to limit or interfere with the power of the legislature to  
10 judge the election and qualifications of its members.

11 \* Sec. 95. AS 15.20.590(a) is amended to read:

12 (a) For every area of the state designated by him for punch-card  
13 voting, the director [LIEUTENANT GOVERNOR] shall appoint a Data Proces-  
14 sing Review Board which is responsible to him for the evaluation of all  
15 computer phases of the election. The board shall consist of at least  
16 three members. At least one member shall be a member of the political  
17 party whose candidate for governor received the largest number of state-  
18 wide votes at the preceding general election, one shall be a member of  
19 the party whose candidate received the second largest number of votes,  
20 and one shall be registered to vote either as an "independent" or "non-  
21 partisan" or shall have decline state his party affiliation when  
22 registering to vote. At least one of the members must be familiar with  
23 the election process, and at least two must have some expertise in  
24 computer programming and processing. The election supervisor shall name  
25 one of the members who has sufficient familiarity with computer pro-  
26 gramming and operations as presiding officer of the board.

27 \* Sec. 96. AS 15.20.600 is amended to read:

28 Sec. 15.20.600. PARTY REPRESENTATION. In AS 15.20.590 - 15.20.-  
29 730, wherever there is a provision for a person to represent a political

1 party, he shall be chosen by the appointing official subject to the  
2 approval of the district committee of that party. If the party district  
3 committee fails to respond, the appointing official shall seek approval  
4 from the state chairman of the party. If the committee or state chair-  
5 man makes a reasonable objection, another person shall be appointed.

6 \* Sec. 97. AS 15.20 is amended by adding a new section to read:

7 Sec. 15.20.609. USE OF COMPUTERS. The director shall designate the  
8 computers to be used in the counting of ballots. The director may  
9 designate more than one computer for use in a computer counting center  
10 in addition to alternate computers specified under AS 15.20.610.

11 \* Sec. 98. AS 15.20.610 is amended to read:

12 Sec. 15.20.610. ALTERNATE SITE. For each computer counting cen-  
13 ter, the director [LIEUTENANT GOVERNOR] shall designate an alternate  
14 site, if available, to be used in the event of equipment failure at the  
15 main location. If the computer fails and no alternate site is avail-  
16 able, the election supervisor shall designate emergency counting teams  
17 to handcount punch-card ballots in the manner prescribed by AS 15.20.730  
18 [FOR PAPER BALLOTS].

19 \* Sec. 99. AS 15.20.620(b)(4) is amended to read:

20 (4) approximately one hour before the processing of the  
21 questioned [ABSENTEE AND CHALLENGED] ballots; and

22 \* Sec. 100. AS 15.20.620(b)(5) is amended to read:

23 (5) immediately after the final vote tabulation of questioned  
24 [ABSENTEE AND CHALLENGED] ballots is complete.

25 \* Sec. 101. AS 15.20.620(c) is amended to read:

26 (c) As a security precaution, after the computer has been tested  
27 as prescribed in (b)(2) and (4) of this section,

28 (1) the vote-counting task shall remain isolated from non-  
29 related processing tasks;

1  
2           (2) processing not concerned with vote counting shall be  
3 limited to tasks which are critical to the computer center and shall be  
4 agreed upon in advance by the manager of the computer center and the  
5 director;

6           (3) reasonable computer security controls shall be in effect  
7 to assure the integrity of the vote-counting process; and

8           (4) access to the computer counting area shall be controlled  
9 by the Data Processing Review Board until the vote-counting process is  
10 terminated [THE COMPUTER SYSTEM SHALL REMAIN IDLE AND THE AREA SECURED  
11 UNTIL TABULATION OF PUNCH-CARD BALLOTS BEGINS].

12 \* Sec. 102. AS 15.20.020 is amended by adding a new subsection to read:

13           (f) At any time during the count, party representatives or members  
14 of the Data Processing Review Board may request a listing of the program  
15 source codes which comprise the instructions to be executed by the  
16 computer.

17 \* Sec. 103. AS 15.20.640(b) is amended to read:

18           (b) The ballot cards shall be inspected individually, and any  
19 ballots which are damaged so that they cannot be read by the computer,  
20 or are marked so that the voter can be identified, shall be withdrawn  
21 and set aside for hand counting [PLACED IN THE FACSIMILE BALLOT EN-  
22 VELOPE].

23 \* Sec. 104. AS 15.20.640(c) is amended to read:

24           (c) The ballots containing write-in votes shall be banded together  
25 and placed behind the other undamaged ballot cards which have been  
26 voted. The [FACSIMILE BALLOT ENVELOPE AND THE] envelope containing  
27 questioned [AND CHALLENGED] ballots shall be banded to the computer-  
28 ready ballots, and the bundle placed in a special container and sealed,  
29 with the seal signed by the election board members.

\* Sec. 105. AS 15.20.650 is amended to read:

1           Sec. 15.20.650. DELIVERY OF BALLOTS TO COMPUTER COUNTING CENTER.

2           The delivery of ballots from the precinct polling place to the design-  
3           ated computer counting center shall be made by a delivery team con-  
4           sisting of two members of the election board, one from each of the two  
5           major political parties or by a licensed security officer accompanied by  
6           at least one person designated by the election board. The delivery team  
7           shall accompany the ballots from the precinct polling place to the  
8           receiving board at the computer counting center.

9           \* Sec. 106. AS 15.20.670(4) is amended to read:

10                   (4) give the envelope containing questioned [AND CHALLENGED]  
11           ballots to the election supervisor [DATA PROCESSING REVIEW BOARD].

12           \* Sec. 107. AS 15.20.680 is repealed and re-enacted to read:

13           Sec. 15.20.680. COUNTING OF BALLOTS BY COMPUTER. (a) All vote-  
14           counting processing in the computer room shall be under the supervision  
15           of the presiding officer of the Data Processing Review Board. The  
16           presiding officer shall resolve any problems which arise in the vote  
17           counting by consulting with other members of the board.

18                   (b) The Data Processing Review Board shall initiate the processing  
19           of ballots from each precinct by

20                           (1) comparing the precinct identification on the header card  
21           against that of the envelope to ensure that they are the same;

22                           (2) ensuring that any write-in ballots are separate and placed  
23           at the rear of other ballots; and

24                           (3) giving the ballots to the computer operator.

25                   (c) The computer operator shall process the ballots by

26                           (1) picking up the ballots of one precinct; removing any  
27           ballots which cannot be processed and returning them to the Data Pro-  
28           cessing Review Board for hand counting;

29                           (2) placing the ballots in the computer card reader and acti-

1 vating it;

2 (3) returning the counted ballots with write-in ballots  
3 separated to the Data Processing Review Board.

4 \* Sec. 108. AS 15.20 is amended by adding a new section to read:

5 Sec. 15.20.685. HAND COUNTING OF PUNCH-CARD BALLOTS. (a) The  
6 election supervisor shall appoint a counting team or teams to assist in  
7 the counting of punch-card ballots at the computer counting center on  
8 election night. There shall be four counters on each counting team, no  
9 more than two of whom may be members of the same political party.

10 (b) A counting team or teams shall count all punch-card ballots  
11 which cannot be processed through the computer and all write-in votes on  
12 ballots which have been processed through the computer. Each counting  
13 team shall make a certificate in duplicate of the results of the count.

14 \* Sec. 109. AS 15.20.690 is amended to read:

15 Sec. 15.20.690. ALTERNATE COMPUTER [SITE] COUNTING. (a) A com-  
16 puter service technician shall be on standby duty during the entire vote  
17 counting process. If equipment failure occurs and the Data Processing  
18 Review Board determines that repairs cannot be made within a reasonable  
19 time and an alternate computer is not available at the same site, the  
20 computer room process shall be moved to the alternate site if one is  
21 available. If an alternate computer is available at the same site, the  
22 Data Processing Review Board shall make a test run to ensure that the  
23 alternate computer is functioning properly, and ballot counting shall  
24 be continued beginning with the precinct determined appropriate by the  
25 Data Processing Review Board [IF AN ALTERNATE SITE IS NOT AVAILABLE,  
26 ALL BALLOTS, INCLUDING THOSE PREVIOUSLY COUNTED, SHALL BE COUNTED  
27 MANUALLY IN THE COMPUTER COUNTING CENTER].

28 (b) If an alternate site is available, all ballots including those  
29 previously counted shall be boxed, and a receipt prepared. The ballot

1 programs shall also be sealed. The sealed material shall then be trans-  
2 ported to the alternate location accompanied by a state trooper, the  
3 election supervisor, [THE COMPUTER OPERATOR,] and the Data Processing  
4 Review Board. On arrival at the alternate site, the board shall ini-  
5 tiate a test run to ensure that the computer is functioning properly.  
6 After checking the seals on all containers, the supervisor and presiding  
7 officer shall sign the receipt and open all of the materials. Ballot  
8 counting shall be continued, beginning with the precinct determined  
9 appropriate by the Data Processing Review Board [ALL OF THE BALLOTS  
10 SHALL BE COUNTED AT THE ALTERNATE SITE, INCLUDING THOSE ALREADY COUNTED  
11 AT THE MAIN LOCATION].

12 (c) After processing is completed, the write-in ballots [, THE  
13 FACSIMILE ENVELOPE,] and the envelope containing the [CHALLENGED AND]  
14 questioned ballots shall be given to the election supervisor, and the  
15 remaining ballots shall again be sealed and transported to a designated  
16 place of security. [ALL COMPUTER TAPES RESULTING FROM THE ABORTED  
17 COUNTING OPERATION SHALL BE ERASED AND THE SUMMARY CARDS DESTROYED.]

18 \* Sec. 110. AS 15.20.700 is amended to read:

19 Sec. 15.20.700. DISPOSITION OF BALLOTS. (a) The ballots which  
20 have been counted in the computer room shall be sealed by the Data  
21 Processing Review Board. The sealed ballots shall then be transported  
22 to a designated place of security. The [FACSIMILE ENVELOPES,] ques-  
23 tioned [AND CHALLENGED] ballots shall be sealed and given to the elec-  
24 tion supervisor for tallying. [ANY BALLOTS CONTAINING WRITE-IN VOTES  
25 SHALL BE SEALED AND GIVEN TO THE ELECTION SUPERVISOR FOR TALLYING BY THE  
26 DISTRICT ABSENTEE BALLOT CANVASSING BOARD.]

27 (b) [A REPRESENTATIVE OF THE LIEUTENANT GOVERNOR'S OFFICE AND A  
28 STATE TROOPER SHALL MEET ANY AIRCRAFT CARRYING COMPUTER BALLOTS TO THE  
29 CAPITAL, AND ACCOMPANY THEM TO THE SECURITY AREA THERE.]

1 (c) The ballot image magnetic tape which contains an [A] exact  
2 image of each counted ballot shall be retained in a secure manner by the  
3 election supervisor until the director [LIEUTENANT GOVERNOR] determines  
4 that it is no longer needed.

5 \* Sec. 111. AS 15.20.710 is amended to read:

6 Sec. 15.20.710. REPORT OF PARTIAL RESULTS. The presiding officer  
7 of the Data Processing Review Board may authorize activation of the  
8 print program to provide partial results, if time permits. This print-  
9 out shall be released to the presiding officer of the Data Processing  
10 Review Board who shall file the original with the control board and  
11 provide copies for posting and distribution to news media representa-  
12 tives. In addition, the director may authorize the computerized broad-  
13 cast of results while vote counting is in progress. This broadcast may  
14 be accomplished through on-line terminals and may begin when the vote  
15 counting begins.

16 \* Sec. 112. AS 15.20.720 is amended to read:

17 Sec. 15.20.720. PUBLIC OBSERVATION. The punch-card counting  
18 process shall be available for public viewing by closed circuit tele-  
19 vision, or by direct observation to the extent that the presiding offi-  
20 cer of the Data Processing Review Board determines that election offi-  
21 cial and computer personnel will not be hindered in the performance of  
22 their duties.

23 \* Sec. 113. AS 15.20.730 is amended by adding a new subsection to read:

24 (c) Hand counting of punch card ballots shall be done in accord-  
25 ance with the requirements of this section. The requirements of this  
26 section are mandatory and there are no exceptions to them.

27 \* Sec. 114. AS 15.20 is amended by adding a new section to read:

28 Sec. 15.20.740. QUESTIONED PUNCH-CARD BALLOTS. The procedure for  
29 canvassing and counting questioned punch-card ballots is the same pro-

1 cedure established in AS 15.20.205 and 15.20.207 for hand-mark ballots  
2 except that questioned punch-card ballots may be processed by the com-  
3 puter only on the third and eighth days following the election. The  
4 Data Processing Review Board shall supervise the count and shall follow  
5 the procedure established in AS 15.20.680 and 15.20.685.

6 \* Sec. 115. AS 15.25.030 is amended to read:

7  
8 Sec. 15.25.030. DECLARATION OF CANDIDACY. (a) A member of a  
9 political party who seeks to become a candidate of the party in the  
10 primary election shall execute and file a declaration of candidacy. The  
11 declaration shall be executed under oath before an officer authorized to  
12 take acknowledgments and shall state in substance:

- 13 (1) the full name of the candidate;
- 14 (2) the full mailing address of the candidate;
- 15 (3) if the candidacy is for the office of state senator or  
16 state representative, the election or senate district of which the  
17 candidate is a resident;
- 18 (4) the office for which the candidate seeks nomination;
- 19 (5) the name of the political party of which he is a candi-  
20 date for nomination;
- 21 (6) the full resident address of the candidate;
- 22 (7) the date of the primary election at which the candidate  
23 declares himself to be a candidate;
- 24 (8) that the candidate will meet the specific residency  
25 requirements of the office for which he is a candidate;
- 26 (9) that the candidate will meet the specific citizenship  
27 requirements of the office for which he is a candidate;
- 28 (10) that the candidate is a qualified voter as required by  
29 law;
- (11) that the candidate will meet the specific age require-

1 nents of the office for which he is a candidate;

2 (12) that the candidate requests that his name be placed on  
3 the primary election ballot;

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

5 (14) that he is not a candidate for any other office, ex-  
6 cluding a congressional office, to be voted on at the primary election  
7 and that he has not filed another declaration of candidacy for the  
8 office for which this declaration is filed; [AND]

9 (15) the manner in which he wishes his name to appear on the  
10 ballot; and

11 (16) that the candidate is registered to vote as a member  
12 of the political party whose nomination he seeks.

13 (b) A person filing a declaration of candidacy under this section  
14 shall simultaneously file a statement of income sources and business  
15 interests which complies with the requirements of AS 39.73.

16 \* Sec. 116. AS 15.25.040(c) is amended to read:

17 (c) A candidate for a statewide office or a [SMALL FILE WITH THE  
18 LIEUTENANT GOVERNOR. A] candidate for a district-wide office shall file  
19 either with the director [LIEUTENANT GOVERNOR] or an election super-  
20 visor. If the candidate files his declaration with an election super-  
21 visor, the election supervisor shall immediately forward the declaration  
22 to the director [LIEUTENANT GOVERNOR].

23 \* Sec. 117. AS 15.25.050 is amended to read:

24 Sec. 15.25.050. REQUIREMENT OF FILING FEE. (a) At the time the  
25 declaration is filed, each candidate shall pay a filing fee to the  
26 director [LIEUTENANT GOVERNOR]. The filing fee for candidates for  
27 office of governor, lieutenant governor, United States senator, and  
28 United States representative is \$100. The filing fee for candidates for  
29 office of state senator and state representative is \$30. The director

1 shall pay the filing fee collected from a candidate under this section  
2 to the central committee of the political party of that candidate.

3 (b) An indigent person as defined by regulations adopted under the  
4 Administrative Procedure Act (AS 44.62) may file a statement of in-  
5 digency in the form prescribed by regulation in place of the filing fee  
6 required by this section.

7 \* Sec. 118. AS 15.25.055 is amended to read:

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

12 \* Sec. 119. AS 15.25.056(a) is amended to read:

13 (a) If an incumbent candidate for renomination dies, becomes  
14 disqualified from holding the office he is seeking, or is certified as  
15 being incapacitated between June 1 of the election year and that date  
16 which is 45 [15] days before the date of the primary election, his place  
17 on the ballot may be filled by party petition. The petition shall state  
18 that the political party requests the name of the proposed candidate  
19 replace that of the incumbent on the primary election ballot and shall  
20 be accompanied by a declaration of candidacy from the person named in  
21 the petition. The petition must be received by the director [LIEUTENANT  
22 GOVERNOR] no later than 14 days after the death, disqualification or  
23 certification of incapacity of the incumbent or 40 [10] days before the  
24 primary election date, whichever time is earlier.

25 \* Sec. 120. AS 15.25.056(c) is amended to read:

26 (c) The death, disqualification or certification of incapacity of  
27 the incumbent within 40 [10] days before or on the primary election date  
28 does not affect the canvass of the ballots. If the result of the can-  
29 vass discloses that the candidate, if he had lived, would have been

1 nominated, the candidate shall be declared nominated. The vacancy may  
2 be filled by party petition as provided in AS 15.25.110 - 15.25.130.

3 \* Sec. 121. AS 15.25.060 is amended to read:

4       Sec. 15.25.060. PREPARATION AND DISTRIBUTION OF BALLOTS. The  
5 primary election ballot shall be prepared and distributed by the  
6 director [LIEUTENANT GOVERNOR] in the manner prescribed for general  
7 election ballots except as specifically provided otherwise for the  
8 primary election. The director [LIEUTENANT GOVERNOR] shall place the  
9 names of all candidates who have properly filed in groups according to  
10 offices filed for, without regard to party affiliation. The names for  
11 each office shall be rotated as provided for the general election bal-  
12 lot. No blank spaces shall be provided on the ballot for the writing or  
13 pasting in of names.

14 \* Sec. 122. AS 15.25.050 is amended to read:

15       Sec. 15.25.050. GENERAL PROCEDURE FOR CONDUCT OF PRIMARY ELECTION.  
16 Unless specifically provided otherwise, all provisions regarding the  
17 conduct of the general election shall govern the conduct of the primary  
18 election, including, but not limited to, provisions concerning voter  
19 qualification; provisions regarding the duties, powers, rights, and  
20 obligations of the director [LIEUTENANT GOVERNOR], of other election  
21 officials, and of cities and organized boroughs; provision for notifi-  
22 cation of the election; provisions regarding payment of election ex-  
23 penses; provisions regarding employees being allowed time from work to  
24 vote; provisions for the counting, canvassing, and certification of  
25 returns; provisions for the determination of tie votes and of recount,  
26 contests and appeal; and provisions for absentee voting [AND THE USE OF  
27 VOTING MACHINES].

28 \* Sec. 123. AS 15.25.100 is amended to read:

29       Sec. 15.25.100. PLACEMENT OF NOMINEES ON GENERAL ELECTION BALLOT.

1 The director [LIEUTENANT GOVERNOR] shall place the name of the candidate  
2 receiving the highest number of votes for an office by a political party  
3 on the general election ballot.

4 \* Sec. 124. AS 15.25.110 is amended to read:

5       Sec. 15.25.110. FILLING VACANCIES BY PARTY PETITION. If a candi-  
6 date nominated at the primary election dies, withdraws, resigns, becomes  
7 disqualified from holding office for which he is nominated, or is cer-  
8 tified as being incapacitated in the manner prescribed by this section  
9 after the primary election and 40 [10] days or more before the general  
10 election, the vacancy may be filled by party petition. The central  
11 committee of any political party or any party district committee may  
12 certify as being incapacitated any candidate nominated by their re-  
13 spective party by presenting to the director [LIEUTENANT GOVERNOR] a  
14 sworn statement made by a panel of three licensed physicians, not more  
15 than two of whom shall be of the same political party, that the candi-  
16 date is physically or mentally incapacitated to an extent that would in  
17 his judgment prevent the candidate from active service during the term  
18 of office if elected. The director [LIEUTENANT GOVERNOR] shall place  
19 the name of the person nominated by party petition on the general elec-  
20 tion ballot [OR, IF THE GENERAL ELECTION BALLOT HAS BEEN PREPARED, THE  
21 LIEUTENANT GOVERNOR OR THE ELECTION OFFICIALS DIRECTED BY THE LIEUTENANT  
22 GOVERNOR SHALL PREPARE, PRINT, AND DISTRIBUTE A SUFFICIENT NUMBER OF  
23 CURVED LABELS OR STICKERS BEARING THE NAME OF THE CANDIDATE TO FILL THE  
24 VACANCY TO EACH VOTING PRECINCT WITH INSTRUCTIONS THAT THE ELECTION  
25 JUDGES SHALL PLACE ONE OF THE STICKERS OR LABELS ON THE APPROPRIATE  
26 PLACE ON EACH BALLOT BEFORE THE BALLOT IS HANDED TO THE VOTER]. The  
27 name of a candidate disqualified under this section shall not appear on  
28 the general election ballot.

29 \* Sec. 125. AS 15.25.120 is amended to read:

1           Sec. 15.25.120. REQUIREMENTS FOR PARTY PETITION. Party petitions  
2 for the nomination of candidates shall state in substance that the  
3 political party desires and intends to support the named candidate for  
4 the named office and requests that the name of the proposed candidate be  
5 placed on the general election ballot. The petition may be filed no  
6 later than 40 [10] days before the date of the general election.

7 \* Sec. 126. AS 15.25.150 is amended to read:

8           Sec. 15.25.150. DATE OF FILING PETITION. The petition is filed  
9 with the director [LIEUTENANT GOVERNOR] by actual physical delivery in  
10 person at or before 5:00 p.m., prevailing time, June 1 in the year in  
11 which a general election is held for the office, or by actual physical  
12 delivery to the director by registered [CERTIFIED] mail return receipt  
13 requested which is postmarked at or before 5:00 p.m., prevailing time.  
14 June 1 in the year in which a general election is held for the office,  
15 and received not more than 15 days after that time. If the postmark is  
16 illegible, a dated receipt from the post office where dispatched shall  
17 be acceptable as evidence of mailing. If June 1 is a Sunday or holiday,  
18 the deadlines for postmarking and receipt of the petition shall be  
19 extended 24 hours in each instance.

20 \* Sec. 127. AS 15.25.160 is amended to read:

21           Sec. 15.25.160. REQUIRED NUMBER OF SIGNATURES FOR STATE-WIDE  
22 OFFICE. Petitions for the nomination of candidates for the office of  
23 governor, lieutenant governor, United States senator and United States  
24 representative shall be signed by qualified voters of the state equal  
25 in number to at least two percent of the number of votes cast in the  
26 preceding general election [NOT LESS THAN 1,000 QUALIFIED VOTERS].  
27 Candidates for the office of governor and lieutenant governor shall file  
28 jointly.

29 \* Sec. 128. AS 15.25.170 is amended to read:

1           Sec. 15.25.170. REQUIRED NUMBER OF SIGNATURES FOR DISTRICT-WIDE  
2 OFFICE. Petitions for the nomination of candidates for the office of  
3 state senator or state representative shall be signed by qualified  
4 voters of the election or senate district in which the proposed nominee  
5 desires to be a candidate equal in number to at least two [FIVE] percent  
6 of the number of votes cast in his respective election or senate dis-  
7 trict in the preceding general election [, PROVIDED THAT NO NOMINATING  
8 PETITION NEED CONTAIN MORE THAN 200 SIGNATURES NOR MAY IT CONTAIN LESS  
9 THAN 50 SIGNATURES FOR ANY DISTRICT].

10 \* Sec. 129. AS 15.25.180 is amended by adding a new paragraph to read:

11           (14) the name of the candidate as he wishes it to appear on  
12 the ballot.

13 \* Sec. 136. AS 15.25.190 is amended to read:

14           Sec. 15.25.190. PLACEMENT OF NAMES ON GENERAL ELECTION BALLOT.  
15 The director [LIEUTENANT GOVERNOR] shall place the names and the poli-  
16 tical group affiliation of persons who have been properly nominated by  
17 petition on the general election ballot.

18 \* Sec. 131. AS 15.25.200 is amended to read:

19           Sec. 15.25.200. WITHDRAWAL OF CANDIDATE'S NAME. If a candidate  
20 nominated by petition dies or withdraws after the petition has been  
21 filed and before September 1 of the election year, the director [LIEU-  
22 TENANT GOVERNOR] shall not place the name of the candidate on the gen-  
23 eral election ballot.

24 \* Sec. 132. AS 15.30.020 is amended to read:

25           Sec. 15.30.020. NUMBER AND MANNER OF SELECTING CANDIDATES. Each  
26 political party shall select a number of candidates for electors of  
27 President and Vice President of the United States equal to the number of  
28 senators and representatives to which the state is entitled in Congress.  
29 The candidates for electors shall be selected by the state party conven-

1 tion or in any other manner prescribed by the bylaws of the party. The  
2 chairman and secretary of the state convention or any other party offi-  
3 cial designated by the party bylaws shall certify a list of the names of  
4 candidates for electors to the director [LIEUTENANT GOVERNOR] on or  
5 before September 1 in presidential election years.

6 \* Sec. 133. AS 15.30.025 is amended to read:

7       Sec. 15.30.025. QUALIFICATIONS FOR LIMITED POLITICAL PARTIES. (a)  
8 A limited political party may be organized for the purpose of selecting  
9 candidates for electors of President and Vice President of the United  
10 States by filing a petition with the director [LIEUTENANT GOVERNOR] at  
11 least 90 days before a presidential election signed by qualified voters  
12 of this state equaling in number at least three percent of Alaska's  
13 total vote for President at the last presidential election. The peti-  
14 tion shall state that the signers intend to organize a limited political  
15 party, that they intend to select candidates for electors of President  
16 and Vice President of the United States at the next succeeding presi-  
17 dential election, and the name of the limited political party.

18       (b) A limited political party organized under this section may not  
19 assume a name which is so similar to an existing political party as to  
20 confuse or mislead the voters at an election. If the director [LIEU-  
21 TENANT GOVERNOR] determines that the name of the limited political party  
22 set out in a petition is confusing or misleading, he may refuse to  
23 accept the petition for filing.

24       (c) A limited political party organized under this section shall  
25 cease to be a limited political party whenever its presidential candi-  
26 date fails to receive at least 10 percent of the total Alaskan vote cast  
27 for the office of President at a presidential election.

28 \* Sec. 134. AS 15.30.060 is amended to read:

29       Sec. 15.30.060. NOTIFICATION OF ELECTORS. When the results of the

1 election of presidential electors have been determined, the director  
2 [LIEUTENANT GOVERNOR] shall send a certificate of election to each  
3 elector and shall notify the electors of the time and place of their  
4 meeting and of their duties as electors.

5 \* Sec. 135. AS 15.30.070 is amended to read:

6 Sec. 15.30.070. PLACE AND TIME OF MEETING. The electors shall  
7 meet at the office of the director [LIEUTENANT GOVERNOR] or other place  
8 designated by him at 11:00 o'clock in the morning on the first Monday  
9 after the second Wednesday in December following their election. If  
10 Congress fixes a different day for the meeting, the electors shall meet  
11 on the day designated by the Act of Congress.

12 \* Sec. 136. AS 15.30.090 is amended to read:

13 Sec. 15.30.090. DUTIES OF ELECTORS. After any vacancies have been  
14 filled, the electors shall proceed to cast their votes for the candi-  
15 dates for the office of President and Vice President of the party which  
16 selected them as candidates for electors and shall perform the duties of  
17 electors as required by the constitution and laws of the United States.  
18 The director [LIEUTENANT GOVERNOR] shall provide administrative services  
19 and the Department of Law shall provide legal services necessary for the  
20 electors to perform their duties.

21 \* Sec. 137. AS 15.35.040 is amended to read:

22 Sec. 15.35.040. FILING DECLARATION BY SUPREME COURT JUSTICE. Each  
23 justice seeking to succeed himself to office shall file with the direc-  
24 tor [LIEUTENANT GOVERNOR] a declaration of candidacy not less than 90  
25 days before the date of the general election at which approval or re-  
26 jection is requisite.

27 \* Sec. 138. AS 15.35.041 is amended to read:

28 Sec. 15.35.041. REQUIREMENT OF FILING FEE FOR SUPREME COURT CANDI-  
29 DATE. At the time the declaration is filed, each candidate shall pay a

1 filing fee to the director [LIEUTENANT GOVERNOR]. The filing fee for a  
2 candidate for the supreme court is \$100.

3 \* Sec. 139. AS 15.35.050 is amended to read:

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

9 \* Sec. 140. AS 15.35.070 is amended to read:

10 Sec. 15.35.070. FILING DECLARATION BY SUPERIOR COURT JUDGE. Each  
11 judge seeking to succeed himself to office shall file with the director  
12 [LIEUTENANT GOVERNOR] a declaration of candidacy not less than 90 days  
13 before the date fixed for the general election at which approval or  
14 rejection is requisite.

15 \* Sec. 141. AS 15.35.071 is amended to read:

16 Sec. 15.35.071. REQUIREMENT OF FILING FEE FOR SUPERIOR COURT  
17 CANDIDATE. At the time the declaration is filed, each candidate shall  
18 pay a filing fee to the director [LIEUTENANT GOVERNOR]. The filing fee  
19 for a candidate for the superior court is \$30.

20 \* Sec. 142. AS 15.35.090 is amended to read:

21 Sec. 15.35.090. PLACING NAME OF SUPERIOR COURT JUDGE ON BALLOT.  
22 The director [LIEUTENANT GOVERNOR] shall place the name of a superior  
23 court judge who has properly filed a declaration of candidacy on the  
24 judicial ballot in the judicial district designated in his declaration  
25 of candidacy for the general election at which approval is sought.

26 \* Sec. 143. AS 15.35.110 is amended to read:

27 Sec. 15.35.110. FILING DECLARATION BY DISTRICT JUDGE. Each dis-  
28 trict judge seeking to succeed himself to office shall file with the  
29 director [LIEUTENANT GOVERNOR] a declaration of candidacy not less than

1 90 days before the date fixed for the general election at which approval  
2 or rejection is requisite.

3 \* Sec. 144. AS 15.35.120 is amended to read:

4 Sec. 15.35.120. REQUIREMENT OF FILING FEE FOR DISTRICT COURT  
5 CANDIDATE. At the time the declaration is filed, each candidate for the  
6 district court shall pay a filing fee of \$36 to the director [LIEUTENANT  
7 GOVERNOR].

8 \* Sec. 145. AS 15.35.130 is amended to read:

9 Sec. 15.35.130. PLACING NAME OF DISTRICT JUDGE ON BALLOT. The  
10 director [LIEUTENANT GOVERNOR] shall place the name of a district judge  
11 who has properly filed a declaration of candidacy on the judicial ballot  
12 in the judicial district designated in his declaration of candidacy for  
13 the general election at which approval is sought.

14 \* Sec. 146. AS 15.40.040 is amended to read:

15 Sec. 15.40.040. CONDITIONS FOR PART-TIME APPOINTMENT AND SPECIAL  
16 ELECTION. If the vacancy is for an unexpired term of more than two  
17 years plus five full calendar months, the governor shall call a special  
18 election by proclamation and the appointment shall expire on the date  
19 the United States senate first meets, convenes, or reconvenes, following  
20 the certification of the results of the special election by the director  
21 [LIEUTENANT GOVERNOR].

22 \* Sec. 147. AS 15.40.070 is amended to read:

23 Sec. 15.40.070. TERM OF ELECTED SENATOR. At the special election,  
24 a United States senator shall be elected to fill the remainder of the  
25 unexpired term. The person elected shall take office on the date the  
26 United States senate first meets, convenes, or reconvenes following the  
27 certification of the results of the special election by the director  
28 [LIEUTENANT GOVERNOR].

29 \* Sec. 148. AS 15.40.090 is amended to read:

1           Sec. 15.40.090. DESIGNATION OF NOMINEES BY PETITION. If the  
2 vacancy occurs less than one calendar month before the filing date for  
3 the primary election and more than three calendar months before the next  
4 general election, candidates shall be nominated by petition transmitted  
5 by actual delivery to the director [LIEUTENANT GOVERNOR] before  
6 September 2 immediately preceding the special election.

7 \* Sec. 149. AS 15.40.100 is amended to read:

8           Sec. 15.40.100. REQUIREMENTS OF PETITION FOR NO-PARTY CANDIDATES.  
9 Petitions for the nomination of candidates not representing a political  
10 party shall be signed by qualified voters of the state equal in number  
11 to at least two percent of the number of votes cast in the preceding  
12 general election [1,000 QUALIFIED VOTERS], and shall state in substance  
13 that which is required in petitions for nomination for general elections  
14 provided in AS 15.25.180.

15 \* Sec. 150. AS 15.40.130 is amended to read:

16           Sec. 15.40.130. GENERAL PROVISION FOR CONDUCT OF SPECIAL ELECTION.  
17 Unless specifically provided otherwise, all provisions regarding the  
18 conduct of the general election shall govern the conduct of the special  
19 election of United States senators, including, but not limited to,  
20 provisions concerning voter qualifications; provisions regarding the  
21 duties, powers, rights and obligations of the director [LIEUTENANT  
22 GOVERNOR], of other election officials, and of cities and organized  
23 boroughs; provision for notification of the election; provision for  
24 payment of election expenses; provisions regarding employees being  
25 allowed time from work to vote; provisions for the counting, canvassing,  
26 and certification of returns; provisions for the determination of the  
27 votes and of recounts, contests, and appeal; and provision for absentee  
28 voting [AND THE USE OF VOTING MACHINES].

29 \* Sec. 151. AS 15.40.170 is amended to read:

1  
2       Sec. 15.40.170. TERM OF ELECTED REPRESENTATIVE. At the special  
3 election, a United States representative shall be elected to fill the  
4 remainder of the unexpired term. The person elected shall take office  
5 on the date the United States house of representatives meets, convenes,  
6 or reconvenes following the certification of the results of the special  
7 election by the director [LIEUTENANT GOVERNOR].

8 \* Sec. 152. AS 15.40.180 is amended to read:

9       Sec. 15.40.180. DATE OF NOMINATIONS. Candidates for the special  
10 election shall be nominated by petition transmitted by (1) the actual  
11 physical delivery of the petition in person; (2) by mail postmarked not  
12 later than midnight of the filing date; or (3) by telegram of a copy in  
13 substance of the statements made in the petition to the director [LIEU-  
14 TENANT GOVERNOR] before the 21st day after the vacancy occurs.

15 \* Sec. 153. AS 15.40.190 is amended to read:

16       Sec. 15.40.190. REQUIREMENTS OF PETITION OF NO-PARTY CANDIDATES.  
17 Petitions for the nomination of candidates not representing a political  
18 party shall be signed by qualified voters of the state equal in number  
19 to at least two percent of the number of votes cast in the preceding  
20 general election [1,000 QUALIFIED VOTERS] and shall state in substance  
21 that which is required for nomination petitions by AS 15.25.180.

22 \* Sec. 154. AS 15.40.270 is amended to read:

23       Sec. 15.40.270. DATE OF NOMINATIONS. Candidates for the special  
24 election shall be nominated by petition transmitted by (1) actual phy-  
25 sical delivery of the petition in person; (2) by mail postmarked not  
26 later than midnight of the filing date; or (3) by telegram of a copy in  
27 substance of the statements made in the petition to the director [LIEU-  
28 TENANT GOVERNOR] before the 21st day after the vacancy occurs.

29 \* Sec. 155. AS 15.40.280 is amended to read:

      Sec. 15.40.280. REQUIREMENTS OF PETITION OF NO-PARTY CANDIDATES.

1 Petitions for the nomination of candidates not representing a political  
2 party shall be signed by qualified voters of the state equal in number  
3 to at least two percent of the number of votes cast in the preceding  
4 general election [1,000 QUALIFIED VOTERS], shall include nominees for  
5 the office of governor and lieutenant governor, and shall state in sub-  
6 stance that which is required for nomination petitions by AS 15.25.180.

7 \* Sec. 156. AS 15.40.330 is amended by adding a new subsection to read:

8 (b) A member of a political party is a person who supports the  
9 political program of a party. The filing for office of a candidate as  
10 an independent or no-party candidate does not preclude a candidate from  
11 being a member of a political party. Recognition of an independent or  
12 no-party candidate as a member of a party caucus of members of the  
13 legislature at the legislative session following his election is recog-  
14 nition of his party membership at the time filings were made by party  
15 candidates for the preceding general election.

16 \* Sec. 157. AS 15.40.380 is amended to read:

17 Sec. 15.40.380. CONDITIONS FOR PART-TERM SENATE APPOINTMENT AND  
18 SPECIAL ELECTION. If the vacancy is for an unexpired senate term of  
19 more than two years and five full calendar months, the governor shall  
20 call a special election by proclamation and the appointment shall expire  
21 on the date the state senate first convenes or reconvenes following the  
22 certification of the results of the special election by the director  
23 [LIEUTENANT GOVERNOR].

24 \* Sec. 158. AS 15.40.430 is amended to read:

25 Sec. 15.40.430. DESIGNATION OF NOMINEES BY PETITION. If the  
26 vacancy occurs less than one calendar month before the filing date and  
27 more than three calendar months before the next general election, can-  
28 didates shall be nominated by petition transmitted by (1) the actual  
29 physical delivery of the petition in person; (2) by mail postmarked not

1 later than midnight of the filing date; or (3) by telegram of a copy in  
2 substance of the statements made in the petition to the director [LIEU-  
3 TENANT GOVERNOR] before September 2 just before the special election.

4 \* Sec. 159. AS 15.40.440 is amended to read:

5 Sec. 15.40.440. REQUIREMENTS OF PETITION FOR NO-PARTY CANDIDATES.

6 Petitions for the nomination of candidates not representing a political  
7 party shall be signed by qualified voters equal in number to at least  
8 two [FIVE] percent of the number of votes cast in his respective elec-  
9 tion or senate district in the preceding general election, provided that  
10 no nominating petition [MAY CONTAIN MORE THAN 200 SIGNATURES NOR] may  
11 [IT] contain less than 100 [50] signatures for any district, and shall  
12 state in substance that which is required in petitions for nomination  
13 for general elections provided in AS 15.25.180.

14 \* Sec. 160. AS 15.45.100 is amended to read:

15 Sec. 15.45.100. STATEMENT OF WARNING. Each petition shall include  
16 a statement of warning that a person who signs a name other than his own  
17 on the petition, or who knowingly signs his name more than once for the  
18 same proposition at one election, or who signs the petition knowing he  
19 is not a qualified voter, upon conviction is punishable by a fine of not  
20 more than \$5,000, [S1,000] or by imprisonment for not more than one  
21 year, or by both.

22 \* Sec. 161. AS 15.45.190 is amended to read:

23 Sec. 15.45.190. PLACING PROPOSITION ON BALLOT. The lieutenant  
24 governor shall direct the director to place the ballot title and propo-  
25 sition on the election ballot of the first statewide general, special,  
26 or primary election that is held after (1) the petition and any sup-  
27 plementary petition have been filed, (2) a legislative session has  
28 convened and adjourned, and (3) a period of 120 days has expired since  
29 the adjournment of the legislative session.

1 \* Sec. 162. AS 15.45.200 is amended to read:

2       Sec. 15.45.200. DISPLAY OF PROPOSED LAW. The director [LIEUTENANT  
3 GOVERNOR] shall provide each election board with 10 copies of the pro-  
4 posed law being initiated, and the election board shall display three  
5 copies of the proposed law in a conspicuous place in the room where the  
6 election is held.

7 \* Sec. 163. AS 15.45.240 is amended to read:

8       Sec. 15.45.240. JUDICIAL REVIEW. Any person aggrieved by a deter-  
9 mination made by the lieutenant governor under AS 15.45.010 -15.45.230  
10 may bring an action in the superior court to have the determination  
11 reviewed within 30 days of the date on which notice of the determination  
12 was given [BY ANY APPROPRIATE REMEDY IN THE SUPERIOR COURT].

13 \* Sec. 164. AS 15.45 is amended by adding a new section to article 1 to  
14 read:

15       Sec. 15.45.245. DELEGATION BY LIEUTENANT GOVERNOR. The lieutenant  
16 governor may delegate the duties imposed on him by AS 15.45.010 -  
17 15.45.240 to the director.

18 \* Sec. 165. AS 15.45.330 is amended to read:

19       Sec. 15.45.330. STATEMENT OF WARNING. Each petition shall include  
20 a statement of warning that a person who signs a name other than his own  
21 to the petition, or knowingly signs his name more than once for the same  
22 proposition at one election, or who signs the petition knowing he is not  
23 a qualified voter, upon conviction, is punishable by a fine of not more  
24 than \$5,000, [\$1,000] or by imprisonment for not more than one year, or  
25 by both.

26 \* Sec. 166. AS 15.45.420 is amended to read:

27       Sec. 15.45.420. PLACING PROPOSITION ON BALLOT. The lieutenant  
28 governor shall direct the director to place the ballot title and propo-  
29 sition on the election ballot for the first statewide general, special,

1 or primary election held more than 180 days after adjournment of the  
2 legislative session at which the act was passed.

3 \* Sec. 167. AS 15.45.430 is amended to read:

4       Sec. 15.45.430. DISPLAY OF ACT BEING REFERRED. The director  
5 [LIEUTENANT GOVERNOR] shall provide each election board with 10 copies  
6 of the act being referred, and the election board shall display three  
7 copies of the act in a conspicuous place in the room where the election  
8 is held.

9 \* Sec. 168. AS 15.45.460 is amended to read:

10       Sec. 15.45.460. JUDICIAL REVIEW. Any person aggrieved by any  
11 determination made by the lieutenant governor under AS 15.45.250 -  
12 15.45.450 may bring an action in the superior court to have the deter-  
13 mination reviewed within 30 days of the date on which notice of the  
14 determination was given [BY ANY APPROPRIATE REMEDY IN THE SUPERIOR  
15 COURT].

16 \* Sec. 169. AS 15.45 is amended by adding a new section to article 2 to  
17 read:

18       Sec. 15.45.465. DELEGATION BY LIEUTENANT GOVERNOR. The Lieutenant  
19 governor may delegate the duties imposed upon him by AS 15.45.250 -  
20 15.45.460 to the director.

21 \* Sec. 170. AS 15.45.480 is amended to read:

22       Sec. 15.45.480. FILING APPLICATION. The recall of the governor,  
23 lieutenant governor, or a member of the state legislature is proposed by  
24 filing an application with the director [LIEUTENANT GOVERNOR. THE  
25 RECALL OF THE LIEUTENANT GOVERNOR IS PROPOSED BY FILING AN APPLICATION  
26 WITH THE ATTORNEY GENERAL, WHO SHALL PERFORM THE DUTIES IMPOSED ON THE  
27 LIEUTENANT GOVERNOR IN THE RECALL OF OTHER ELECTED STATE OFFICIALS]. A  
28 deposit of \$100 must accompany the application. This deposit will be  
29 retained if a petition is not properly filed. If a petition is properly

1 filed the deposit shall be refunded.

2 \* Sec. 171. AS 15.45.500 is amended to read.

3 Sec. 15.45.500. FORM OF APPLICATION. The application shall in-  
4 clude (1) the name and office of the person to be recalled, (2) the  
5 grounds for recall described in particular in not more than 200 words,  
6 (3) a statement that the sponsors are qualified voters who signed the  
7 application with the statement of grounds for recall attached, (4) the  
8 designation of a recall committee of three sponsors who shall represent  
9 all sponsors and subscribers in matters relating to the recall, (5) the  
10 signatures [APPOINTMENT] of at least 100 qualified voters who subscribe  
11 to the application as sponsors for purposes of circulation, and (6) the  
12 signatures and addresses of qualified voters equal in number to 10  
13 percent of those who voted in the preceding general election in the  
14 state or in the senate or electoral district of the official sought to  
15 be recalled.

16 \* Sec. 172. AS 15.45.530 is amended to read.

17 Sec. 15.45.530. NOTICE OF THE NUMBER OF VOTERS. The director  
18 [LIEUTENANT GOVERNOR], upon request, shall notify the recall committee  
19 of the official number of persons who voted in the preceding general  
20 election in the state or in the senate or election district of the  
21 official to be recalled.

22 \* Sec. 173. AS 15.45.540 is amended to read:

23 Sec. 15.45.540. REVIEW OF APPLICATION. The director [LIEUTENANT  
24 GOVERNOR] shall review the application and shall either certify it or  
25 notify the recall committee of the grounds of refusal.

26 \* Sec. 174. AS 15.45.550 is amended to read:

27 Sec. 15.45.550. REASONS OF DENIAL OF CERTIFICATION. The director  
28 [LIEUTENANT GOVERNOR] shall deny certification if he determines that (1)  
29 the application is not substantially in the required form, (2) the

1 application was filed during the first 120 days of the term of office of  
2 the official subject to recall or within less than 180 days of the  
3 termination of the term of office of any official subject to recall, (3)  
4 the person named in the application is not subject to recall, or (4)  
5 there is an insufficient number of qualified subscribers.

6 \* Sec. 175. AS 15.45.560 is amended to read:

7  
8 Sec. 15.45.560. PREPARATION OF PETITION. If the director [LIEU-  
9 TENANT GOVERNOR] certifies the application, he shall prescribe the form  
10 of, and prepare, a petition containing (1) the name and office of the  
11 person to be recalled, (2) the statement of the grounds for recall  
12 included in the application, (3) the statement of warning required in  
13 AS 15.45.570, (4) sufficient space for signatures and addresses, and (5)  
14 other specifications prescribed by the director [LIEUTENANT GOVERNOR] to  
15 assure proper handling and control. Petitions, for purposes of circu-  
16 lation, shall be prepared by the director [LIEUTENANT GOVERNOR] in a  
17 number reasonably calculated to allow full circulation throughout the  
18 state or throughout the senate or election district of the official  
19 sought to be recalled. The director [LIEUTENANT GOVERNOR] shall number  
20 each petition and shall keep a record of the petitions delivered to each  
21 sponsor.

22 \* Sec. 176. AS 15.45.570 is amended to read:

23 Sec. 15.45.570. STATEMENT OF WARNING. Each petition and duplicate  
24 copy shall include a statement of warning that a person who signs a name  
25 other than his own to the petition, or who knowingly signs his name more  
26 than once for the same proposition at one election, or who signs the  
27 petition knowing he is not a qualified voter, upon conviction is punish-  
28 able by a fine of not more than \$5,000, [101,000] or by imprisonment for  
29 not more than one year, or by both.

\* Sec. 177. AS 15.45.590 is amended to read:

1           Sec. 15.45.590. WAIVER OF SIGNING AND WITHDRAWING NAME FROM PETI-  
2 TION. Any qualified voter may subscribe to the petition by signing his  
3 name and address. A person who has signed the petition may withdraw his  
4 name only by giving written notice to the director [LIEUTENANT GOVERNOR]  
5 before the date the petition is filed.

6 \* Sec. 178. AS 15.45.600 is amended to read:

7           Sec. 15.45.600. CERTIFICATION OF SPONSOR. Before being filed,  
8 each petition shall be certified by an affidavit by the sponsor who  
9 personally circulated the petition. The affidavit shall state in sub-  
10 stance that (1) the person signing the affidavit is a sponsor, (2) the  
11 person is the only circulator of that petition or copy, (3) the signa-  
12 tures were made in his actual presence, and (4) to the best of his  
13 knowledge, the signatures are those of the persons whose names they  
14 purport to be. In determining the sufficiency of the petition, the  
15 director [LIEUTENANT GOVERNOR] shall not count subscriptions on peti-  
16 tions not properly certified.

17 \* Sec. 179. AS 15.45.620 is amended to read:

18           Sec. 15.45.620. REVIEW OF PETITION. Within 30 days of the date of  
19 filing, the director [LIEUTENANT GOVERNOR] shall review the petition and  
20 shall notify the recall committee and the person subject to recall  
21 whether the petition was properly or improperly filed.

22 \* Sec. 180. AS 15.45.630 is amended to read:

23           Sec. 15.45.630. BASES FOR DETERMINING THE PETITION WAS IMPROPERLY  
24 FILED. The director [LIEUTENANT GOVERNOR] shall notify the committee  
25 that the petition was improperly filed if he determines that (1) there  
26 is an insufficient number of qualified subscribers, or (2) the petition  
27 was filed within less than 150 days of the termination of the term of  
28 office of the official subject to recall.

29 \* Sec. 181. AS 15.45.650 is amended to read:

1           Sec. 15.45.650. CALLING SPECIAL ELECTION. If the director [LIEU-  
2           TENANT GOVERNOR] determines the petition is properly filed and if the  
3           office is not vacant, he shall prepare the ballot and shall call a  
4           special election to be held on a date not less than 60, nor more than  
5           90, days after the date that notification is given that the petition was  
6           properly filed. If a primary or general election is to be held not less  
7           than 60, nor more than 90, days after the date that notification is  
8           given that the petition was properly filed, the special election shall  
9           be held on the date of the primary or general election.

10       \* Sec. 132. AS 15.45.670 is amended to read:

11           Sec. 15.45.670. CONDUCT OF SPECIAL ELECTION. Unless specifically  
12           provided otherwise, all provisions regarding the conduct of a general  
13           election shall govern the conduct of a special election for the recall  
14           of a state public official, including, but not limited to, provisions  
15           concerning voter qualification; provisions regarding duties, powers,  
16           rights and obligations of the director [LIEUTENANT GOVERNOR], of other  
17           election officials, and of cities and organized boroughs; provision for  
18           notification of the election; provision for the payment of election  
19           expenses; provisions regarding employees being allowed time from work to  
20           vote; provisions for counting, canvassing, and certification of returns;  
21           provision for the determination of votes and of recount contests and  
22           court appeal; and provisions for absentee voting [ADD THE USE OF VOTING  
23           MACHINES].

24       \* Sec. 153. AS 15.45.680 is amended to read:

25           Sec. 15.45.680. DISPLAY OF BAGES FOR / OR AGAINST RECALL. The  
26           director [LIEUTENANT GOVERNOR] shall provide each election board in the  
27           state or in the senate or election district of the person subject to  
28           recall with 10 copies of the statement of the grounds for recall in-  
29           cluded in the application and 10 copies of the statement of not vote

1 than 200 words made by the official subject to recall in justification  
2 of his conduct in office. The person subject to recall may provide the  
3 director [LIEUTENANT GOVERNOR] with his statement within 10 days after  
4 the date the director [LIEUTENANT GOVERNOR] gave notification that the  
5 petition was properly filed. The election board shall post three copies  
6 of the statements for and against recall in three conspicuous places in  
7 the polling place.

8 \* Sec. 184. AS 15.45.690 is amended to read:

9 Sec. 15.45.690. CERTIFICATION OF ELECTION RESULTS. If a majority  
10 of the votes cast on the question of recall favor the removal of the  
11 official, the director [LIEUTENANT GOVERNOR] shall so certify and the  
12 office is vacant on the day after the date of certification.

13 \* Sec. 185. AS 15.45.720 is amended to read:

14 Sec. 15.45.720. JUDICIAL REVIEW. Any person aggrieved by a deter-  
15 mination made by the director under AS 15.45.470 -15.45.710 [LIEUTENANT  
16 GOVERNOR] may bring an action in the superior court to have the deter-  
17 mination reviewed within 30 days of the date on which notice of deter-  
18 mination was given [BY ANY APPROPRIATE REMEDY IN THE SUPERIOR COURT].

19 \* Sec. 186. AS 15.50.025 is amended to read:

20 Sec. 15.50.025. OBJECTION TO PROPOSED BALLOT TITLE AND PROPOSTI-  
21 TION. A qualified voter, or the Legislature of the State of Alaska  
22 acting directly, or through the Legislative Council, who believes that  
23 the proposed ballot title and proposition prepared by the lieutenant  
24 governor under AS 15.50.010 does not provide a true and impartial sum-  
25 mary of the amendment proposed may, within 15 days of the date of  
26 mailing of the proposed ballot title and proposition to the members of  
27 the legislature, submit to the lieutenant governor a statement of ob-  
28 jection to the proposed ballot title and proposition, giving his reasons  
29 for objection, and suggesting alternative language revising the wording

1 of the title or proposition. The lieutenant governor shall consider any  
2 objection received before directing that the ballot containing the propo-  
3 sition be prepared by the director [ORDERING PREPARATION AND PRINTING  
4 OF THE BALLOTS]. Not more than 10 days after the deadline for receipt  
5 of objections, he shall advise any person who submitted a statement of  
6 objection to the proposed ballot title and proposition of his final  
7 decision.

8 \* Sec. 157. AS 15.50.030 is amended to read:

9       Sec. 15.50.030. PLACING PROPOSITION ON BALLOT. The lieutenant  
10 governor shall direct the director to place the ballot title and propo-  
11 sition on the ballot for the next statewide general, primary, or special  
12 election held after the amendment proposed by the legislature or held  
13 120 days after the amendment proposed by a constitutional convention.  
14 If there is insufficient time to permit the proposition to be placed on  
15 the regular ballot by the director [LIEUTENANT GOVERNOR], the lieutenant  
16 governor shall direct the director [ELECTION OFFICIALS] to prepare  
17 a separate [THE] ballot for the proposition.

18 \* Sec. 188. AS 15.50.040 is amended to read:

19       Sec. 15.50.040. DISPLAY OF RESOLUTION. The director [LIEUTENANT  
20 GOVERNOR] shall provide each election board with 10 copies of the reso-  
21 lution proposing the constitutional amendment by the legislature or by  
22 the convention, and the election board shall display three copies of the  
23 resolution in a conspicuous place in the room where the election is  
24 held.

25 \* Sec. 189. AS 15.50.070 is amended to read:

26       Sec. 15.50.070. PLACING QUESTION OF CONSTITUTIONAL CONVENTION ON  
27 BALLOT. If during any 10-year period a constitutional convention has  
28 not yet been held, and the question of holding a constitutional con-  
29 vention has not been placed before the voters, the lieutenant governor

1 shall direct the director to place the question on the ballot for the  
2 next regular statewide general or primary election.

3 \* Sec. 190. AS 15.50 is amended by adding a new section to read:

4 ARTICLE 3. DELEGATION BY LIEUTENANT GOVERNOR.

5 Sec. 15.50.110. DELEGATION BY LIEUTENANT GOVERNOR. The lieutenant  
6 governor may delegate the duties imposed on him by AS 15.50.010 - 15.50.-  
7 100 to the director.

8 \* Sec. 191. AS 15 is amended by adding a new chapter to read:

9 CHAPTER 56. ELECTION OFFENSES, CORRUPT

10 PRACTICES, AND PENALTIES.

11 Sec. 15.56.011. CAMPAIGN MISCONDUCT IN THE FIRST DEGREE. (a) A  
12 person commits the crime of campaign misconduct in the first degree if  
13 he

14 (1) knowingly prints or circulates, or has written, printed  
15 or circulated, a letter, circular, bill, placard, poster or other pub-  
16 lication relating to an election or to a candidate at an election or to  
17 an election proposition or question, without the name and address of the  
18 author, printer and publisher appearing on its face; or

19 (2) knowingly writes or prints and circulates, or has writ-  
20 ten, printed and circulated, a letter, circular, bill, placard, poster  
21 or advertisement in a newspaper, on radio or television

22 (A) containing false factual information relating to a  
23 candidate for an election;

24 (B) which he knows to be false; and

25 (C) which would provoke a reasonable person under the  
26 circumstances to a breach of the peace or damages the candidate's  
27 reputation for honesty, integrity, or his qualifications to serve  
28 if elected to office.

29 (b) Violation of this section is a corrupt practice.

1 (c) Campaign misconduct in the first degree is a class A mis-  
2 deemeanor.

3 Sec. 15.56.021. CAMPAIGN MISCONDUCT IN THE SECOND DEGREE. (a) A  
4 person commits the crime of campaign misconduct in the second degree if,  
5 during the hours the polls are open, he intentionally is within 200 feet  
6 of an entrance to a polling place, and

7 (1) attempts to persuade a person to vote for or against a  
8 candidate, proposition, or question; or

9 (2) circulates cards, handbills, or marked ballots, or posts  
10 political signs or posters relating to a candidate at an election or  
11 election proposition or question.

12 (b) Election judges shall post warning notices at the required  
13 distance in the form and manner prescribed by the director or the chief  
14 municipal elections official in a local election.

15 (c) Campaign misconduct in the second degree is a class B mis-  
16 deemeanor.

17 Sec. 15.56.031. UNLAWFUL INTERFERENCE WITH VOTING IN THE FIRST  
18 DEGREE. (a) A person commits the crime of unlawful interference with  
19 voting in the first degree if he

20 (1) uses, threatens to use, or causes to be used force,  
21 coercion, violence, or restraint; or if he inflicts, threatens to in-  
22 flict, or causes to be inflicted damage, harm or loss upon or against a  
23 person to induce or compel the person to vote or refrain from voting for  
24 a candidate in an election or for any election proposition or question;

25 (2) gives, promises to give, offers, or causes to be given or  
26 offered money or other valuable thing to a person with the intent to  
27 induce the person to vote for or refrain from voting for a candidate at  
28 an election or for an election proposition or question; or

29 (3) solicits, accepts, or agrees to accept money or other

1  
2 valuable thing with the intent to vote for or refrain from voting for a  
3 candidate at an election or for an election proposition or question.

4 (b) Violation of this section is a corrupt practice.

5 (c) Unlawful interference with voting in the first degree is a  
6 class C felony.

7 Sec. 15.56.036. UNLAWFUL INTERFERENCE WITH VOTING IN THE SECOND  
8 DEGREE. (a) A person commits the crime of unlawful interference with  
9 voting in the second degree if he

10 (1) has an official ballot in his possession outside of the  
11 voting room unless he is an election official or other person authorized  
12 by law or local ordinance, or by the director or chief municipal elec-  
13 tions official in a local election;

14 (2) makes, or knowingly has in his possession, a counterfeit  
15 of an official election ballot;

16 (3) knowingly solicits or encourages, directly or indirectly,  
17 a registered voter who is no longer qualified to vote under AS 15.05.-  
18 010, to vote in an election; or

19 (4) as a registration official

20 (A) knowingly refuses to register a person who is en-  
21 titled to register under AS 15.07.030; or

22 (B) accepts a fee from an applicant applying for regis-  
23 tration.

24 (b) Violation of (a)(3) of this section is a corrupt practice.

25 (c) Unlawful interference with voting in the second degree is a  
26 class A misdemeanor.

27 Sec. 15.56.041. VOTER MISCONDUCT IN THE FIRST DEGREE. (a) A  
28 person commits the crime of voter misconduct in the first degree if he

29 (1) votes or attempts to vote in the name of another person  
or in a name other than his own;

1  
2 (2) votes or attempts to vote more than once at the same  
3 election with the intent that his vote be counted more than once;

4 (3) intentionally makes a false affidavit, swears falsely or  
5 falsely affirms under an oath required by the Alaska Election Code  
6 (AS 15.05 - 15.60).

7 (4) knowingly votes or solicits a person to vote after the  
8 polls are closed with the intent that his vote be counted.

9 (b) Voter misconduct in the first degree is a class C felony.

10 Sec. 15.56.051. VOTER MISCONDUCT IN THE SECOND DEGREE. (a) A  
11 person commits the crime of voter misconduct in the second degree if he

12 (1) registers to vote when he is not entitled to register  
13 under AS 15.07.030;

14 (2) knowingly makes a material false statement while applying  
15 for voter registration or re-registration; or

16 (3) votes or attempts to vote in an election after being  
17 disqualified under AS 15.05.030.

18 (b) Voter misconduct in the second degree is a class A misde-  
19 meanor.

20 Sec. 15.56.061. UNLAWFUL INTERFERENCE WITH AN ELECTION. (a) A  
21 person commits the crime of unlawful interference with an election if he

22 (1) induces or attempts to induce an election official to  
23 fail in his duty by force, threat, intimidation or offers of reward;

24 (2) intentionally changes, attempts to change, or causes to  
25 be changed an official election document including ballots, tallies and  
26 returns;

27 (3) intentionally delays, attempts to delay, or causes to be  
28 delayed the sending of the certificate, register, ballots, or other  
29 materials whether original or duplicate, required to be sent by AS 15.-  
15.370; or

1 (4) is contracted or employed by the state to print or re-  
2 produce in any manner an official ballot, and he knowingly

3 (A) appropriates to himself, or gives or delivers to, or  
4 permits to be taken by anyone other than a person authorized by the  
5 director, official ballots; or

6 (B) prints or reproduces or has printed or reproduced  
7 official ballots in a form or with a content other than that pre-  
8 scribed by law or as directed by the director.

9 (b) Unlawful interference with an election is a class C felony.

10 Sec. 19.56.071. ELECTION OFFICIAL MISCONDUCT IN THE FIRST DEGREE.

11 (a) A person commits the crime of election official misconduct in the  
12 first degree if he is an election official, and he

13 (1) intentionally fails to perform an election duty or know-  
14 ingly does an unauthorized act with the intent to affect an election or  
15 its results;

16 (2) knowingly permits or makes or attempts to make a false  
17 count of election returns; or

18 (3) intentionally reveals, withholds, destroys, or attempts  
19 to conceal, withhold or destroy election returns.

20 (b) Election official misconduct in the first degree is a class C  
21 felony.

22 Sec. 19.56.081. ELECTION OFFICIAL MISCONDUCT IN THE SECOND DEGREE.

23 (a) A person commits the crime of election official misconduct in the  
24 second degree if he is an election official, and while the polls are  
25 open, he

26 (1) opens a ballot received from a voter at an election,  
27 unless permitted by ordinance in a local election;

28 (2) marks a ballot by folding or otherwise so as to be able  
29 to recognize it;

1 (3) otherwise attempts to learn how a voter marked his bal-  
2 lot; or

3 (4) allows a person to do one of the acts prescribed by (1),  
4 (2), or (3) of this subsection.

5 (b) Election official misconduct in the second degree is a class A  
6 misdemeanor.

7 Sec. 15.56.091. IMPROPER SUBSCRIPTION TO PETITION. (a) A person  
8 commits the crime of improper subscription to petition if he

9 (1) signs a name other than his own to a petition proposing  
10 an initiative, referendum, recall, or nomination of a candidate for  
11 state or local office;

12 (2) knowingly signs his name more than once for the same  
13 proposition, question, or candidate at one election; or

14 (3) signs a petition proposing an initiative, referendum,  
15 recall, or nomination of a candidate for state or local office, knowing  
16 he is not a qualified voter.

17 (b) Improper subscription to petition is a class A misdemeanor.

18 Sec. 15.56.101. REFUSAL TO ALLOW EMPLOYEES TIME OFF. (a) An  
19 employer commits the offense of refusal to allow employees time off if  
20 he refuses to allow an employee time off for the purpose of voting, or  
21 if he, after allowing the time off, deducts the time from the wages of  
22 the employee, except as provided in (b) of this section.

23 (b) An employee who has two consecutive hours in which to vote,  
24 either between the opening of the polls and the beginning of his regular  
25 working shift, or between the end of his regular working shift and the  
26 close of the polls, is considered to have sufficient time outside of his  
27 working hours within which to vote.

28 (c) Refusal to allow employees time off to vote is a violation.

29 Sec. 15.56.111. EFFECT OF CERTAIN CONVICTIONS. The conviction of

1 a person who has been nominated or elected to a state or local office  
2 for a felony or misdemeanor described in this chapter as a corrupt  
3 practice creates a vacancy in the nomination or office.

4 Sec. 15.56.121. ELECTION DEFINED. For purposes of this chapter,  
5 "election" includes a local election as defined in AS 15.60.010(13) in  
6 addition to a state election.

7 \* Sec. 192. AS 15 is amended by adding a new chapter to read:

8 CHAPTER 58. ELECTION PAMPHLET.

9 Sec. 15.58.010. ELECTION PAMPHLET. Before each state general  
10 election, the lieutenant governor shall prepare, publish and mail an  
11 election pamphlet to every registered voter. The pamphlets shall be  
12 prepared on a regional basis as determined by the lieutenant governor.

13 Sec. 15.58.020. CONTENTS OF PAMPHLET. Each election pamphlet  
14 shall contain

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

17 (2) information and recommendations filed under AS 15.59.050  
18 on judicial officers subject to a retention election in the region;

19 (3) a map of the election district or districts of the re-  
20 gion;

21 (4) sample ballots for election districts of the region;

22 (5) an absentee ballot application;

23 (6) for each ballot proposition submitted to the voters by  
24 initiative or referendum petition or by the legislature;

25 (A) the full text of the proposition specifying consti-  
26 tutional or statutory provisions proposed to be affected;

27 (B) an impartial summary of the proposition prepared by  
28 the director;

29 (C) statements submitted which advocate voter approval

1 or rejection of the proposition not to exceed 500 words;

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

4 (8) a maximum of two pages of material submitted by each  
5 political party;

6 (9) additional information on voting procedures that the  
7 lieutenant governor considers necessary.

8 Sec. 15.58.030. MATERIAL TO BE FILED BY CANDIDATE. (a) No later  
9 than 75 days before the state general election, candidates for the  
10 offices of the United States President and Vice President may file with  
11 the lieutenant governor photographs and statements advocating their  
12 candidacy.

13 (b) No later than 75 days before the state general election, a  
14 candidate for the office of United States senator, United States repre-  
15 sentative, governor, lieutenant governor, justice or judge, state sena-  
16 tor, or state representative may file with the lieutenant governor a  
17 photograph and a statement advocating his candidacy.

18 (c) Each candidate for an office designated under (a) or (b) of  
19 this section is allowed one page of space in the pamphlet for a photo-  
20 graph and statement.

21 (d) Pages on which candidates' photographs or statements appear  
22 must be clearly identified with the words "paid for by the candidate."

23 (e) A candidate's statement must be typewritten and is limited to  
24 a position statement of 250 words or less and a biographical statement  
25 of 150 words or less.

26 (f) A candidate's photograph must be a 5" x 7" black and white  
27 glossy print taken within the past five years. The photograph must be  
28 limited to the head, neck and shoulders of the candidate.

29 Sec. 15.58.040. MATERIAL TO BE FILED BY POLITICAL PARTIES. (a)

1 No later than 75 days before the state general election, a political  
2 party may file with the lieutenant governor a maximum of two pages of  
3 material.

4 (b) Each page purchased must be clearly identified with the words  
5 "paid for by" followed by the name of the political party, the name of  
6 the state chairman of the party, and the name of the party treasurer.

7 Sec. 15.58.050. INFORMATION AND RECOMMENDATIONS ON JUDICIAL OFFI-  
8 CERS. No later than 75 days before the state general election, the  
9 judicial council shall file with the lieutenant governor a statement  
10 including information about each supreme court justice, superior court  
11 judge, and district court judge who will be subject to a retention  
12 election. The statement shall reflect the evaluation of each justice or  
13 judge conducted by the judicial council according to law. A statement  
14 may not exceed 600 words.

15 Sec. 15.58.060. CHARGES FOR SPACE IN PAMPHLET. (a) Each general  
16 election candidate shall pay to the lieutenant governor at the time of  
17 filing material under this chapter the following:

18 (1) President or Vice President of the United States, United  
19 States senator, United States representative, governor, lieutenant  
20 governor, supreme court justice, \$150 each;

21 (2) superior court judge, district court judge, \$75 each;

22 (3) state senator, and state representative, \$50 each.

23 (b) The state chairman or executive committee of a political party  
24 shall pay to the lieutenant governor at the time of filing material  
25 under this chapter \$300 for each page purchased.

26 (c) There is no charge for statements and recommendations sub-  
27 mitted by the judicial council or for statements advocating approval or  
28 rejection of a proposition submitted to the voters for approval.

29 Sec. 15.58.070. ORGANIZATION OF MATERIAL. Material in the elec-

1 tion pamphlet shall be organized to the extent possible in the same  
2 manner and form in which it will appear on the ballot. The decision of  
3 the lieutenant governor on the form of material is final.

4 Sec. 15.58.080. DISTRIBUTION. (a) Not less than 30 days before  
5 the general election, the lieutenant governor shall mail to every  
6 registered voter one copy of the pamphlet prepared for the region in  
7 which the voter resides. Additional pamphlets may be obtained from the  
8 director, the office of the lieutenant governor, and area election  
9 offices.

10 (b) The state library shall make a recording of the appropriate  
11 regional pamphlet available to a blind voter without cost. The lieu-  
12 tenant governor shall assist with the preparation of recording each  
13 regional pamphlet.

14 Sec. 15.58.090. DELEGATION BY LIEUTENANT GOVERNOR. The lieutenant  
15 governor may delegate the duties imposed on him by this chapter to the  
16 director.

17 \* Sec. 193. AS 15.60.010 is repealed and re-enacted to read:

18 Sec. 15.60.010. DEFINITIONS. In this title, unless the context  
19 otherwise requires,

20 (1) "absentee voting official" means a person appointed to  
21 serve as an absentee voting official in accordance with AS 15.20.045;

22 (2) "ballot" means a hand-mark ballot and a punch-card bal-  
23 lot;

24 (3) "director" means the director of elections who is the  
25 chief elections officer of the state appointed in accordance with AS 15.-  
26 10.105(a);

27 (4) "election" includes a general or special election;

28 (5) "election board" means the local precinct board composed  
29 of the three election judges;

1  
2 (6) "election district" means one of the districts described  
3 in art. XIV, sec. 3, of the state constitution, as may be modified under  
4 art. VI of the state constitution;

5 (7) "election official" means election judges, clerks,  
6 counters, members of canvass boards, employees of the division of elec-  
7 tions and absentee voting officials;

8 (8) "federal election" means a general, special, or primary  
9 election held solely or in part for the purpose of selecting, nominating  
10 or electing a candidate for the office of President, Vice-President,  
11 Presidential elector, United States senator or United States represen-  
12 tative;

13 (9) "general election" means the election held on the Tuesday  
14 after the first Monday in November of even-numbered years;

15 (10) "hand-mark ballot" means a ballot designated to be marked  
16 by hand with a pen or pencil;

17 (11) "lieutenant governor" includes an appointed lieutenant  
18 governor, governor, or acting governor if a vacancy has occurred in the  
19 office of lieutenant governor or governor;

20 (12) "limited political party" means a political group which  
21 organizes for the purpose of selecting candidates for electors for  
22 president and vice-president;

23 (13) "local election" means a regular or special election held  
24 by a borough, city, school district, or regional educational attendance  
25 area;

26 (14) "master register" means the list of all registered voters  
27 in the state which is maintained by the director of elections;

28 (15) "member of a political party" means a person who supports  
29 the political program of a party;

(16) "oath" includes affirmation; "sworn" includes affirmed;

1  
2 (17) "official registration list" means the list of all voters  
3 qualified to vote at a particular election compiled in accordance with  
4 AS 15.07.125;

5 (18) "party district committee" means the political party  
6 committee that performs the executive function for a region representing  
7 an area larger than a precinct and smaller than the state;

8 (19) "political group" means a group of organized voters which  
9 represents a political program and which does not qualify as a political  
10 party;

11 (20) "political party" means a group of organized voters which  
12 represents a political program and which nominated a candidate for  
13 governor who received at least 10 percent of the total vote cast at the  
14 preceding general election for governor;

15 (21) "precinct" means the territory within which resident  
16 voters may cast votes at one polling place;

17 (22) "presidential election year" means a year in which the  
18 presidential electors are elected;

19 (23) "proposition" means an initiative, referendum, or con-  
20 stitutional amendment submitted at an election to the public for vote;

21 (24) "punch-card ballot" means a ballot designed to be punched  
22 by a machine and counted by automatic data processing equipment;

23 (25) "qualified voter" means a person who has the qualifi-  
24 cation of a voter and is not disqualified as provided by art. V, sec. 2,  
25 of the state constitution and AS 15.05.030;

26 (26) "question" means an issue placed on the ballot to deter-  
27 mine whether a judge or justice shall be accepted or rejected, whether a  
28 constitutional convention shall be called, whether a state debt shall be  
29 contracted, or whether a state official shall be recalled;

(27) "registration official" includes an employee of the

1 division of elections when performing the task of voter registration and  
2 a person appointed to serve as a registration official in accordance  
3 with AS 15.07.081 or 15.07.100;

4 (28) "senate district" means the territory included in the  
5 election districts as designated in art. XIV, sec. 2, of the state  
6 constitution, as may be modified under art. VI of the state constitu-  
7 tion;

8 (29) "signature" or "subscription" includes a mark intended as  
9 a signature or subscription;

10 (30) "special election" means an election held at a time other  
11 than when the general or party primary election is held and an election  
12 called to be held with, and at the time of, the general or party primary  
13 election;

14 (31) "state chairman" means the party official elected as the  
15 highest ranking statewide party executive;

16 (32) "vacancy" exists in an office when the person elected or  
17 appointed to the office resigns, retires, dies, is recalled, is rejected  
18 by majority vote on the question at an election, is convicted of a  
19 corrupt practice, is removed by impeachment, or is expelled;

20 (33) "voter" means a person who presents himself for the  
21 purpose of voting either in person or by absentee ballot.

22 \* Sec. 194. As 15 is amended by adding a new chapter to read:

23 CHAPTER 03. ADMINISTRATION OF ELECTIONS.

24 ARTICLE 1. STATE ELECTION BOARD.

25 Sec. 15.03.010. STATE ELECTION BOARD. There is created at the  
26 head of the division of elections the State Election Board consisting of  
27 the lieutenant governor who is the chairman of the board and four mem-  
28 bers appointed by the governor.

29 Sec. 15.03.020. APPOINTMENT OF MEMBERS. The governor shall appoint

1 one member of the State Election Board from each political party. The  
2 appointee from each political party shall be chosen from a list of four  
3 names submitted to the governor by the central committee of the politi-  
4 cal party. The governor shall appoint the remaining members of the  
5 board without regard to political affiliation. Each member appointed by  
6 the governor must be confirmed by a majority of the members of the  
7 legislature in joint session.

8 Sec. 15.03.030. TERM OF OFFICE. The term of an appointed member  
9 of the State Election Board is four years. The term of a member begins  
10 on March 1 of the year of appointment.

11 Sec. 15.03.040. VACANCIES. A vacancy on the State Election Board  
12 is filled in the same manner as the original appointment. A member  
13 appointed to fill a vacancy serves for the unexpired term.

14 Sec. 15.03.050. MEETINGS. Meetings of the State Election Board  
15 shall be held at the call of the chairman or two members. Three members  
16 constitute a quorum. The affirmative vote of three members is necessary  
17 for any action to be taken by the board. Minutes shall be kept of all  
18 meetings of the board and a record kept of the vote of each member on  
19 all questions coming before the board.

20 Sec. 15.03.060. DUTIES OF THE STATE ELECTION BOARD. The State  
21 Election Board shall

22 (1) appoint, subject to the approval of the governor, and  
23 remove, in its sole discretion, the director of elections;

24 (2) periodically review the procedures and practices of the  
25 division of elections;

26 (3) adopt regulations under the Administrative Procedure Act  
27 (AS 44.62) necessary for the administration of elections;

28 (4) investigate the administration of election laws and  
29 frauds or irregularities in elections;

1 (5) report apparent violations of election laws to the appro-  
2 priate agencies for further investigation and prosecution;

3 (6) make recommendations to the legislature for changes in  
4 election laws;

5 (7) approve the budget of the division of elections for  
6 submission to the governor;

7 (8) perform other duties assigned to it by law.

8 Sec. 15.03.070. COMPENSATION AND STAFF. The members of the State  
9 Election Board serve without compensation but are entitled to travel  
10 expenses and per diem prescribed for other state boards and commissions.  
11 The board may use the staff of the lieutenant governor as necessary to  
12 carry out its duties.

13 ARTICLE 2. DIRECTOR OF ELECTIONS.

14 Sec. 15.03.080. DIRECTOR OF ELECTIONS. (a) The director of  
15 elections is the principal executive officer of the division of elec-  
16 tions.

17 (b) The director shall

18 (1) prepare an annual budget for the division of elections,  
19 subject to the approval of the State Election Board;

20 (2) prepare reports concerning procedures and practices of  
21 the division of elections as requested by the State Election Board.

22 \* Sec. 195. AS 15.07.070(a) is amended to read:

23 (a) The State Election Board [DIRECTOR] may adopt regulations  
24 under the Administrative Procedure Act (AS 44.52) consistent with the  
25 provisions of this section to enable voters to register.

26 \* Sec. 196. AS 15.07.070(b) is amended to read:

27 (b) To register by mail the director or the area election super-  
28 visor shall furnish, upon request, and at no cost to the voter, forms  
29 prepared by the director on which the registration information required

1 under AS 15.07.060 shall be inserted by the voter, or by a person on  
2 behalf of the voter if he is physically incapacitated. The forms shall  
3 be executed before an election judge, a notary public, a commissioned  
4 officer of the armed forces including the National Guard, a district  
5 judge or magistrate, a United States postal official, or other person  
6 qualified to administer oaths. The director may require proof of  
7 identification of the applicant as required by regulations adopted by  
8 the State Election Board [DIRECTOR] under the Administrative Procedure  
9 Act (AS 44.62). Upon receipt and approval of the completed registration  
10 forms the director or the election supervisor shall forward to the voter  
11 an acknowledgment in the form of a registration card, and his name shall  
12 immediately be placed on the master register located in the office of  
13 the director and on the district register located in the office of the  
14 election supervisor. If the registration is denied, the voter shall  
15 immediately be informed in writing by certified or registered letter  
16 that registration was denied and the reason for denial.

17 \* Sec. 197. AS 15.10.020 is amended to read:

18 Sec. 15.10.020. PRECINCT BOUNDARIES AND POLLING PLACES MODIFIED BY  
19 STATE ELECTION BOARD [DIRECTOR]. The State Election Board [DIRECTOR]  
20 shall have the exclusive power to modify the boundary of a precinct and  
21 to establish or abolish a precinct and polling place in the state by  
22 regulations adopted under the Administrative Procedure Act (AS 44.62).

23 \* Sec. 198. AS 15.10.030 is amended to read:

24 Sec. 15.10.030. UNIFORM PRECINCT BOUNDARIES REQUIRED FOR STATE AND  
25 LOCAL ELECTIONS. The precinct boundaries established by the State Elec-  
26 tion Board [DIRECTOR] shall be the boundaries for both state and local  
27 elections. The State Election Board [DIRECTOR] by regulation pursuant  
28 to the provisions of the Administrative Procedure Act (AS 44.62) may  
29 authorize the combining, consolidation, or altering of precinct bound-

1 daries for local elections.

2 \* Sec. 199. AS 15.10.050 is amended to read:

3 Sec. 15.10.050. GENERAL DUTY AND STANDARD FOR PRECINCT BOUNDARY  
4 MODIFICATION. The State Election Board [DIRECTOR] shall modify the  
5 boundary of a precinct, and shall establish or abolish a precinct if the  
6 action serves the convenience of the voters and assures the efficient  
7 administration of election laws.

8 \* Sec. 200. AS 15.10.080 is amended to read:

9 Sec. 15.10.080. DATES FOR DESIGNATING PRECINCT BOUNDARY. The  
10 State Election Board [DIRECTOR] shall designate boundaries of an elec-  
11 tion precinct which has been established or modified, not later than 40  
12 days before an election.

13 \* Sec. 201. AS 15.10.090 is amended to read:

14 Sec. 15.10.090. NOTICE OF PRECINCT BOUNDARY DESIGNATION AND MODI-  
15 FICATION. The State Election Board [DIRECTOR] shall give full public  
16 notice when precinct boundaries are designated and when the boundaries  
17 of a precinct are modified or when a precinct is established or  
18 abolished. Public notice shall include, but is not limited to, the  
19 publication on three different days in a daily newspaper of general  
20 circulation, if such a newspaper is published in the election district  
21 where the precinct is located, by posting written notice in three con-  
22 spicuous places in the designated precinct, and by notification to  
23 appropriate municipal clerks.

24 \* Sec. 202. AS 15.10.100 is amended to read:

25 Sec. 15.10.100. JUDICIAL REVIEW OF PRECINCT BOUNDARY. Any person  
26 aggrieved by a determination of precinct boundaries by the State Elec-  
27 tion Board [DIRECTOR] may bring a civil action to have the determination  
28 reviewed in the superior court. If the action receives final deter-  
29 mination within 15 days before the election, the State Election Board

1 [DIRECTOR] shall not make the required modification in precinct bound-  
2 aries until immediately after the election.

3 \* Sec. 103. AS 15.10.105(a) is amended to read:

4 (a) [THE LIEUTENANT GOVERNOR SHALL CONTROL AND SUPERVISE THE DIVI-  
5 SION OF ELECTIONS. THE LIEUTENANT GOVERNOR SHALL APPOINT A DIRECTOR OF  
6 ELECTIONS.] The director shall supervise the [ACT FOR HIM IN THE SUPER-  
7 VISION OF] central and regional election offices, the employment and  
8 training of election personnel, and the administration of all state  
9 elections as well as those municipal elections which the state is re-  
10 quired to conduct. The director serves at the pleasure of the State  
11 Election Board [LIEUTENANT GOVERNOR].

12 \* Sec. 104. AS 15.13.170 is amended to read:

13 Sec. 15.13.170. APPOINTMENT AND PRIVILEGES OF WATCHERS. The  
14 precinct party committee, where an organized precinct committee exists,  
15 or the district party committee where no organized precinct committee  
16 exists, or the state party chairman where neither precinct nor district  
17 committee exists, may appoint one or more persons as watchers in each  
18 precinct and counting center for any election. Each candidate not  
19 representing a political party may appoint one or more watchers for each  
20 precinct or counting center in his respective district or the state for  
21 any election. Any organization or organized group that sponsors or  
22 opposes an initiative, referendum or recall may have one or more persons  
23 as watchers at the polls and counting centers after first obtaining  
24 authorization from the director. No state party chairman, no precinct  
25 party committee, no district committee or candidate not representing a  
26 political party or organization or organized group may have more than  
27 one watcher on duty at a time in any precinct or counting center. The  
28 watcher may be present at a position inside the place of voting or  
29 counting which affords a full view of all action of the election board

1 and other counters taken from the time the polls are opened until the  
2 ballots are finally counted and the results certified by the election  
3 board or the Data Processing Review Board. The election board or the  
4 Data Processing Review Board may require each watcher to present written  
5 proof showing that he is the watcher appointed by the precinct party  
6 committee, the district party committee, the organization or organized  
7 group or the candidate he represents which is signed by the chairman of  
8 the precinct party committee, the district party committee, the state  
9 party chairman, the organization or organized group or the candidate  
10 representing no party. The State Election Board [DIRECTOR] may pre-  
11 scribe regulations under the Administrative Procedure Act (AS 44.62),  
12 governing the conduct of watchers to assure the privileges of the  
13 watchers and the proper conduct of the election.

14 \* Sec. 205. AS 15.15.361 is amended to read:

15 Sec. 15.15.361. STICKERS. The State Election Board [DIRECTOR] may  
16 adopt regulations under the Administrative Procedure Act (AS 44.62),  
17 governing the size, thickness, color and other characteristics of  
18 stickers and their use in elections.

19 \* Sec. 206. AS 15.15.480 is amended to read:

20 Sec. 15.15.480. SECURITY OF BALLOTS. All official ballots in the  
21 possession of election officials, whether marked or unmarked, shall be  
22 kept in a secure manner until destroyed in accordance with law. The  
23 State Election Board [DIRECTOR] shall adopt regulations which provide  
24 for the security of ballots during transportation and storage.

25 \* Sec. 207. AS 15.20.045(b) is amended to read:

26 (b) The State Election Board [DIRECTOR] may designate by regu-  
27 lation adopted under the Administrative Procedure Act (AS 44.62) loca-  
28 tions at which absentee voting stations will be operated on election day  
29 and on other dates and at times to be designated by the director. The

1 director shall supply absentee voting stations with ballots for all  
2 election districts in the state and shall designate absentee voting  
3 officials to serve at absentee voting stations.

4 \* Sec. 208. AS 15.20.081(f) is amended to read:

5 (f) The director may require a voter casting an absentee ballot by  
6 mail to provide proof of identification or other information to aid in  
7 the establishment of his identity as prescribed by regulations of the  
8 State Election Board adopted under the Administrative Procedure Act  
9 (AS 44.62).

10 \* Sec. 209. AS 15.25.050(b) is amended to read:

11 (b) An indigent person as defined by regulations adopted by the  
12 State Election Board under the Administrative Procedure Act (AS 44.62)  
13 may file a statement of indigency in the form prescribed by regulation  
14 in place of the filing fee required by this section.

15 \* Sec. 210. AS 15.60.010(3) is amended to read:

16 (3) "director" means the director of elections who is the  
17 chief elections officer of the state appointed in accordance with  
18 AS 15.03.060 [AS 15.10.105(a)];

19 \* Sec. 211. AS 15.60.010 is amended by adding a new paragraph to read:

20 (34) "State Election Board" means the board created by AS 15.-  
21 03.010 which oversees state elections;

22 \* Sec. 212. The following laws are repealed: AS 15.07.020, 15.07.065,  
23 15.07.090(d), 15.07.160(c); AS 15.15.190, 15.15.210, 15.15.215(b); AS 15.20.-  
24 060, 15.20.062, 15.20.065, 15.20.070 - 15.20.150, 15.20.210, 15.20.220, 15.-  
25 20.230 - 15.20.420; AS 15.25.080; AS 15.55; AS 15.57; and AS 15.65.

26 \* Sec. 213. AS 44.19.030(1) is repealed.

27 \* Sec. 214. The terms of the initial members of the State Election Board  
28 appointed under AS 15.03.020 shall be one, two, three, and four years, re-  
29 spectively. The governor shall specify the term of office for each member in

1 accordance with this section.

2 \* Sec. 215. Sections 1 - 193, 212, and 215 of this Act take effect im-  
3 mediately in accordance with AS 01.10.070(c). Sections 194 - 211 and 213 -  
4 214 of this Act take effect on the effective date of an amendment to the  
5 state constitution providing for the establishment of a board at the head of  
6 a division of state government.  
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THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill Resolution No. Senate Bill 312  
 Title "An act relating to elections and revising the Alaska Election Code; REQUESTED BY and providing for an effective date. Date 01/18/80  
 Requested by Senate Finance.

II. FISCAL DETAIL

Agency Affected Division of Elections  
 Program Category Affected \_\_\_\_\_  
 BRU, Program, or Subprogram(s) Affected \_\_\_\_\_  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)  
EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES			44.0			
200 TRAVEL			9.0	5.		
300 CONTRACTUAL		10.	153.0	500.		
400 COMMODITIES						
500 EQUIPMENT		6.				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		16.	206.0	505.		

FUNDING (Thousands of Dollars)

GENERAL FUND		16.	206.0	505.		
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

FY 80 - The contractual request is for the preparation and printing of various forms that must be revised including the absentee affidavit envelopes, questioned ballot envelopes, instructions to absentee voters, etc. The equipment request is for the absentee voting stations including the purchase of microfiche readers, polling booths, and various other pieces of small equipment.

FY 81 - Five temporary positions for six months are requested as follows: three to serve as absentee voting officials at places such as airports, Prudhoe Bay, pipeline camps, etc., and two for additional recording duties such as for absentee ballots, both personal representative ballots and receipt of ballots in the election offices. The travel increase is for the state election board assuming the constitu-

IV. DATE 1-18-80 PREPARED BY Patly A. Polley  
 AGENCY Division of Elections  
 PHONE 586-6181  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

tional amendment is approved by the voters in 1980. The contractual request includes funds for revising the voter registration system for the 1982 elections. The Arthur Young report and the election bill require revisions to the automated voter registration system including voter history and purge notification. Absentee canvas boards, question ballot boards and the state canvas board will be working for longer periods of time.

TO: Jay S. Hammond, Governor  
State of Alaska

Clem Tillion, President  
Alaska State Senate

Terry Gardiner, Speaker  
Alaska House of Representatives

Tim Kelly, Chairman  
Senate Elections Committee

Bill Parker, Chairman  
House Elections Committee

FROM: The Election Review Committee

SUBJECT: Proposed Revisions to Title 15

DATE: September 18, 1979

In March, 1979, Lieutenant Governor Terry Miller, reacting to public response, appointed this Election Review Committee. In April, 1979, the committee held public hearings in Anchorage, Fairbanks, and Juneau with teleconference hearings to Kodiak, Nome, Kotzebue, Soldotna, Bethel, Barrow, Ketchikan, and Sitka. Four subsequent meetings of the committee were held in June, July, August, and September, 1979. At these meetings the committee arrived at a consensus as to the changes which they recommend be made in Title 15.

The proposed revisions went through several drafts. Attached to this memorandum is the final work product of the committee. This memorandum will attempt to outline the proposed changes and the committee's underlying rationale in recommending these changes.

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### CHAPTER 3. ADMINISTRATION OF ELECTIONS.

Throughout their consideration of the election code, the committee attempted to balance certain competing interests. In the case of the management of elections, there are two competing interests. The first is the desire to preserve the autonomy and the political independence and integrity of the election process. On the other hand, the committee believes that the election process should not be so protected that it is isolated from the presence of any accountable elected public official. In order to balance these interests, the committee recommends the creation of a State Election Board which will appoint the director of elections who will have responsibility for the daily conduct of elections. The State Election Board would be comprised of five persons. The chairman would be the lieutenant governor. The four other members would be appointed by the governor. The committee believes that under this structure, public accountability will be maintained through the presence of the second constitutional officer of the state as head of the State Election Board which has control of the budget, regulations, general monitoring of the division of elections, and has the power to conduct investigations into problems arising out of elections and the election process. This concept is set out in the new proposed chapter 3 of Title 15. Sections 15.03.010 through 15.03.080.

## CHAPTER 5. QUALIFICATION OF VOTERS.

In considering the remainder of the revisions in Title 15, the committee tried to balance its desire that the franchise be as accessible as possible to qualified voters while at the same time safeguarding the integrity of the franchise by making it difficult for unqualified voters to cast ballots.

The major revisions to chapter 5 are the addition of a section (AS 15.05.011) dealing with the qualifications of overseas citizens which is required under federal law by the Overseas Citizens Voting Rights Act of 1975, as amended, and a revision of the section dealing with voting rights of persons convicted of certain felonies. The new section, AS 15.03.035, provides that a person convicted of a felony involving moral turpitude loses his right to vote following his conviction but that, after having served his sentence and being unconditionally released, his voting rights are automatically restored. Loss of the right to vote upon felony conviction is required by art. VI, § 2 of the Alaska Constitution.

## CHAPTER 7. REGISTRATION OF VOTERS.

With regard to chapter 7, it is the consensus of the committee that current registration procedures need revision in order to insure that only qualified voters are allowed to register. AS 15.07.060 has been amended to provide that information on registration forms is to be supplied under oath. Additional information is required as to the place of prior registration of the voter. Voters registering in person before a registration official are required to exhibit one form of positive identification to the official. Persons registering by mail are required to supply information as required by regulations of the State Election Board in order to establish their identity. Under AS 15.07.070(b), persons registering by mail are also required to execute their registration forms before an official qualified to administer oaths.

There has been some question in the past as to whether an incomplete registration which is re-executed relates back to the date of the original registration. New subsection (f) of AS 15.07.070 provides that the date of re-execution is the date of registration.

AS 15.07.100 has been amended to give the director of elections more control over registration officials. Specifically it provides for training and testing and specifies grounds for removal of registration officials.

A new section, AS 15.07.125, distinguishes the list of registered voters qualified to vote at an election which is to be prepared prior to each election from the master register to which names may be added at any time.

AS 15.07.130, the "purge statute" has been amended. Currently it provides that a person may be purged from the registration rolls if he has not voted in a state election at least once in the preceding four calendar years and has not returned a card mailed to him advising him of the intent of the division of elections to remove him from the rolls. The draft version of AS 15.07.130 provides that a voter may be purged from the rolls when he has not voted in a municipal or state election in two consecutive calendar years, has not reregistered, that is, changed his registration in some manner under AS 15.07.090, or has not returned a purge card which has been sent to him. If a voter has been purged and is otherwise qualified to vote, he may vote a questioned ballot and sign an affidavit that he has in fact voted within four years. His vote will be counted if this fact is verified by the Division of Elections.

The committee believes that the two year purge is essential for several reasons. Alaska clearly has a high incidence of transient population, particularly in the two major metropolitan centers of Anchorage and Fairbanks. This results in a substantial number of names on the registration

lists of persons who are no longer in the state or who have moved to other election districts within the state. When people leave the state, they usually do not notify election officials. This inflation of the registration lists creates waiting lines at the polls and inhibits voter communication by candidates because of the increased cost of mailings to many people who no longer reside in the district. This reduces the amount of communication between candidates and officeholders and the electorate. It also increases the likelihood that persons may vote in the names of registered voters who are no longer in the state.

The committee did, however, want to preserve as many options as possible for the voter to remain an active voter within the two year time period. In any two year period under existing law there are four elections, two state elections and two local elections. The time period has been shortened, but there are the same number of elections as well as additional opportunities for the voter to remain on the rolls. Any communication that he has with the elections office in writing with regard to his registration or a return of the purge card will keep him on the rolls. In addition, a qualified voter has an additional two years to vote even though his name no longer appears on the rolls.

The committee realizes that with regard to purge laws, competing interests must be balanced. It has