

LEG. FINANCE - BILLS 1979 - 1980 1330

SB 312 cont. , 1330

determined on balance that the interest of the state in accurate voter rolls outweighs any inconvenience which may be caused to the voter by the shorter purge period.

#### CHAPTER 10. ELECTION DISTRICTS AND OFFICIALS.

Several minor changes were made to chapter 10. The responsibility for adoption of regulations regarding precinct boundaries now lies with the State Election Board. The State Election Board is also given the authority in AS 15.10.170 to prescribe regulations governing the conduct of poll watchers. AS 15.10.150 was amended to insure party input into the nomination of precinct election judges and clerks. The suggested amended section now provides that where no district committee exists, the state party chairman may nominate persons for election judges and clerks.

#### CHAPTER 15. GENERAL PROCEDURE FOR ELECTIONS.

All duties with regard to the day to day running of elections will be the responsibility of the director of elections under this draft. AS 15.15.030 dealing with preparation of the official ballot was amended to insure that a ballot proposition which was previously a petition for an initiative, referendum, or recall retains the same number on the ballot as the number which was assigned to the petition. AS 15.15.040 was made more general with the intent that the section would not have to be amended in future years when procedures and technology change. A

similar amendment was made to AS 15.15.050. AS 15.15.180 was amended and AS 15.15.190 was repealed for similar reasons.

The distinctions between challenged and questioned ballots have been eliminated. There is now only one form of extraordinary ballot at the polling place and this is termed the questioned ballot. Accordingly, AS 15.15.210 is repealed. AS 15.15.195 and AS 15.15.198 and AS 15.15.213 establish the circumstances under which a voter must vote a questioned ballot. They provide that he must do so in the event that his name is not on the official registration list or in the event his qualifications are in question.

A new section, AS 15.15.225, has been added. Under this section a voter is required to show one form of positive identification before being allowed to vote at his polling place. If an election judge is personally acquainted with a voter, he may waive the identification requirement. Any voter who cannot exhibit the required identification must vote a questioned ballot even though his name appears on the official registration list.

The portion of AS 15.15.330 which allowed the "early count" of ballots has been eliminated. The committee believes that the counting of any ballots prior to closing of the polls is unwise due to the necessity for increased security procedures and the public perception that tampering could occur.

AS 15.15.350 has been amended to insure that all ballots are accounted for by the election officials at the polls on election night.

AS 15.15.360 has been amended to insure that only particular marks on ballots will be counted. It is the intent of the committee that only those markings specified in subsection (1) of AS 15.15.360 are to be counted. The committee has added marks not previously in the statute including stars, asterisks, diagonal, horizontal, vertical, and solid marks. It is the intent of the committee that all markings commonly used by voters which were not identifiable as belonging to a particular voter should be included in the statute and this draft attempts to include all those markings. It is also the intent of the committee that the counters at the precinct and on recount follow the statute exactly. The intent is to take away from the director of elections as much discretion with regard to which votes to count as possible.

#### CHAPTER 20. SPECIAL PROCEDURES FOR ELECTIONS.

The committee received a significant amount of testimony with regard to absentee balloting procedures and has substantially changed those procedures in this draft.

AS 15.20.010(3) has been repealed because it is included in AS 15.20.010(1).

The committee believes that there are significant problems with the computer counting of punch-card ballots

which are punched by hand rather than by machine. In the past, pre-perforated hand-punch ballots were used as absentee ballots in precincts in which punch card voting was used. AS 15.20.030 provides that all absentee ballots shall be hand-mark ballots which is defined by AS 15.60.010(12) as a ballot which is marked by hand with a pen or pencil.

The committee found upon review that the sections of the statute dealing with absentee voting were somewhat confused. AS 15.20.060, .062, .065, .070, .080, .090, .100, .110, .120, .130, .140, and .150 are suggested for repeal. In their place new sections 15.20.061, .071, and .081 would be enacted. The principal purpose of this proposed repeal and re-enactment is to clarify absentee voting procedures. However, certain substantive changes were made in these revisions.

Under AS 15.20.071, only a person who is physically disabled may vote absentee by personal representative. The personal representative must obtain and return the ballot to the election official on the same day. The personal representative may attest the signature of the absentee voter.

When a person votes absentee by mail, his signature must be attested by an election judge, notary public, commissioned officer of the armed forces, including the national guard, a district judge or magistrate, a United

States postal official, or any other person qualified to administer oaths. In the event none of these officials are accessible, the voter must make a statement under oath to that effect and have his ballot witnessed by two individuals at least 18 years of age. The absentee voter may be required to furnish information sufficient to enable the director of elections to identify him as prescribed by regulation of the State Election Board. An absentee ballot by mail must be marked and witnessed on or before the day of the election, must be mailed not later than the day of the election, and postmarked, if at all, on or before the day of the election. The provision that an absentee ballot must be postmarked not later than the day of the election has been dropped from the draft because it has been the experience of the division of elections that the post office frequently fails to postmark ballot envelopes particularly when postage is paid by the division of elections.

AS 15.20.061 provides three ways in which a person may vote absentee in person. First, a person may vote before an absentee voting official in his own election district. These officials are appointed under AS 15.20.045. Second, the voter may vote in the office of an election supervisor, and third, he may vote at an absentee voting station as designated under AS 15.20.045(b). The committee has perceived a need for additional absentee voting locations throughout the state. These will be designated by regulation

of the State Election Board. It is the intent of the committee that these stations should be placed where large numbers of persons who are outside their voting district are likely to be on or shortly before election day, places such as Prudhoe Bay, major airports throughout the state and possibly locations accessible to large numbers of fishermen who are away from their home district.

AS 15.20.061 requires that proof of identification be exhibited to the absentee voting official when absentee voting is done in person. The absentee voting official will be the person attesting the absentee ballot of the voter. With the exception of the requirement for identification and the establishment of other absentee voting stations, this section does not constitute a change from present law of absentee voting in person.

Under present law, the district absentee ballot canvass boards canvass absentee and questioned ballots. Under the revision of AS 15.20.190 two separate boards will be appointed by the district election supervisors, one to canvass absentee ballots and the other to canvass questioned ballots.

AS 15.20.200 and 15.20.210 which deal with the district absentee ballot canvass are repealed and in their place AS 15.20.201, 15.20.203, 15.20.205, and 15.20.207 are proposed. These sections detail the time and procedure for

the district absentee ballot canvass and the district questioned ballot canvass.

With regard to absentee ballot canvass, there are several changes from present law. Currently, the absentee ballot canvass board meets on the second day following the date of the election and begins to canvass absentee ballots. Under the proposed AS 15.20.201, the district absentee ballot canvass board will begin canvassing absentee ballots on the seventh day preceding the date of the election. The canvass board will canvass all absentee ballots as they are received in the election supervisor's office. They will meet at such times considered necessary by the election supervisor in order to canvass the ballots on hand.

In accordance with the committee's feeling that no ballots should be counted prior to the closing of polls on election day, the counting of absentee ballots will not begin until 8:00 p.m. on the date of the election. The counting shall continue at such times and places as are designated by the election supervisor.

The district absentee ballot canvass boards will canvass only those absentee ballots received up to and including the seventh day following the day of the election. The board will then certify the absentee ballot canvass. Any absentee ballots received by the election supervisor following the certification of the absentee ballot canvass

will be forwarded immediately to the director of elections. If these votes are received in the director of elections' office by 4:00 p.m. on the fifteenth day following the election, they will be canvassed and counted and will be included in the election results as certified by the state canvass board under AS 15.15.440 and 15.15.450. Absentee ballots received after the deadline will not be counted.

The questioned ballot canvass will begin on the second day following the day of the election and will continue at times designated by the election supervisor until all questioned ballots on hand have been counted. In the event that not all questioned ballots have been received from the precincts by the eighth day following the day of the election, the questioned ballot canvass board will nevertheless certify the questioned ballot canvass and will forward any questioned ballots received after certification to the director of elections. These questioned ballots will be canvassed and counted by the state canvass board prior to the fifteenth day in the same manner as absentee ballots.

AS 15.20.203 sets forth the rules for counting absentee ballots. These are slightly changed from present law. The ballot will not be counted if the voter is not registered in the district for which the ballot is cast. The vote will not be counted if it has not been marked and attested on or before the day of the election and it will

not be counted unless, if postmarked, it is postmarked on or before the date of the election. The remaining requirements are the same as under present law.

The procedure for challenging absentee ballots at the district canvass has been slightly changed in that the proposed section provides that any person present at the canvass may challenge a ballot. The present law provides only that the election supervisor or a member of the district absentee ballot canvass board may challenge an absentee ballot. The proposed new law will make a failure to challenge an absentee ballot prior to its opening and commingling with other ballots a waiver of the right to later challenge the ballot.

AS 15.20.207 sets out the rules for counting questioned ballots. The committee debated the policy questions surrounding this section at great length. These questions involve "cross-district" and "cross-precinct" voting.

The Supreme Court has ruled that the current statute allows cross-precinct voting. The Division of Elections has interpreted the statute since 1972 to allow cross-district voting.

The chief advantage of the present system is that it allows maximum exercise of the franchise. A voter who is unexpectedly and unavoidably out of his precinct or district on election day may still have his vote counted. If the

practice is continued, it must be widely advertised to the electorate in order that all voters may equally enjoy the privilege of voting out of precinct. One of the fears of the committee is that, if there is advertisement of this opportunity, far greater numbers of voters will take advantage of exercising their franchise in that manner, not out of necessity but merely for convenience. Commuters, for example, may vote in precincts or districts where they work, rather than where they live. The committee believes this may create long lines and unduly burden election officials in certain precincts while other precincts will be deserted. Another consideration in the question of cross-district voting is the inability of the cross-district voter to vote a full ballot. His vote only counts on statewide issues. The committee generally wishes to foster a system which will encourage voters to vote on all races, district as well as statewide. This purpose will be partially served by the absentee voting stations provided for in this draft which will have ballots from all districts available.

The committee was split with regard to the issues of cross-precinct and cross-district voting. A majority of the committee voted in favor of allowing cross-precinct voting. Cross-precinct voting is accordingly allowed in the draft. The committee was split evenly on whether cross-district voting should be allowed and therefore this draft

does not allow cross-district voting. The names of members voting for and against cross-district and cross-precinct voting are listed at the end of this memorandum.

In accordance with the decision that only cross-precinct voting is to be allowed, AS 15.20.207 provides that a ballot will not be counted unless the voter is registered in the district in which the ballot is cast.

The same provision as to the challenge of questioned ballots at the district canvass is provided in this section as is provided in the absentee voting section.

AS 15.20.230-15.20.420 would be repealed by this bill. These sections deal with the use of voting machines other than punch card machines. Voting machines are no longer used in Alaska elections. The committee has considered in the course of its deliberations alternative methods of automated vote counting. Voting machines are not considered by the committee as a possible alternative because of the many problems associated with their use.

AS 15.20.430 - 15.20.530 which deal with recounts and appeals from recounts have been only slightly amended. The director of elections conducts the recount and makes the recount decisions. The scope of the recount and the vote to be recounted has greatly increased over the years, and accordingly, the committee proposes to increase the number of days which the director of elections has to conduct the

recount from five to ten. In addition to recounting all the ballots, under AS 15.20.480, the director of elections must check the number of regular and questioned ballots cast in a precinct against the registers and must check the number of absentee ballots voted against the number of absentee ballots distributed. This provision was added to the code to prevent the recurrence of a situation in the 1978 primary election in which a number of ballots were mislaid and the recount did not disclose the discrepancy in the number of ballots.

AS 15.20.480 mandates that, in recounting the votes, the director of elections follow the rules set out for the counting of ballots in AS 15.15.360 and 15.20.730.

The committee has amended the grounds for election contests contained in AS 15.20.540. Irregularity rather than malconduct on the part of an election official is proposed as grounds for an election contest. The committee recommends the following language as a ground for an election contest.

Any irregularity which is the result of an act or omission on the part of an election official sufficient to change the results of the election.

"Irregularity" is defined in the code to mean any significant or substantial departure by an election official from the procedures set forth in statute and regulation. The committee has used the phrase "sufficient to change the results of the election" as it was interpreted by the Alaska Supreme Court in Hammond v. Hickel, 588 P.2d 256 (Alaska 1978).

The committee believes that this change in the grounds for election contest is necessary because they believe that an error in the election process even though innocently caused which is sufficient to change the results of the election within the meaning given that phrase in Hammond v. Hickel should be actionable.

The committee has looked at various alternatives to automated vote counting and has not come up with a recommendation of a system which it believes to be superior to the present punch card voting system used by the state and set forth in AS 15.20.590 - 15.20.730. The committee has, however, perceived the need for several amendments to the present punch card voting statutes.

In AS 15.20.600, party participation in appointment of boards overseeing punch card processing is assured by a provision which allows the state chairman of the party to make nominations to the election supervisors in the event the party district committee fails to do so. In AS 15.20.620 all references to the counting of absentee ballots by computer have been deleted because the committee has decided, as previously noted in this report, that all absentee ballots should be hand-mark rather than punch card ballots.

Because of change in technology, the provision that the computer system shall remain idle after testing before tabulation of punch card balloting begins is no longer feasible and is replaced by provisions which make it

clear that the vote counting task is to remain isolate from other tasks and that only critical tasks are to be performed during this period.

In the use of punch card voting, there are always ballots which are not able to be processed through the computer because they are damaged in some fashion. Present law provides that these ballots will be facsimiled and that the facsimile punched ballots will be processed through the computer. The committee does not believe that ballots should be facsimiled. It proposes in AS 15.20.685 that the ballots which cannot be processed by machine be counted by hand, and there are provisions for the appointment of counting teams to stand by in the computer center on election night. This section also makes it clear that write-in votes on ballots will be counted on election night by these counting teams.

In AS 15.20.650, a phrase has been added which will allow a licensed security officer accompanied by another designated person to deliver ballots from distant precincts to the computer center. There have been problems in the past in getting two members of the precinct election board to do the delivery where the precinct is remote from the computer center because election judges have worked all day at the election. These election judges may have to travel two hours to deliver the ballots and return home.

AS 15.20.680 has been rewritten to coincide more exactly with current practice and to spell out the procedures in more detail.

AS 15.20.690 dealing with alternate site counting has been amended so that, in the event a computer breaks down and the counting process must be moved to an alternate location, counting does not have to begin again from the beginning as required by present law. It is the decision of the data processing review board as to which precincts should be recounted, if any.

A phrase has been added to AS 15.20.710 to make it clear that results of partial vote count may be transmitted by the computer while vote counting is still in progress.

AS 15.20.730 is amended to make clear that the rules for counting ballots contained in that section are mandatory and must be followed exactly. This change was made for the same reasons as were set forth with regard to counting of hand-mark ballots in AS 15.15.360.

AS 15.20.740 sets forth a procedure for processing questioned, punch card ballots. This procedure is not clear under present law and it is the intent of this section merely to clarify present procedure.

#### CHAPTER 25. NOMINATION OF CANDIDATES.

AS 15.25.030(a)(14) is amended to insure that a person cannot file two declarations of candidacy for the same office.

AS 15.25.030(a)(15) provides that a person must be registered to vote as a member of the party whose nomination he seeks. Subsection (b) was added to AS 15.25.030 in order to inform the candidate in Title 15 that he must make filings under AS 39.50 in order for his declaration of candidacy to be accepted.

AS 15.25.040(c) has been amended so that a candidate for statewide office can file his declaration of candidacy either with the director of elections or with an election supervisor. The present law provides that statewide candidates may only file with the lieutenant governor. This is intended as a convenience to the candidate.

AS 15.25.050 has been amended to direct that filing fees collected from candidates filing declarations of candidacy shall be remitted to the political party whose nomination that candidate seeks. A new subsection (b) is added to AS 15.25.050 which allows indigent persons to file declarations of candidacy without payment of the filing fee. The committee has been advised by the attorney general that such a provision is required by federal court decisions.

AS 15.25.056 has been amended to increase the number of days before the date of a primary election on which a vacancy can be filled by party petition. These vacancies occur where a candidate dies or is disqualified or incapacitated. The vacancy cannot be filled if it occurs less than 40 days prior to the general election. The

purpose of this change is to insure that the ballot does not contain deletions and additions not in the original printed ballot. The committee believes that such deletions or additions on the preprinted ballot may introduce bias in favor of the candidate who is added or a candidate whose name occurs just above or below the addition.

AS 15.25.080 has been repealed. The committee believes that the ability to record party preference in the official registration book is unnecessary and serves no valid purpose either for the state or the voter..

AS 15.25.110 is amended to provide that a vacancy occurring on the general election ballot may not be filled if it occurs less than 40 days prior to the election. The reason for this change is similar to the reason for the change in AS 15.25.056. The portion of this section which deals with preparation of the ballot is deleted because it will not be necessary to have gummed labels on the ballot since the ballots are not printed until 40 days prior to the election.

AS 15.25.150 is amended to require return receipts on certified mail containing petitions for nomination at the general election.

AS 15.25.160 has been amended to change the number of signatures required on petitions for nominations for statewide office from 1,000 qualified voters to at least

2.5 percent of the number of votes cast in the preceding general election. That number as of this date is 3,243. The committee feels that this reflects a fair number, one which insures that a candidate has sufficient support to enable him to be an effective candidate while at the same time not unduly burdening the candidate in his petition process. When the current provision was enacted, 1,000 signatures represented approximately two percent of votes cast (figures based on the 1958 special statehood referendum election). Instead of enacting a higher fixed number of signatures, the committee chose to express the number of signatures required as a percentage of the votes cast in the last election. Thus, the section need not be amended as the population grows.

AS 15.25.170 has been amended to provide that the petition for district wide office be signed by only 2.5 percent of the number of votes cast in the election or senate district in the preceding general election rather than 5 percent while deleting the requirement that the petition contain no more than 200 signatures. This amendment is made under the same rationale as the amendment to AS 15.25.160.

AS 15.25.180 is amended to add the requirement that a candidate must state on his petition his name as he wishes it to appear on the ballot.

#### CHAPTER 30. NATIONAL ELECTIONS.

AS 15.30.025 provides for the organization of "limited political parties". The word "limited" is placed before "political party" at all places at which it is referenced to make clear that it does not refer to a political party as defined in this title. Also "limited political party" is now defined in the title at AS 15.60.010(14).

#### CHAPTER 35. STATE ELECTIONS.

The only changes made in chapter 35 are the transfer of duties from the lieutenant governor to the director of elections.

#### CHAPTER 40. SPECIAL ELECTIONS AND APPOINTMENTS.

AS 15.40.110 is amended to change the number of signatures required on petitions for nomination of candidates not representing political parties from 1,000 qualified voters to 2.5 percent of the number of votes cast in the preceding general election. The committee's rationale for this change is made for United States representative in AS 15.40.190, for governor and lieutenant governor in AS 15.40.280 and for state legislator in AS 15.40.440.

#### CHAPTER 45. INITIATIVE, REFERENDUM & RECALL.

AS 15.45.100 is amended to list the maximum fine for false signing of a petition as \$5,000 rather than \$1,000 in conformance with the punishment as prescribed by AS 12.55 for a violation of AS 15.55.150.

Similar amendments are made to AS 15.45.330 and AS 15.45.570.

The state's duties with regard to initiatives, AS 15.45.010 - AS 15.45.240, remain with the lieutenant governor because the constitution of the State of Alaska at art. XI, §§ 2, 3, and 4 prescribes that the lieutenant governor will perform those duties. The constitution at art. XI, §§ 5 and 6 prescribes that the lieutenant governor is also responsible for referenda. Therefore, the references to the lieutenant governor in the portion of AS 15.45 relating to referenda also remains the same.

Section AS 15.45.240 is amended solely for purposes of clarification and is not intended to be a substantive change. That section deals with the remedies of a person aggrieved by a determination of the lieutenant governor with regard to an initiative. Similar amendments are made to AS 15.45.460 and AS 15.45.720.

Since the committee believes that it may be efficient to administer all election laws in one office, new sections AS 15.45.245 and AS 15.45.465 are added. These sections enable the lieutenant governor to delegate the duties imposed upon him by AS 15.45.010 - AS 15.45.460 to the director of elections.

With regard to recall, the constitution does not impose duties upon the lieutenant governor. These are, therefore, under these new provisions, assigned to the

director of elections. The portion of AS 15.45.480 which assigns the action on an application for recall of the lieutenant governor to the attorney general is accordingly repealed and the director of elections handles all recalls.

AS 15.45.500 is amended to provide that the signatures of at least 100 qualified voters must be subscribed as sponsors on a petition for recall. This is intended as a clarification only and not as a substantive change.

AS 15.45.670 is amended to delete the reference to the use of voting machines as the voting machine portion of Title 15 has been recommended by the committee for repeal.

#### CHAPTER 50. CONSTITUTIONAL AMENDMENTS AND CONVENTIONS.

Article XIII assigns the duties regarding constitutional amendments and conventions to the lieutenant governor. Accordingly in AS 15.50.010 - AS 15.50.100 the lieutenant governor is responsible for administering these laws. A new section, AS 15.50.110, is added which allows the lieutenant governor to delegate the duties imposed upon him with regard to constitutional amendments to the director of elections. The committee has added this section for the same reason that sections AS 15.45.245 and 15.45.465 were added.

#### CHAPTER 55. ELECTION OFFENSES, CORRUPT PRACTICES AND PENALTIES.

Chapter 55 sets forth all acts which are offenses under the election code.

The chapter has been rewritten to bring it into conformity with the revised criminal code which will become effective January 1, 1980. Where practicable those few criminal offenses which are located elsewhere in Title 15 have been included in Chapter 55.

While AS 15.55 presently contains over 20 criminal offenses, the proposed draft has reduced this to ten offenses which are entitled as follows: Campaign Misconduct in the first degree; Campaign Misconduct in the second degree; Unlawful Interference with voting; Voter Misconduct in the first degree; Voter Misconduct in the second degree; Unlawful Interference with an Election; Election Official Misconduct in the first degree; Election Official Misconduct in the second degree; Improper Subscription to Petition; and Refusal to Allow Employee Time Off.

AS 15.55.240. which deals with the existing one year statute of limitations relating to election offenses, has been deleted entirely, which will allow the general statute of limitations located in Title 12 to apply to offenses in AS 15.55. In addition, penalties for convictions of any of the enumerated offenses are denoted as class C felonies, class A misdemeanors, class B misdemeanors, or as a violation. Possible sentences for these offenses are delineated in AS 12.55.035, .125, and .135.

It is felt that the organization and breakdown of offenses in proposed AS 15.55 will be of assistance

not only to citizens who are concerned with the possible elections violations, but also to election officials who are concerned as to what aspects of their conduct may result in violations of the law.

Proposed chapter 55 contains few substantive changes from existing chapter 55. The changes include (1) a more narrowly drawn libel statute (found in proposed AS 15.55.011(a)(2); (2) the addition of a new statute, AS 15.55.036(a)(3) which would prohibit the knowing solicitation or encouragement to vote of someone who is registered to vote but who is no longer qualified to vote, for example, a person no longer residing in the state; (3) the addition of a new statute, AS 15.55.031(a)(3) which would prohibit the receiving or agreeing to receive a bribe with the intention to vote or not vote for a particular candidate or election proposition or question; and (4) the addition of a new statute, AS 15.55.041(a)(4), which would prohibit a person from knowingly voting or soliciting a person to vote after the polls are closed with the intent that his vote be counted.

#### CHAPTER 57. ELECTION PAMPHLET.

It is the committee's initial decision that the election pamphlet should be prepared by the office of the lieutenant governor. However, it is provided in AS 15.57.110 that the lieutenant governor may delegate the duties imposed upon him by chapter 55 to the director of elections in the

event that the director of elections can more efficiently handle these duties.

All of chapter 57 is repealed and re-enacted in slightly different form with few substantive changes. AS 15.57.011 provides authority for the lieutenant governor to prepare pamphlets on a regional basis. This is the manner in which they have been prepared in the past; however, there has been no express statutory authority for the preparation in that manner. It has previously been implied from AS 15.57.010. The major change contained in AS 15.57.021 is the requirement of 6(a) that the full text of the proposition, constitutional, or statutory provisions must be set forth in the election pamphlet. AS 15.57.021(4) requires that sample ballots for the election districts of the region must be included in the pamphlet. AS 15.57.021(8) and (9) provide that political parties may submit material and that the lieutenant governor may put any additional information on voting procedures which he considers necessary into the pamphlet.

AS 15.57.031 requires the submission of information for the pamphlet to the lieutenant governor no later than 75 days before the general election. The present law provides 60 days. The committee believes that the additional time will insure that the pamphlets are mailed at least 30 days prior to the election as required by AS 15.57.100(a).

The charges for space in the election pamphlet are changed. The charge for state representative is raised from \$25 to \$50 which is the current charge for a state senator. The charge for district and superior court judges is raised to \$75 and the charge for all statewide candidates is raised to \$150. The charge for political party space is changed to \$300 per page.

#### CHAPTER 60. GENERAL PROVISIONS.

AS 15.60.010 has been amended by adding a number of new definitions. State chairman, director of elections, state election board, master register, official registration list, limited political party, hand-mark ballot, punch card ballot, ballot, federal election, registration official, absentee voting official and irregularity.

#### CHAPTER 65. RIGHTS OF VOTER AND PROHIBITIONS.

This chapter has been repealed. Chapter 55 now applies to offenses in local elections unless otherwise indicated in the particular section of AS 15.55. The committee did not find any reason to distinguish between offenses in state and local elections except in those instances where the offense is necessarily limited by its nature to state elections.

#### CONCLUSION

The present election code has been changed over the past twenty years by at least three methods: court decisions, technology and practice, and intermittent legislative changes. These changes have not been integrated into an

internally consistent code. The committee wanted to write the code in such a fashion that future technological changes could be accommodated without having to restructure the code every time. The new board, acting in a monitoring capacity, should provide sufficient safeguards in the administration of elections. It should not take legislative action every time a new procedure needs to be implemented.

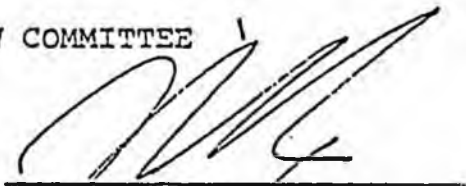
Because of the large expanse of the state, its sparse population and the large number of people who work on a volunteer basis for a very short period of time, the span of control over the election process will not be perfect.

Recognizing fully the impossibility of creating a perfect election code with no possibility for error or fraud, the committee believes that the attached draft adequately balances many competing interests. The committee has attempted through its hearing and deliberative processes to protect the qualified voter's right to the franchise, while providing the necessary checks and balances to insure the integrity of the election process.

ELECTION REVIEW COMMITTEE

DATE:

April 20, 1979



Terry Miller

In favor of	Yes	No
Cross-Precinct Voting	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cross-District Voting	<input checked="" type="checkbox"/>	<input type="checkbox"/>

OTHER COMMENTS:

*This Code represents a fair and careful balancing of interests and should be enacted.*

OTHER COMMENTS (con't.)

DATE:

9/20/79

Timothy D. Kelly  
Tim Kelly

In favor of	Yes	No
Cross-Precinct Voting	—	<u>X</u>
Cross-District Voting	—	<u>X</u>

OTHER COMMENTS:

DATE: 9/20/79

Yvonne Alford  
Yvonne Alford

In favor of	Yes	No
Cross-Precinct Voting	—	<u>X</u>
Cross-District Voting	—	<u>X</u>

OTHER COMMENTS:

(see attached sheet)

DATE: 9/22/79

Andy Edge  
Andy Edge

In favor of	Yes	No
Cross-Precinct Voting	—	<u>X</u>
Cross-District Voting	—	<u>X</u>

OTHER COMMENTS:

I object to cross precinct voting as I strongly believe that it will take away the initiative to organize a "get out the vote" drive by destroying the necessary check lists by precinct residents who voted in an election. Allowing cross precinct voting will destroy the basic "grass roots" level of political parties and decrease the two party system which is essential to our democratic form of government.

DATE:

9/21/79

Bettye Fahrenkamp  
Bettye Fahrenkamp

In favor of	Yes	No
Cross-Precinct Voting	<u>X</u>	—
Cross-District Voting	<u>X</u>	—

OTHER COMMENTS:

I believe that we should do everything possible to encourage everyone to vote and make it as easy as we can. However, we must assure that the elections reflect accurately the will of the voters. This document is a fair reflection of all of us meeting in a spirit of compromise.

DATE:

Sept. 21, 1979

Sandra Stringer  
Sandra Stringer

In favor of	Yes	No
Cross-Precinct Voting	<u>X</u>	—
Cross-District Voting	<u>X</u>	—

OTHER COMMENTS:

DATE: September 21, 1979

Beverly G. Buchanan  
Beverly Buchanan

In favor of	Yes	No
Cross-Precinct Voting	<u>X</u>	___
Cross-District Voting	___	<u>X</u>

OTHER COMMENTS:

DATE: 22 Sept 79

Bill Parker  
Bill Parker

In favor of	Yes	No
Cross-Precinct Voting	<u>X</u>	___
Cross-District Voting	<u>X</u>	___

OTHER COMMENTS:

This proposed new election code should be required reading for every member of the Alaska legislature.

Especially recommended for your scrutiny are the sections on purging the voter rolls, cross-precinct and cross-district voting and the definition of "irregularity".

This legislative review should match the diligence shown by Lt. Governor Miller, Senators Kelly and Fahrenkamp, and other members of the Election Review Committee.

FY note Senate Supplement #3

ALASKA STATE LEGISLATURE

ELEVENTH Legislature SECOND Session

SENATE BILL ..... NO. 312

By THE SPECIAL COMMITTEE ON ELECTORAL REFORM

An Act relating to elections and revising the Alaska Election Code; and providing for an effective date.

Introduced in the Senate ..... 1/14/80

HISTORY IN THE SENATE

1980

1 14  
1 17  
2 13

Read first time and referred to Committee on

STATE AFFAIRS

*Amended added*  
Reported back with S.P. recommendation that *replace* 3 do pass, 1 no rec, 1 do pass if Am. to *Revised*

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed  
Signed by President  
Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed  
Signed by Speaker  
Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Received from House

To enrolling

Reported correctly enrolled

Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No. ....

M E M O

One additional section was added to FCCS HB 3.

SECTION 53 - ALL REFERENCES TO CHALLENGED ARE DELETED AND REPLACED WITH QUESTIONED, AND LT. GOVERNOR IS DELETED AND REPLACED WITH DIRECTOR.

All sections from Section 53 on will be one number higher than this summary.

ALASKA STATE SENATE

SENATOR TIM KELLY  
CHAIRMAN

SENATOR BOB MULCAHY  
SENATOR BETTYE FAHRENKAMP  
MEMBERS



POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-3822

OUT OF SESSION  
P.O. BOX 1004  
EAGLE RIVER, ALASKA 99588  
694-3578

Special Committee on Electoral Reform

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THE FOLLOWING IS A SECTION BY SECTION ANALYSIS OF THE CHANGES PROPOSED TO THE ELECTION CODE IN FCCS HB 3.

Most duties and responsibilities would be assigned from the LT. GOVERNOR to the DIRECTOR of Elections. The word CANVASS would be deleted entirely throughout Title 15. This is done for clarity, as the word canvass referred to counting and reviewing and it was not always clear which meaning was being used. It is replaced with mostly COUNTING and REVIEW. (It is helpful to have a copy of the bill with this).

SECTION 1 - (2) Wording changed to clarify the qualifications of a person turning 18 on election day.

SECTION 2 - A new section added as required by Federal Law which assures the voting rights and qualifications of overseas citizens.

SECTION 3 - Authority from Lt. Governor to Director.

SECTION 4 - Provides for the restoration of voting rights for a person convicted of a felony involving moral turpitude, after having served his sentence and being unconditionally released from Custody.

SECTION 5 - Wording changes to clarify registration and voting in the correct precinct. Addition of sentence which states any person's whose name does not appear on the register may vote a questioned ballot.

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- SECTION 6 - Added section which would ensure the overseas Citizens Voting Rights Act.
- SECTION 7 - Would establish that a person may register not more than 90 days before his 18th birthday. Under the current statute - he can register (but not vote) anytime before his 18th birthday.
- SECTION 8 - Provides that information on registration would be under oath. (It is currently done so, however this gives statutory authority). Deletes the sentence that an applicant would supply his district and precinct; the registration official or Election Supervisor would do so, and would require the applicant to give the address of his previous registration.
- (c) Added paragraph - Voters registering in person would exhibit one form of identification to the registration official unless the official is familiar with the identity of the applicant.
  - (d) Previous name under which a person was registered to vote would be supplied on registration form.
- SECTION 9 - (b) Persons registering by mail would be required to execute their registration forms in the presence of an official qualified to administer oaths, unless none is reasonably accesible in which case two persons over 18 would witness the form.

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- SECTION 9 -  
(c,d,& f)      Wording changes to clarify that registrations postmarked less than 30 days before an election, would not be eligible to vote in that election. Their names would be put on the master registration list following that election. Same with registering in person. The official date for erroneous or incomplete registrations will be the reexecuted date.
- SECTION 10 -      Clarifies registration officials at polling places, allows for compensating them.
- SEC. 11&12 -      Authority from Lt. Governor to Director.
- SECTION 13 -      Sets forth qualifications, standards and training for registration officials & the requirement that the registration forms be filed within 5 days of completion by the voter.
- SEC. 14&15 -      Authority from Lt. Governor to Director.
- SECTION 16 -      New section added which would provide for the preparation of the official registration list for each precinct - consisting of all those names appearing on the master list 30 days prior to the election.

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- SECTION 17 - If no voter activity has taken place in two years (previously four) and no response received to an inquiry - a voter would be removed from the voter registration list. However, local elections would be added here. This would establish a two year purge law and includes municipal elections for voting record purposes.
- SECTION 18 - Authority from Lt. Governor to Director and wording clarification.
- SECTION 19 - New section added which would request the Director to obtain names of convicted felons involving moral turpitude, and those unconditionally discharged from custody. Also, a section would require municipal clerks to forward lists of names, addresses and voter numbers of those persons voting in their elections to the Director of Elections. (So to be included in voter histories).
- SEC. 20-25 - Authority from Lt. Governor to Director.
- SECTION 26 - Added sentence that municipalities would be notified of precinct boundary changes.
- SECTION 27 - Authority from Lt. Governor to Director, the number of days are increased for judicial review.

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- SECTION 28 - Would provide for the Lt. Governor to control and supervise the Division of Elections and for the Director rather than the Lt. Governor to be the Chief administrator of elections. The Director would serve at the pleasure of the Lt. Governor.
- SECTION 29 - Authority from Lt. Governor to Director and wording clarification on training dates.
- SECTION 30 - Authority from Lt. Governor to Director.
- SECTION 31 - If no election judges are available in the precinct, qualified voters from other precincts may be appointed.
- SECTION 32 - Delete "canvass" and replace with "precinct count".
- SECTION 33 - Provides for the election supervisor to appoint a minimum of 3 persons to the election board, but if needed, may appoint more.
- SECTION 34 - The addition of a sentence which would provide for the state party chairman to appoint poll watchers where no precinct or district party exists.  
Authority from Lt. Governor to Director.
- SECTION 35 - Authority from Lt. Governor to Director, & clarifies pay situation.

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- SECTION 36 - Requires the name of the campaign chairman rather than the treasurer appear on political advertisements.
- SECTION 37 - The Director rather than Lt. Governor would provide the general supervision over the conduct of the elections. This section would give the Director the authority to issue regulations.
- SECTION 38 -
- (1 - 4) Authority from Lt. Governor to Director.
  - (5) Added "state".
  - (6 & 7) No change.
  - (8) Establishes that all ballot propositions would be given the number assigned to it as a petition.
  - (9 & 10) No change.
  - (11) Bonding questions would be assigned letters rather than numbers, to keep them straight from ballot propositions.
  - (13) Authority from Lt. Governor.
- SECTION 37 - Authority from Lt. Governor to Director.
- SEC. 40-41 - Rewritten to clarify the preparation of election materials.
- SECTION 42 - Would alternate emergency location. Authority from Lt. Governor to Director, & clarification for alternate locations.
- (d) Addition - would provide maps or other informative material where deemed necessary.
- SEC. 43-46 - Authority from Lt. Governor to Director.

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SECTION 47 - Add election (before supervisor) for clarification.

SECTION 48 - Delete "canvass", and clarifies filling a vacancy on the election board.

SECTION 49 - Rewritten for clarity & to include reference to punch card ballots.

SECTION 50 - Increases electioneering limits from 100 to 200 feet from the polls.

SECTION 51 - Wordings changes for clarification.

SECTION 52 - New sections were added which would clearly state who shall be allowed to cast a regular and questioned ballot. A person whose name appears on the official registration list from the precinct will be issued a regular ballot, if his name does not appear he will be issued a questioned ballot.

(b) States that a person who has had his registration cancelled under 15.07.130(b) (the 2 year purge) would be able to vote a questioned ballot and the ballot would be counted if he has in fact been a registered voter during the previous 2 general elections, signs a statement to that effect and this is verified by the Director.

SECTION 53 - Would allow any voter to cast a questioned ballot.

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- SECTION 54 - (a) All extraordinary ballots would be referred to as "questioned ballots", the term challenged would be eliminated. The language would be simplified for the use of envelopes with questioned ballots.
- (b) Moved to new Chapter 54 - Criminal Provisions.
- SECTION 55 - Minor word addition for clarity.
- SECTION 56 - A new section which would require identification to be shown before being allowed to vote. Provides that this may be waived if a voter is known to an election judge. If no identification, the voter would be allowed to cast a questioned ballot.
- SEC. 57-59 - Would provide minor word changes for clarity.
- SECTION 60 - Would provide for unlawfully exhibited ballots to be recorded and then destroyed. (Now retained & picked up).
- SECTION 61 - Would prohibit the early counting of ballots. Provides that the counting would begin when the polls close. Delete "canvass".
- SECTION 62 - Delete "canvass", clarifies arrival time for counters.
- SECTION 63 - Added language which would ensure ballot accountability for regular, questioned, unused and spoiled ballots.

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SECTION 63 - (b) Added sentence to ensure ballots would not be  
(Cont'd.) counted until after 8 P.M. on election day.

SECTION 64 - (1) Ballot markings on paper ballots which would be  
counted are clearly defined.

(2 - 9) No changes.

(10) The distance for offering stickers would be  
increased from 100 feet to 200 feet from the polls.

(11) For write-in votes, the box opposite the sticker  
or name written would have to be clearly marked.

(11b) No other marks on paper ballots would be counted  
other than those set forth in Section 1.

(11c) Includes rules for the hand counting of punch card  
ballots which have been hand marked.

SECTION 65 - A new section added which would allow for the  
adoption of regulations governing the size and  
characteristics of stickers.

SECTION 66 - Revised language for completion of ballot count.

SECTION 67 - Would provide for the Director to set the pay rate  
for election board members, absentee and questioned  
ballot counting boards, and other boards by regulation.  
Deletes "canvass".

SECTION 68 - Authority from Lt. Governor to Director.

SECTION 69 - Added provision allowing any person access to a  
computer tape of mailing and residence addresses.

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- SEC. 70&71 - Authority from Lt. Governor to Director & refined language.
- SECTION 72 - Up-to-date word revision for ballot counting. Delete "canvass" and refer to paper ballots as "hand-marked ballots".
- SECTION 73 - Delete "canvass" and clarified language.
- SECTION 74 - Delete "canvass", & outlines responsibility of the Lt. Governor for clarifying constitutional amendments.
- SEC. 75-76 - Authority from Lt. Governor to Director.
- SECTION 77 - A new section added which would provide for ballot security and provisions to adopt regulations.
- SECTION 78 - Clarifies language for casting absentee ballots.
- SECTION 79 - Authority from Lt. Governor to Director and word clarification.
- SECTION 80 - Word revision to clarify the preparation of absentee ballots.
- SECTION 81 - Authority from Lt. Governor to Director and addition of materials for absentee voting stations.
- SECTION 82 - (a) Absentee voting officials would be supplied with the appropriate ballots for their district 15 days prior to an election.

SECTION 82 - (b) Would establish absentee voting station locations  
(Cont'd)

by regulation and provide that these stations would have absentee ballots for all 22 election districts.

SECTION 83 - (a) Clarifies provisions and times for absentee voting in the Regional Election Offices (Juneau, Anchorage, Fairbanks, & Nome).

(b) Allows for absentee voting in the 4 election offices to begin prior to the 15 days before the election if all offices have received their ballots.

SECTION 84 - Authority from Lt. Governor to Director.

SECTION 85 - Would establish guidelines for when and where a qualified person may apply for an absentee ballot:

- 1) to an absentee voting official in the district on or after the 15th day before the election, and including the day of,
- 2) to an election supervisor, same dates,
- 3) to an absentee voting station when it is operating,
- 4) to an absentee voting official when distance precludes easy access to the polling place on or after the 15th day before the election and up to and including election day,
- 5) to an absentee voting official when an election board cannot be located. Upon proof of positive identification the applicant would be issued a ballot. The absentee voting official would sign as the attesting witness. The absentee voting official would not

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- SECTION 85 - accept any improperly exhibited ballot. Provides  
(Cont'd.) new section on ballot accountability.
- SECTION 86 - 15.20.071 Only a person who is physically disabled  
and has a signed statement by a physician or two  
other qualified voters would be able to vote by  
Personal Representative, and would fill out a  
written application for absentee voting by Personal  
Representative. The Personal Representative would  
be the attesting witness and would sign and date  
the back of the envelope. The ballot would have  
to be returned to election officials within 3 days  
from the day it was obtained, and no later than  
8 P.M. on election day, if returned later - it will  
not be counted. No candidate for office may act  
as a Personal Representative.
- SECTION 86 - 15.20.081 Requires a person authorized to  
administer an oath to witness the signature on  
an absentee ballot. In the instance that a  
qualified official is not available, 2 persons may  
witness the signature. Identification may be  
required of absentee voters by mail. If the absentee  
ballot envelope is postmarked, the date must be  
on or before election day.

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- SECTION 87 - Absentee voting officials would forward all marked ballots to the Election Supervisor for his district, who would stamp on the envelope the date it was received.
- SECTION 88 - This section would establish separate district counting boards for Absentee and Questioned ballots, and would provide for the election supervisor to appoint counting teams to aid in the counting of absentee and questioned ballots.
- SECTION 89 - The District Absentee Review Board would begin reviewing voter certificates for absentee ballots 7 days PRIOR to the election (rather than the 2nd day after), and continue reviewing till 7 days after the election. The counting of absentee ballots would begin at 8 P.M. the day of the election and continue until all reviewed and eligible ballots have been counted. On the 8th day following the election the absentee counting board would certify the absentee ballot count. Any absentee ballots received in the Election Supervisors office after 7 days following the election would be forwarded to the Director of Elections. The District Absentee Counting Board would determine which ballots would be counted.

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- SECTION 89 - The procedures for the District Questioned Ballot (Cont'd) counting would be the same as for absentee ballots.
- SECTION 90 - Provides for the counting of district ballots.
- SECTION 91 -  
(a) Authority from Lt. Governor to Director and reflects absentee & questioned counting board.  
(b) Absentee and questioned ballots not received in the office of the Director of Elections by 4 P.M. on the 15th day after the election would not be counted by the state review board.
- SECTION 92 - Authority from Lt. Governor to Director, deletion of canvass.
- SECTION 93 - Would increase the number of observers in recount to two or more.
- SEC. 94-96 - Authority from Lt. Governor to Director, deletion of canvass.
- SECTION 97 - Election Recounts. The Director of Elections would check the number of regular and questioned ballots cast against the registers of signatures and would check absentee votes against those distributed. Time limit for completion of recount would be increased from 5 to 10 days. Absentee ballots received after 4 P.M. on the 15th day following the election but before the completion to be included in the recount.

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- SECTION 98 - The Director of Elections would conduct and certify the recount, except for initiatives, referandums, & constitutional amendments which would be certified by the Lt. Governor.
- SEC. 99-104 - Authority from Lt. Governor to Director, canvass to review.
- SECTION 105 - If district committies do not respond to requests for approval of persons to serve as punch card ballot counter center board, approval will be sought from a state party chairman.
- SECTION 106 - A new section is added which would allow the Director to disignate the computer to be used, and an alternate or additional computers.
- SECTION 107 - Authority from Lt. Governor to Director.
- SEC. 108&109 - Reference to challenged ballots replaced with questioned ballots.
- SECTION 110 - Amended to read that the computer would remain isolated from non-related tasks. Additional computer security precautions included pre-cautionary sentences would be added for computer security.
- SECTION 111 - A new section which would allow party representatives or members of the Data Processing Review Board to

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- SECTION 111 - request a listing of the program source code.  
(Cont'd.)
- SECTION 112 - Amended so that damaged punch card ballots would  
be set aside for hand counting.
- SECTION 113 - Reference to facsimiled ballot removed.
- SECTION 114 - Would allow for a licensed security guard and a  
member of the election board to accompany ballots  
to the counting center.
- SECTION 115 - Reference to facsimiled ballots removed.
- SECTION 116 - Revised to remove reference to challenged ballot  
& provide for questioned ballots to be given  
to the election supervisor.
- SECTION 117 - Section 15.20.680 would be repealed and reenacted  
to establish more detailed and secure procedures  
for the computer count of ballots.
- SECTION 118 - New section which would provide for the appointing  
of counting teams to be used at the data processing  
centers to hand count all unprocessable ballots and  
write-in votes.
- SECTION 119 - Would read that if the equipment fails and an  
alternate computer is available at the same site,  
a test-run will be made and ballot counting will  
resume at that site with the precinct determined  
by the Data Processing Review Board.

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- SECTION 120 - Reference to facsimile & challenged ballots removed.
- SECTION 121 - Would allow the Director to authorize the computerized broadcasting of results while counting is in process.
- SECTION 122 - Would allow the Data Processing Review Board to determine the number of people allowed in the computer room.
- SECTION 123 - Provides rules for hand counting of punch card ballots.
- SECTION 124 - A new section which would set forth the procedure for canvassing and counting questioned punch card ballots. These procedures are the same for hand-marked questioned ballots except that punch-card questioned ballots would be processed only on the third through eighth day following the election.
- SECTION 125 - Would be added to assure that the same person can't file two declarations of candidacy and/or a nominating petition. Would provide that a person must be registered as a member of the political party whose nomination he seeks.
- SECTION 126 - Amended so that a statewide candidate can file his declaration of candidacy with the Director of Elections or an Election Supervisor.

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- SECTION 127 - a) Subject to legislative appropriation, filing fees from candidates would be remitted to the political party whose nomination that candidate is seeking.
- SECTION 128 - Authority from Lt. Governor to Director.
- SECTION 129 - Nomination by party petition to fill a vacancy caused by death or disqualification of an unopposed incumbent candidate would have to be made 45 days before the primary.
- SECTION 130 - Would state that the death or disqualification of an incumbent within 40 days (now 10) of a primary election date does not affect the counting and review of the ballots.
- SECTION 131 - Authority from Lt. Governor to Director.
- SECTION 132 - Authority from Lt. Governor to Director and deletion of "canvass & voting Machines" (no longer used).
- SECTION 133 - Authority from Lt. Governor to Director.
- SECTION 134 - A candidate filling a vacancy by party petition would have to be filed 40 days before an election. By changing deadlines, reference to providing stickers for ballots is removed.
- SECTION 135 - Deadline for filing party petition for ballots changed from 10 to 40 days before an election.

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- SECTION 136 - Would be changed so that registered or certified mail could be used for delivery of candidacy by petition.
- SECTION 137 - The number of signatures required on petitions for the nomination of statewide office would be 1% of the number of votes cast in the preceding general election. (Current law calls for 1,000 signatures).
- SECTION 138 - The number of signatures needed for nomination for state senator and state representative would be changed from 5% to 2% of the number of votes cast in the respective district in the preceding election.
- SECTION 139 - Petition included that a nominating petition may not be filed if a declaration of candidacy of another nominating petition has already been filed.
- SEC. 140-142 - Authority from Lt. Governor to Director.
- SECTION 143 - Clarifies language on limited political party.
- SEC. 144-149 - Authority from Lt. Governor to Director.
- SECTION 150 - New sections added to include reference to Court of Appeals judge.
- SEC. 151-159 - Authority from Lt. Governor to Director.

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- SECTION 160 - Same as Section 137.
- SEC. 161-163 - Authority from Lt. Governor to Director.
- SECTION 164 - Same as Section 137 and 160.
- SECTION 165 - Authority from Lt. Governor to Director.
- SECTION 166 - Same change as Sections 137, 160, 164.
- SECTION 167 - A new section added which defines and clarifies when an independent candidate may be accepted as a member of a party caucus of the legislators.
- SEC.168-170 - Authority from Lt. Governor to Director.
- SECTION 171 - Amended for district-wide candidates not representing a major political party. A petition would require the signatures of 2% (now 5%) of the votes cast in his district in the preceding general election.
- SECTION 172 - Knowingly signing a petition more than once, would be a Class B misdemeanor upon conviction. (For initiatives).
- SECTION 173 - Wording clarification for duties.
- SECTION 174 - Authority from Lt. Governor to Director.
- SECTION 175 - Wording clarification.

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- SECTION 176 - A new section added which would give the Lt. Governor the statutory authority to delegate the duties related to initiatives, under Chapter 45 to the Director of Elections.
- SECTION 177 - Delection of "canvass".
- SECTION 178 - Same as Section 172, but for referendums.
- SECTION 179 - Wording clarification for duties.
- SECTION 180 - Authority from Lt. Governor to Director.
- SECTION 181 - Language clarifications.
- SECTION 182 - Allows the Lt. Governor to delegate his duties regarding referendums to the Director.
- SECTION 183 - Filing an application of recall of the Governor, Lt. Governor, and Legislators would be done with the Director of Elections. (Now recall of Governor and Legislators with Lt. Governor, and recall of Lt. Governor with the Attorney General).
- SECTION 184 - Wording clarification, sponsors of a recall petition would have to sign the application for recall (previously appointed).
- SEC. 185-188 - Authority from Lt. Governor to Director.
- SECTION 189 - It would be a Class B misdemeanor upon conviction, for knowingly signing a petition more than once.

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SEC. 190-197 - Authority from Lt. Governor to Director.

SECTION 198 - Language clarification.

SECTION 199 - Wording clarification.

SEC. 200-202 - Authority from Lt. Governor to Director.

SECTION 203 - A new section which would allow the Lt. Governor to delegate his duties regarding constitutional amendment and convention to the Director of Elections.

SECTION 204 - CHAPTER 55 ELECTION OFFENSES. CORRUPT PRACTICES AND PENALTIES is repealed and replaced with Chapter 56, which has been rewritten to conform with the New Criminal Code. The reorganization and breakdown of election offenses is clearly set out in this new chapter. Currently election offenses are found throughout Title 15.

In the proposed Chapter there are 10 categories of offenses, all either Class A misdemeanors, Class B misdemeanors, Class C felonies, or violations.

The 10 offenses are :

- 1) Campaign misconduct in the first degree - Class A. Misdemeanor. Would include the increase of prohibiting campaign material near the polls from 100 feet to 200 feet.
- 2) Campaign misconduct is the second degree - Class B Misdemeanor.
- 3) Unlawful interference with voters - Class A Misdemeanors.

SECTION 204 -  
(Cont'd.)

- 4) Voter Misconduct in the first degree -  
Class C Felony.
- 5) Voter misconduct in the second degree -  
Class A Misdemeanor.
- 6) Election Official misconduct in the first  
degree - Class C Felony.
- 7) Election Official misconduct in the 2nd  
degree - Class A Misdemeanor.
- 8) Improper subscription to petition - Class A  
Misdemeanor.
- 9) Refusal to allow employees time off to vote -  
Violation.
- 10) Penalty for Corrupt Practice - Vacate office.

The sentences for these offenses are delineated in  
AS 12.55.035, .125, and .135 are:

	Minimum	or	Maximum
Class A Misdemeanors	1 year		\$ 5,000 fine
Class B Misdemeanors	90 days		\$ 1,000 fine
Class C Felony	5 years		\$50,000 fine

SECTION 205 -

CHAPTER 57, REGARDING THE ELECTION PAMPHLET would  
be repealed and replaced with CHAPTER 58.

The preparation of the Election Pamphlet would  
remain in the Lt. Governor's office and would be  
prepared on a regional basis. The pamphlet would  
contain the full text of ballot propositions and  
initatives, and two pages of material submitted by

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SECTION 205 -  
(Cont'd.)

each political party. The information and material to be filed by each candidate is defined and would have to be submitted 75 days prior to the election (previously 60 days). The candidate's issue statement may not exceed 250 words (previously 200 words). Statements prepared by the Judicial Council evaluating judges subject to retention would be increased to 600 words (previously 300 words). Charges for space in the pamphlet are increased from \$100 to \$150 for National and Statewide, from \$50 to \$75 for judges and will be \$50 for both statewide Representatives and Senators.

SECTION 206 -

A number of new definitions have been added to CHAPTER 60 to increase the clarity of TITLE 15. They are:

STATE CHAIRMAN	HAND-MARKED BALLOT
DIRECTOR OF ELECTIONS	PUNCH-CARD BALLOT
STATE ELECTION BOARD	BALLOT
MASTER REGISTER	FEDERAL ELECTION
OFFICIAL REGISTER	REGISTRATION OFFICIAL
OFFICIAL REGISTRATION LIST	ABSENTEE VOTING OFFICIAL
LIMITED POLITICAL PARTY	FELONY INVOLVING MORAL TURPITUDE

SECTION 207 -

This section would add a new Chapter which would create a State Election Board. The Lt. Governor would serve as the Chairman of the Board and 4 other members would be appointed by the Governor and approved by the Legislature. One member from each political party shall be appointed from a list of

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- SECTION 207 - 4 names submitted by the Central Committee of  
(Cont'd). each political party. The remaining members will  
be appointed without regard to political affiliation.  
Terms will be 4 years.  
Major duties will include:
- 1) appointment & removal of Director of Elections,  
appointment is subject to approval by Governor.
  - 2) review regulations.
  - 3) adopt regulations.
  - 4) investigate fraud or irregularities.
  - 5) report violations for further investigation  
& prosecution.
  - 6) recommend changes in the law to the Legislature.
  - 7) approve budget for submission to the Governor.
- SEC. 208-221 - A transfer of duties regarding the adoption of  
regulations from the Director of Elections to the  
State Board.
- SEC. 222-223 - Director of Elections and State Election Board  
defined.
- SEC. 224-225 - Sections in TITLE 15 which are repealed, revised  
and reenacted.
- SECTION 226 - Repeals AS 44.19.030 (1) The Lt. Governor shall  
administer state election laws.
- SECTION 227 - Terms of office for state election board.

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SECTION 228 - Would increase the amount for political contributions for tax credit or refund from \$50 to \$100. Effective January 1, 1981.

SECTION 229 - The effective date for those sections regarding the State Election Board would be 30 days after the certification of a constitutional amendment passed by the voters allowing a board at the head of the division of elections.

SECTION 230 - Establishes January 1, 1981 as the effective date for all those sections requiring major administrative change and new procedures for the voter.

SECTION 231 - The following sections would be effective immediately:

SECTION

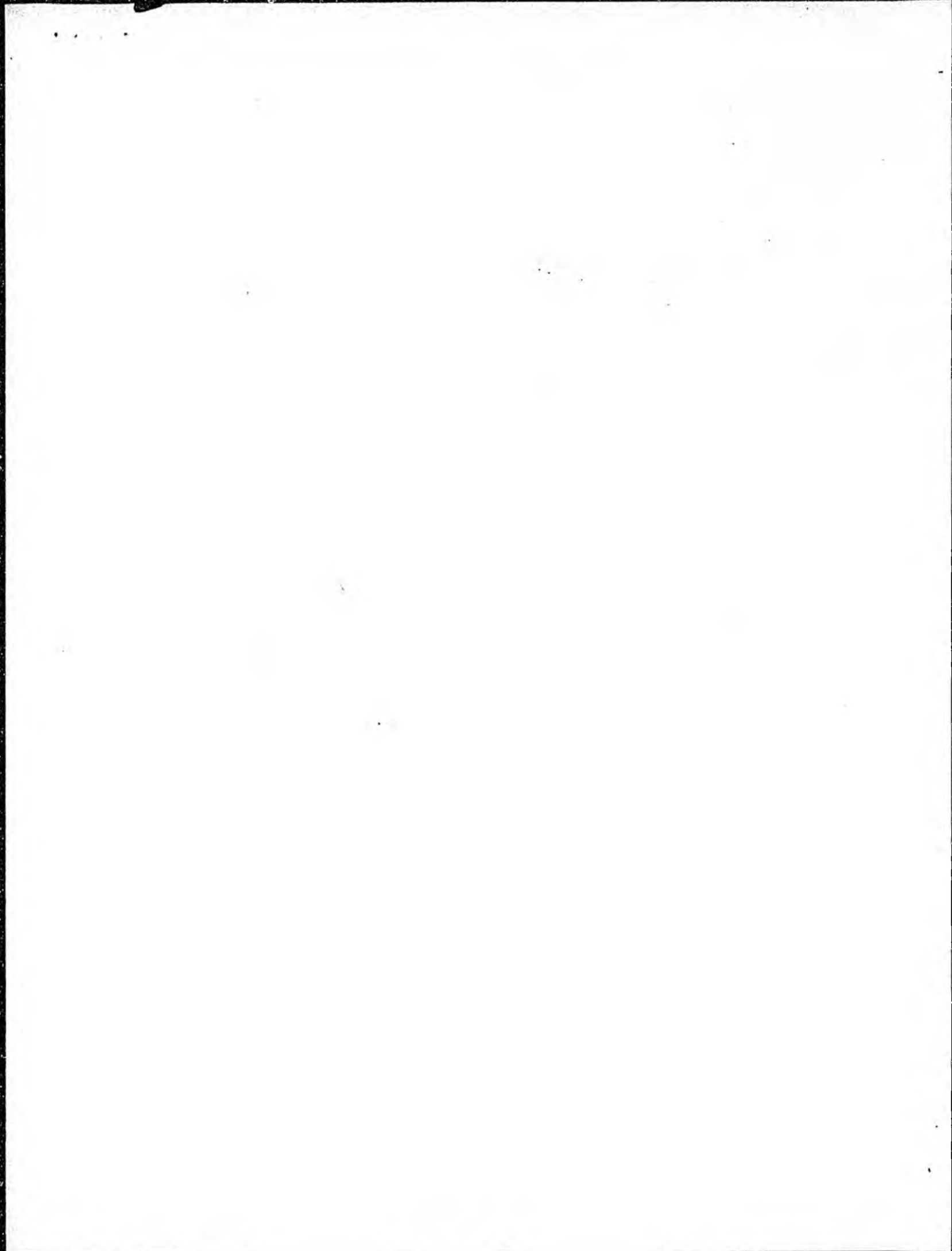
4 - Removal & restoration of voting rights of convicted felons.

29-31- Training of election boards & appointment of Election Supervisors & Election Boards.

38 - Preparation of official ballot.

104-123- Punch card voting.

205 - Election Pamphlet.



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

determined on balance that the interest of the state in accurate voter rolls outweighs any inconvenience which may be caused to the voter by the shorter purge period.

#### CHAPTER 10. ELECTION DISTRICTS AND OFFICIALS.

Several minor changes were made to chapter 10. The responsibility for adoption of regulations regarding precinct boundaries now lies with the State Election Board. The State Election Board is also given the authority in AS 15.10.170 to prescribe regulations governing the conduct of poll watchers. AS 15.10.150 was amended to insure party input into the nomination of precinct election judges and clerks. The suggested amended section now provides that where no district committee exists, the state party chairman may nominate persons for election judges and clerks.

#### CHAPTER 15. GENERAL PROCEDURE FOR ELECTIONS.

All duties with regard to the day to day running of elections will be the responsibility of the director of elections under this draft. AS 15.15.030 dealing with preparation of the official ballot was amended to insure that a ballot proposition which was previously a petition for an initiative, referendum, or recall retains the same number on the ballot as the number which was assigned to the petition. AS 15.15.040 was made more general with the intent that the section would not have to be amended in future years when procedures and technology change. A

similar amendment was made to AS 15.15.050. AS 15.15.180 was amended and AS 15.15.190 was repealed for similar reasons.

The distinctions between challenged and questioned ballots have been eliminated. There is now only one form of extraordinary ballot at the polling place and this is termed the questioned ballot. Accordingly, AS 15.15.210 is repealed. AS 15.15.195 and AS 15.15.198 and AS 15.15.213 establish the circumstances under which a voter must vote a questioned ballot. They provide that he must do so in the event that his name is not on the official registration list or in the event his qualifications are in question.

A new section, AS 15.15.225, has been added. Under this section a voter is required to show one form of positive identification before being allowed to vote at his polling place. If an election judge is personally acquainted with a voter, he may waive the identification requirement. Any voter who cannot exhibit the required identification must vote a questioned ballot even though his name appears on the official registration list.

The portion of AS 15.15.330 which allowed the "early count" of ballots has been eliminated. The committee believes that the counting of any ballots prior to closing of the polls is unwise due to the necessity for increased security procedures and the public perception that tampering could occur.

AS 15.15.350 has been amended to insure that all ballots are accounted for by the election officials at the polls on election night.

AS 15.15.360 has been amended to insure that only particular marks on ballots will be counted. It is the intent of the committee that only those markings specified in subsection (1) of AS 15.15.360 are to be counted. The committee has added marks not previously in the statute including stars, asterisks, diagonal, horizontal, vertical, and solid marks. It is the intent of the committee that all markings commonly used by voters which were not identifiable as belonging to a particular voter should be included in the statute and this draft attempts to include all those markings. It is also the intent of the committee that the counters at the precinct and on recount follow the statute exactly. The intent is to take away from the director of elections as much discretion with regard to which votes to count as possible.

#### CHAPTER 20. SPECIAL PROCEDURES FOR ELECTIONS.

The committee received a significant amount of testimony with regard to absentee balloting procedures and has substantially changed those procedures in this draft.

AS 15.20.010(3) has been repealed because it is included in AS 15.20.010(1).

The committee believes that there are significant problems with the computer counting of punch-card ballots

which are punched by hand rather than by machine. In the past, pre-perforated hand-punch ballots were used as absentee ballots in precincts in which punch card voting was used. AS 15.20.030 provides that all absentee ballots shall be hand-mark ballots which is defined by AS 15.60.010(12) as a ballot which is marked by hand with a pen or pencil.

The committee found upon review that the sections of the statute dealing with absentee voting were somewhat confused. AS 15.20.060, .062, .065, .070, .080, .090, .100, .110, .120, .130, .140, and .150 are suggested for repeal. In their place new sections 15.20.061, .071, and .081 would be enacted. The principal purpose of this proposed repeal and re-enactment is to clarify absentee voting procedures. However, certain substantive changes were made in these revisions.

Under AS 15.20.071, only a person who is physically disabled may vote absentee by personal representative. The personal representative must obtain and return the ballot to the election official on the same day. The personal representative may attest the signature of the absentee voter.

When a person votes absentee by mail, his signature must be attested by an election judge, notary public, commissioned officer of the armed forces, including the national guard, a district judge or magistrate, a United

States postal official, or any other person qualified to administer oaths. In the event none of these officials are accessible, the voter must make a statement under oath to that effect and have his ballot witnessed by two individuals at least 18 years of age. The absentee voter may be required to furnish information sufficient to enable the director of elections to identify him as prescribed by regulation of the State Election Board. An absentee ballot by mail must be marked and witnessed on or before the day of the election, must be mailed not later than the day of the election, and postmarked, if at all, on or before the day of the election. The provision that an absentee ballot must be postmarked not later than the day of the election has been dropped from the draft because it has been the experience of the division of elections that the post office frequently fails to postmark ballot envelopes particularly when postage is paid by the division of elections.

AS 15.20.061 provides three ways in which a person may vote absentee in person. First, a person may vote before an absentee voting official in his own election district. These officials are appointed under AS 15.20.045. Second, the voter may vote in the office of an election supervisor, and third, he may vote at an absentee voting station as designated under AS 15.20.045(b). The committee has perceived a need for additional absentee voting locations throughout the state. These will be designated by regulation

of the State Election Board. It is the intent of the committee that these stations should be placed where large numbers of persons who are outside their voting district are likely to be on or shortly before election day, places such as Prudhoe Bay, major airports throughout the state and possibly locations accessible to large numbers of fishermen who are away from their home district.

AS 15.20.061 requires that proof of identification be exhibited to the absentee voting official when absentee voting is done in person. The absentee voting official will be the person attesting the absentee ballot of the voter. With the exception of the requirement for identification and the establishment of other absentee voting stations, this section does not constitute a change from present law of absentee voting in person.

Under present law, the district absentee ballot canvass boards canvass absentee and questioned ballots. Under the revision of AS 15.20.190 two separate boards will be appointed by the district election supervisors, one to canvass absentee ballots and the other to canvass questioned ballots.

AS 15.20.200 and 15.20.210 which deal with the district absentee ballot canvass are repealed and in their place AS 15.20.201, 15.20.203, 15.20.205, and 15.20.207 are proposed. These sections detail the time and procedure for

the district absentee ballot canvass and the district questioned ballot canvass.

With regard to absentee ballot canvass, there are several changes from present law. Currently, the absentee ballot canvass board meets on the second day following the date of the election and begins to canvass absentee ballots. Under the proposed AS 15.20.201, the district absentee ballot canvass board will begin canvassing absentee ballots on the seventh day preceding the date of the election. The canvass board will canvass all absentee ballots as they are received in the election supervisor's office. They will meet at such times considered necessary by the election supervisor in order to canvass the ballots on hand.

In accordance with the committee's feeling that no ballots should be counted prior to the closing of polls on election day, the counting of absentee ballots will not begin until 8:00 p.m. on the date of the election. The counting shall continue at such times and places as are designated by the election supervisor.

The district absentee ballot canvass boards will canvass only those absentee ballots received up to and including the seventh day following the day of the election. The board will then certify the absentee ballot canvass. Any absentee ballots received by the election supervisor following the certification of the absentee ballot canvass

will be forwarded immediately to the director of elections. If these votes are received in the director of elections' office by 4:00 p.m. on the fifteenth day following the election, they will be canvassed and counted and will be included in the election results as certified by the state canvass board under AS 15.15.440 and 15.15.450. Absentee ballots received after the deadline will not be counted.

The questioned ballot canvass will begin on the second day following the day of the election and will continue at times designated by the election supervisor until all questioned ballots on hand have been counted. In the event that not all questioned ballots have been received from the precincts by the eighth day following the day of the election, the questioned ballot canvass board will nevertheless certify the questioned ballot canvass and will forward any questioned ballots received after certification to the director of elections. These questioned ballots will be canvassed and counted by the state canvass board prior to the fifteenth day in the same manner as absentee ballots.

AS 15.20.203 sets forth the rules for counting absentee ballots. These are slightly changed from present law. The ballot will not be counted if the voter is not registered in the district for which the ballot is cast. The vote will not be counted if it has not been marked and attested on or before the day of the election and it will

not be counted unless, if postmarked, it is postmarked on or before the date of the election. The remaining requirements are the same as under present law.

The procedure for challenging absentee ballots at the district canvass has been slightly changed in that the proposed section provides that any person present at the canvass may challenge a ballot. The present law provides only that the election supervisor or a member of the district absentee ballot canvass board may challenge an absentee ballot. The proposed new law will make a failure to challenge an absentee ballot prior to its opening and comingling with other ballots a waiver of the right to later challenge the ballot.

AS 15.20.207 sets out the rules for counting questioned ballots. The committee debated the policy questions surrounding this section at great length. These questions involve "cross-district" and "cross-precinct" voting.

The Supreme Court has ruled that the current statute allows cross-precinct voting. The Division of Elections has interpreted the statute since 1972 to allow cross-district voting.

The chief advantage of the present system is that it allows maximum exercise of the franchise. A voter who is unexpectedly and unavoidably out of his precinct or district on election day may still have his vote counted. If the

practice is continued, it must be widely advertised to the electorate in order that all voters may equally enjoy the privilege of voting out of precinct. One of the fears of the committee is that, if there is advertisement of this opportunity, far greater numbers of voters will take advantage of exercising their franchise in that manner, not out of necessity but merely for convenience. Commuters, for example, may vote in precincts or districts where they work, rather than where they live. The committee believes this may create long lines and unduly burden election officials in certain precincts while other precincts will be deserted. Another consideration in the question of cross-district voting is the inability of the cross-district voter to vote a full ballot. His vote only counts on statewide issues. The committee generally wishes to foster a system which will encourage voters to vote on all races, district as well as statewide. This purpose will be partially served by the absentee voting stations provided for in this draft which will have ballots from all districts available.

The committee was split with regard to the issues of cross-precinct and cross-district voting. A majority of the committee voted in favor of allowing cross-precinct voting. Cross-precinct voting is accordingly allowed in the draft. The committee was split evenly on whether cross-district voting should be allowed and therefore this draft

does not allow cross-district voting. The names of members voting for and against cross-district and cross-precinct voting are listed at the end of this memorandum.

In accordance with the decision that only cross-precinct voting is to be allowed, AS 15.20.207 provides that a ballot will not be counted unless the voter is registered in the district in which the ballot is cast.

The same provision as to the challenge of questioned ballots at the district canvass is provided in this section as is provided in the absentee voting section.

AS 15.20.230-15.20.420 would be repealed by this bill. These sections deal with the use of voting machines other than punch card machines. Voting machines are no longer used in Alaska elections. The committee has considered in the course of its deliberations alternative methods of automated vote counting. Voting machines are not considered by the committee as a possible alternative because of the many problems associated with their use.

AS 15.20.430 - 15.20.530 which deal with recounts and appeals from recounts have been only slightly amended. The director of elections conducts the recount and makes the recount decisions. The scope of the recount and the vote to be recounted has greatly increased over the years, and accordingly, the committee proposes to increase the number of days which the director of elections has to conduct the

recount from five to ten. In addition to recounting all the ballots, under AS 15.20.480, the director of elections must check the number of regular and questioned ballots cast in a precinct against the registers and must check the number of absentee ballots voted against the number of absentee ballots distributed. This provision was added to the code to prevent the recurrence of a situation in the 1978 primary election in which a number of ballots were mislaid and the recount did not disclose the discrepancy in the number of ballots.

AS 15.20.480 mandates that, in recounting the votes, the director of elections follow the rules set out for the counting of ballots in AS 15.15.360 and 15.20.730.

The committee has amended the grounds for election contests contained in AS 15.20.540. Irregularity rather than malconduct on the part of an election official is proposed as grounds for an election contest. The committee recommends the following language as a ground for an election contest.

Any irregularity which is the result of an act or omission on the part of an election official sufficient to change the results of the election.

"Irregularity" is defined in the code to mean any significant or substantial departure by an election official from the procedures set forth in statute and regulation. The committee has used the phrase "sufficient to change the results of the election" as it was interpreted by the Alaska Supreme Court in Hammond v. Hickel, 588 P.2d 256 (Alaska 1978).

The committee believes that this change in the grounds for election contest is necessary because they believe that an error in the election process even though innocently caused which is sufficient to change the results of the election within the meaning given that phrase in Hammond v. Hickel should be actionable.

The committee has looked at various alternatives to automated vote counting and has not come up with a recommendation of a system which it believes to be superior to the present punch card voting system used by the state and set forth in AS 15.20.590 - 15.20.730. The committee has, however, perceived the need for several amendments to the present punch card voting statutes.

In AS 15.20.600, party participation in appointment of boards overseeing punch card processing is assured by a provision which allows the state chairman of the party to make nominations to the election supervisors in the event the party district committee fails to do so. In AS 15.20.620 all references to the counting of absentee ballots by computer have been deleted because the committee has decided, as previously noted in this report, that all absentee ballots should be hand-mark rather than punch card ballots.

Because of change in technology, the provision that the computer system shall remain idle after testing before tabulation of punch card balloting begins is no longer feasible and is replaced by provisions which make it

clear that the vote counting task is to remain isolate from other tasks and that only critical tasks are to be performed during this period.

In the use of punch card voting, there are always ballots which are not able to be processed through the computer because they are damaged in some fashion. Present law provides that these ballots will be facsimiled and that the facsimile punched ballots will be processed through the computer. The committee does not believe that ballots should be facsimiled. It proposes in AS 15.20.685 that the ballots which cannot be processed by machine be counted by hand, and there are provisions for the appointment of counting teams to stand by in the computer center on election night. This section also makes it clear that write-in votes on ballots will be counted on election night by these counting teams.

In AS 15.20.650, a phrase has been added which will allow a licensed security officer accompanied by another designated person to deliver ballots from distant precincts to the computer center. There have been problems in the past in getting two members of the precinct election board to do the delivery where the precinct is remote from the computer center because election judges have worked all day at the election. These election judges may have to travel two hours to deliver the ballots and return home.

AS 15.20.680 has been rewritten to coincide more exactly with current practice and to spell out the procedures in more detail.

AS 15.20.690 dealing with alternate site counting has been amended so that, in the event a computer breaks down and the counting process must be moved to an alternate location, counting does not have to begin again from the beginning as required by present law. It is the decision of the data processing review board as to which precincts should be recounted, if any.

A phrase has been added to AS 15.20.710 to make it clear that results of partial vote count may be transmitted by the computer while vote counting is still in progress.

AS 15.20.730 is amended to make clear that the rules for counting ballots contained in that section are mandatory and must be followed exactly. This change was made for the same reasons as were set forth with regard to counting of hand-mark ballots in AS 15.15.360.

AS 15.20.740 sets forth a procedure for processing questioned, punch card ballots. This procedure is not clear under present law and it is the intent of this section merely to clarify present procedure.

#### CHAPTER 25. NOMINATION OF CANDIDATES.

AS 15.25.030(a)(14) is amended to insure that a person cannot file two declarations of candidacy for the same office.

AS 15.25.030(a)(15) provides that a person must be registered to vote as a member of the party whose nomination he seeks. Subsection (b) was added to AS 15.25.030 in order to inform the candidate in Title 15 that he must make filings under AS 39.50 in order for his declaration of candidacy to be accepted.

AS 15.25.040(c) has been amended so that a candidate for statewide office can file his declaration of candidacy either with the director of elections or with an election supervisor. The present law provides that statewide candidates may only file with the lieutenant governor. This is intended as a convenience to the candidate.

AS 15.25.050 has been amended to direct that filing fees collected from candidates filing declarations of candidacy shall be remitted to the political party whose nomination that candidate seeks. A new subsection (b) is added to AS 15.25.050 which allows indigent persons to file declarations of candidacy without payment of the filing fee. The committee has been advised by the attorney general that such a provision is required by federal court decisions.

AS 15.25.056 has been amended to increase the number of days before the date of a primary election on which a vacancy can be filled by party petition. These vacancies occur where a candidate dies or is disqualified or incapacitated. The vacancy cannot be filled if it occurs less than 40 days prior to the general election. The

purpose of this change is to insure that the ballot does not contain deletions and additions not in the original printed ballot. The committee believes that such deletions or additions on the preprinted ballot may introduce bias in favor of the candidate who is added or a candidate whose name occurs just above or below the addition.

AS 15.25.080 has been repealed. The committee believes that the ability to record party preference in the official registration book is unnecessary and serves no valid purpose either for the state or the voter.

AS 15.25.110 is amended to provide that a vacancy occurring on the general election ballot may not be filled if it occurs less than 40 days prior to the election. The reason for this change is similar to the reason for the change in AS 15.25.056. The portion of this section which deals with preparation of the ballot is deleted because it will not be necessary to have gummed labels on the ballot since the ballots are not printed until 40 days prior to the election.

AS 15.25.150 is amended to require return receipts on certified mail containing petitions for nomination at the general election.

AS 15.25.160 has been amended to change the number of signatures required on petitions for nominations for statewide office from 1,000 qualified voters to at least

2.5 percent of the number of votes cast in the preceding general election. That number as of this date is 3,243. The committee feels that this reflects a fair number, one which insures that a candidate has sufficient support to enable him to be an effective candidate while at the same time not unduly burdening the candidate in his petition process. When the current provision was enacted, 1,000 signatures represented approximately two percent of votes cast (figures based on the 1958 special statehood referendum election). Instead of enacting a higher fixed number of signatures, the committee chose to express the number of signatures required as a percentage of the votes cast in the last election. Thus, the section need not be amended as the population grows.

AS 15.25.170 has been amended to provide that the petition for district wide office be signed by only 2.5 percent of the number of votes cast in the election or senate district in the preceding general election rather than 5 percent while deleting the requirement that the petition contain no more than 200 signatures. This amendment is made under the same rationale as the amendment to AS 15.25.160.

AS 15.25.180 is amended to add the requirement that a candidate must state on his petition his name as he wishes it to appear on the ballot.

CHAPTER 30. NATIONAL ELECTIONS.

AS 15.30.025 provides for the organization of "limited political parties". The word "limited" is placed before "political party" at all places at which it is referenced to make clear that it does not refer to a political party as defined in this title. Also "limited political party" is now defined in the title at AS 15.60.010(14).

CHAPTER 35. STATE ELECTIONS.

The only changes made in chapter 35 are the transfer of duties from the lieutenant governor to the director of elections.

CHAPTER 40. SPECIAL ELECTIONS AND APPOINTMENTS.

AS 15.40.110 is amended to change the number of signatures required on petitions for nomination of candidates not representing political parties from 1,000 qualified voters to 2.5 percent of the number of votes cast in the preceding general election. The committee's rationale for this change is made for United States representative in AS 15.40.190, for governor and lieutenant governor in AS 15.40.280 and for state legislator in AS 15.40.440.

CHAPTER 45. INITIATIVE, REFERENDUM & RECALL.

AS 15.45.100 is amended to list the maximum fine for false signing of a petition as \$5,000 rather than \$1,000 in conformance with the punishment as prescribed by AS 12.55 for a violation of AS 15.55.150.

Similar amendments are made to AS 15.45.330 and AS 15.45.570.

The state's duties with regard to initiatives, AS 15.45.010 - AS 15.45.240, remain with the lieutenant governor because the constitution of the State of Alaska at art. XI, §§ 2, 3, and 4 prescribes that the lieutenant governor will perform those duties. The constitution at art. XI, §§ 5 and 6 prescribes that the lieutenant governor is also responsible for referenda. Therefore, the references to the lieutenant governor in the portion of AS 15.45 relating to referenda also remains the same.

Section AS 15.45.240 is amended solely for purposes of clarification and is not intended to be a substantive change. That section deals with the remedies of a person aggrieved by a determination of the lieutenant governor with regard to an initiative. Similar amendments are made to AS 15.45.460 and AS 15.45.720.

Since the committee believes that it may be efficient to administer all election laws in one office, new sections AS 15.45.245 and AS 15.45.465 are added. These sections enable the lieutenant governor to delegate the duties imposed upon him by AS 15.45.010 - AS 15.45.460 to the director of elections.

With regard to recall, the constitution does not impose duties upon the lieutenant governor. These are, therefore, under these new provisions, assigned to the

director of elections. The portion of AS 15.45.480 which assigns the action on an application for recall of the lieutenant governor to the attorney general is accordingly repealed and the director of elections handles all recalls.

AS 15.45.500 is amended to provide that the signatures of at least 100 qualified voters must be subscribed as sponsors on a petition for recall. This is intended as a clarification only and not as a substantive change.

AS 15.45.670 is amended to delete the reference to the use of voting machines as the voting machine portion of Title 15 has been recommended by the committee for repeal.

#### CHAPTER 50. CONSTITUTIONAL AMENDMENTS AND CONVENTIONS.

Article XIII assigns the duties regarding constitutional amendments and conventions to the lieutenant governor. Accordingly in AS 15.50.010 - AS 15.50.100 the lieutenant governor is responsible for administering these laws. A new section, AS 15.50.110, is added which allows the lieutenant governor to delegate the duties imposed upon him with regard to constitutional amendments to the director of elections. The committee has added this section for the same reason that sections AS 15.45.245 and 15.45.465 were added.

#### CHAPTER 55. ELECTION OFFENSES, CORRUPT PRACTICES AND PENALTIES.

Chapter 55 sets forth all acts which are offenses under the election code.

The chapter has been rewritten to bring it into conformity with the revised criminal code which will become effective January 1, 1980. Where practicable those few criminal offenses which are located elsewhere in Title 15 have been included in Chapter 55.

While AS 15.55 presently contains over 20 criminal offenses, the proposed draft has reduced this to ten offenses which are entitled as follows: Campaign Misconduct in the first degree; Campaign Misconduct in the second degree; Unlawful Interference with voting; Voter Misconduct in the first degree; Voter Misconduct in the second degree; Unlawful Interference with an Election; Election Official Misconduct in the first degree; Election Official Misconduct in the second degree; Improper Subscription to Petition; and Refusal to Allow Employee Time Off.

AS 15.55.240, which deals with the existing one year statute of limitations relating to election offenses, has been deleted entirely, which will allow the general statute of limitations located in Title 12 to apply to offenses in AS 15.55. In addition, penalties for convictions of any of the enumerated offenses are denoted as class C felonies, class A misdemeanors, class B misdemeanors, or as a violation. Possible sentences for these offenses are delineated in AS 12.55.035, .125, and .135.

It is felt that the organization and breakdown of offenses in proposed AS 15.55 will be of assistance

not only to citizens who are concerned with the possible elections violations, but also to election officials who are concerned as to what aspects of their conduct may result in violations of the law.

Proposed chapter 55 contains few substantive changes from existing chapter 55. The changes include (1) a more narrowly drawn libel statute (found in proposed AS 15.55.011(a)(2)); (2) the addition of a new statute, AS 15.55.036(a)(3) which would prohibit the knowing solicitation or encouragement to vote of someone who is registered to vote but who is no longer qualified to vote, for example, a person no longer residing in the state; (3) the addition of a new statute, AS 15.55.031(a)(3) which would prohibit the receiving or agreeing to receive a bribe with the intention to vote or not vote for a particular candidate or election proposition or question; and (4) the addition of a new statute, AS 15.55.041(a)(4), which would prohibit a person from knowingly voting or soliciting a person to vote after the polls are closed with the intent that his vote be counted.

#### CHAPTER 57. ELECTION PAMPHLET.

It is the committee's initial decision that the election pamphlet should be prepared by the office of the lieutenant governor. However, it is provided in AS 15.57.110 that the lieutenant governor may delegate the duties imposed upon him by chapter 55 to the director of elections in the

event that the director of elections can more efficiently handle these duties.

All of chapter 57 is repealed and re-enacted in slightly different form with few substantive changes. AS 15.57.011 provides authority for the lieutenant governor to prepare pamphlets on a regional basis. This is the manner in which they have been prepared in the past; however, there has been no express statutory authority for the preparation in that manner. It has previously been implied from AS 15.57.010. The major change contained in AS 15.57.021 is the requirement of 6(a) that the full text of the proposition, constitutional, or statutory provisions must be set forth in the election pamphlet. AS 15.57.021(4) requires that sample ballots for the election districts of the region must be included in the pamphlet. AS 15.57.021(8) and (9) provide that political parties may submit material and that the lieutenant governor may put any additional information on voting procedures which he considers necessary into the pamphlet.

AS 15.57.031 requires the submission of information for the pamphlet to the lieutenant governor no later than 75 days before the general election. The present law provides 60 days. The committee believes that the additional time will insure that the pamphlets are mailed at least 30 days prior to the election as required by AS 15.57.100(a).