

LEG. FINANCE - BILLS 1979 - 1980 1331

SB 312 cont. 1331

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This chapter has been repealed.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

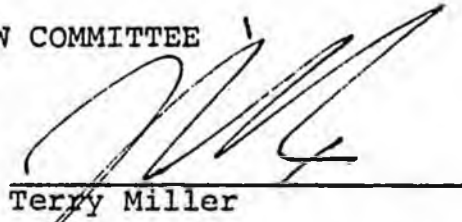
internally consistent code. The committee wanted to write the code in such a fashion that future technological changes could be accommodated without having to restructure the code every time. The new board, acting in a monitoring capacity, should provide sufficient safeguards in the administration of 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 M. 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

C/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 damage the two party system which is essential to our democratic form of government.

I feel that neither cross district nor cross precinct voting should be allowed because:

- 1) It is destructive of the basic organizational framework which facilitates communication between the elected and the electorate.
- 2) It will further fragment and weaken the effectiveness of political parties.
- 3) It lessens the responsibility of the voter, and thereby makes less significant the intrinsic value of the franchise.

Yvonne M. Alford
Yvonne M. Alford (Miss)

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 the 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 J. 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.

DEC 1 1979

April 23, 1980

ELECTION REFORM

FCCS HB 3

THE FREE CONFERENCE COMMITTEE ON THE ELECTION REFORM BILL MADE THE FOLLOWING CHANGES TO SCS CS HB 3.

1. 15.20.211 a) allows for Cross-District voting and the counting of statewide races on those ballots.
b) allows for the counting of write-ins on absentee ballots if they were mailed an incorrect absentee ballot.
2. 15.10.120 Allows for the appointment of election boards with
15.10.150 3 members, and more if necessary.
3. 15.15.060 New language regarding securing an alternate polling place in case of any emergency.
4. 115.15.198 If a person was purged from the list of registered voter under the 2 year purge law, 15.07.030b, he may cast a questioned ballot which will be counted if he was Registered for either of the 2 most recent general elections.
5. 15.07.100 requires a voter registrar to turn in the completed forms within 5 days of the time they were filled out.
6. 15.10.120 an election board member may be appointed from outside the precinct if not available within the precinct.
7. 15.15.350 under general procedures for ballot count, a sentence is added which clearly states that ballots may not be counted before 8 p.m. local time on election day.
8. 15.15.360 A section was added which allows for the counting of hand marked punch card ballots if punch card machines are not available.

9. 15.20.071 Ballots being cast by personal representative must be returned within 3 days from the date obtained, and if not returned in that time, will not be counted.
10. 15.20.600 Sets a limit of 15 days in which a Party District Committee has to respond to appointing a member at which time, the approval of the state chairman will be sought.
11. 15.35.040 Replacement language, delete succeed himself and
041 insert "retention"
12. 15.35.053 New sections added in reference to the declaration
055 of candidacy, filing fee, and ballot placement for
057 Court of Appeals Judges. There were additional
059 references made to this new court where applicable in the code.
13. 15.20.045 In title of section delete "Magistrates and others as Election Officials," insert "ABSENTEE VOTING OFFICIALS."
14. 15.20.480 Recount Provision. insert language to ensure that ballots received after the 15th day following the election but before a recount, if there is one, will be counted in the recount.
15. 15.25.030 (14) changed so that a person cannot file for the same office twice - including a congressional office.
16. 15.56.011 amended so that the name of a campaign chairman rather
15.13.090 than a campaign treasurer appear on printed material.
17. 15.25.160 the number of signatures required on a petition for
40.100 a candidate not representing a major party would be
40.190 changed from 1000 (as is now in Title 15), to 1%,
40.280 which at this time is about 1300 signatures.
18. 15.20.048 changed so that if ballots are available in all
20.061 election districts MORE than 15 days before the election, they may be distributed to the 4 election supervisors offices for voting in person.
19. 15.20.061 the number of circumstances under which an absentee ballot may be cast is increased to accommodate two circumstances that often arise in bush Alaska.

20. 15.15.140 this section regarding the use of unofficial ballots will be expanded to include the use of unofficial punch card ballots (in addition to unofficial paper ballots) if for some reason the official punch card ballots do not arrive.
21. 15.10.100 the number of days for judicial review on precinct boundary changes would be increased from 15 to 40.
22. 15.03.070 State Election Board members would be compensated at the rate of \$50 per day.
23. 43.20.031 the amount of a political contribution which would be a tax credit or refund would be increased from \$50 to \$100. THE EFFECTIVE DATE WILL BE JANUARY 1, 1981.

THE FOLLOWING SECTIONS WOULD BECOME EFFECTIVE IMMEDIATELY :

- 4 Removal and restoration of voting rights for convicted felons
- 29-31 Appointment and training of election boards, and the appointment of Election Supervisors
- 38 Preparation of the official ballot
- 105-124 Punch Card Voting
- 205 The Election Pamphlet

THE EFFECTIVE DATE ON ALL OTHER SECTIONS WILL BE JANUARY 1, 1981.

April 23, 1980

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- 29-31 Appointment and training of election boards, and the appointment of Election Supervisors
- 38 Preparation of the official ballot
- 105-129 Punch Card Voting
- 206 The Election Pamphlet

THE EFFECTIVE DATE ON ALL OTHER SECTIONS WILL BE JANUARY 1, 1981.

STATE OF ALASKA

OFFICE OF THE LT. GOVERNOR

DIVISION OF ELECTIONS

JAY S. HAMMOND, GOVERNOR

TERRY MILLER, LT. GOV.

POUCH AF—JUNEAU 99811

March 12, 1980

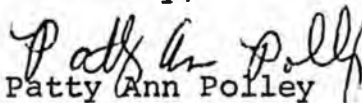
The Honorable John Sackett
Pouch V
Juneau, Alaska 99811

Dear Senator Sackett:

In reviewing Senate Bill 312, Committee Substitute for 312, and the fiscal note dated January 18, 1980, I find that the funds for printing the full text of the bills for initiative petitions in the election pamphlet has not been included. In order to print the full text of the initiative petition in the election pamphlet, an increase of \$48.6 should be shown in the contracted services section of the fiscal note. I have attached a revised fiscal note which includes the costs for including the full text of the initiative petition in the 1980 General Elections pamphlet.

If I may be of any assistance, please do not hesitate to call on me.

Sincerely,


Patty Ann Polley
Director of Elections

Attachment

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill 312
 Title "An Act relating to elections and revising the Alaska Elections Code; XXXXXXXX and providing for an effective date." Date March 12, 1980
 Requested by Senate Finance.

II. FISCAL DETAIL

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

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		44.0				
200 TRAVEL		9.0	5.			
300 CONTRACTUAL	10.	201.6	500.			
400 COMMODITIES						
500 EQUIPMENT	6.					
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	16.0	254.6	505.			

FUNDING (Thousands of Dollars)

GENERAL FUND	16.0	254.6	505.			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

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

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

IV. DATE March 12, 1980 PREPARED BY Patt L. Pollock
 AGENCY Division of Elections
 PHONE 586-6181

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Amendment is approved by the voters in 1980. The contractual request includes funds for revising the voter registration system for the 1982 elections. The Arthur Young report and the election bill require revisions to the automated voter registration system including voter history and purge notification. Absentee canvass boards, question ballot boards and the state canvass board will be working for longer periods of time. The additional cost for printing the full text of any initiative petition in the election pamphlet is \$48.6.

COMMITTEE REPORT
SENATE

FURTHER: Finance

1/17/80

Date: FEB. 8, 1980

Mr. President:

The Committee on STATE AFFAIRS has had SB 312 relating to elections and revising the Alaska Election Code

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SB 312 same title new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

John Foley do pass if amended

Bob Mulcahy

Tim Kelly

Brad Bradley

3 3 in. w/o rec

Bob Mulcahy
CHAIRMAN

With report from Sp. Com.
S 60 (Rev. 12/78) *on Electoral Reform*

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

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

II. FISCAL DETAIL

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

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100 PERSONAL SERVICES			44.0			
200 TRAVEL			9.0	5.		
300 CONTRACTUAL		10.	153.0	500.		
400 COMMODITIES						
500 EQUIPMENT		6.				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		16.	206.0	505.		

FUNDING (Thousands of Dollars)

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GENERAL FUND		16.	206.0	505.		
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III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

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

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

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

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

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 Requested by Senate Finance.

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IV. DATE 1-18-80 PREPARED BY Patricia Polley
 AGENCY Division of Elections
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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

TO: SENATOR MULCAHY
CHAIRMAN, SENATE STATE
AFFAIRS COMMITTEE

FROM: SENATOR KELLY
CHAIRMAN, SPECIAL COMMITTEE
ON ELECTORAL REFORM

TDK

DATE: FEBRUARY 6, 1980

Enclosed you will find a letter of intent to be printed in a Supplemental Journal from Lt. Governor Miller's Election Review Committee. The recommendations proposed by his Committee were the basis for most of SB312 & CSSB312, Revision of the Election Code.

January 29, 1980

ANALYSIS OF SENATE BILL NO. 312 - "An Act relating to elections
and revising the Alaska
Election Code" . . .

SB 312 would extensively revise AS Title 15 - Elections.

Sec. 15.03.010 would create a State Election Board consisting of four appointed (and unpaid) members and the Lieutenant Governor. The State Election Board is to be created . . .
. . . "the head of the division of elections " . . .

Sec. 15.07.100 would require the Director of Elections to provide training for election officials.

Sec. 15.20.685 would require the Director of Elections to appoint a counting team or teams to assist in counting punch-card ballots.

The bill would allow cross-precinct voting but not cross-district voting.

The other revisions are housekeeping, for clarification and to reflect the expanded responsibilities of the Director of Elections.

NOTE: Parts of the bill are to take effect immediately while the parts related to the establishment of the State Election Board would not take effect until there is an amendment to the state constitution. (When the amendment is passed it may create a conflict between 15.03.060 and 15.10.105, both of which deal with the appointment of the Director.)

J. Hogan

TK

TO: SENATE STATE AFFAIRS MEMBERS

FROM: SENATOR TIM KELLY
CHAIRMAN, SPECIAL COMMITTEE ON ELECTORAL REFORM

DATE: JANUARY 21, 1989

A SECTION BY SECTION SYNOPSIS OF SB 312 HAS BEEN PREPARED FOR YOUR REVIEW. HOWEVER, THE FOLLOWING IS AN OVERVIEW OF THE MAJOR REVISIONS PROPOSED TO THE ELECTION CODE IN SB 312.

1. THE CREATION OF A STATE ELECTION BOARD AT THE HEAD OF THE DIVISION OF ELECTIONS TO OVERSEE THE ADMINISTRATION OF ELECTIONS. THE LT. GOVERNOR WOULD SERVE AS CHAIRMAN OF THIS 5 MEMBER BOARD. THE EFFECTIVE DATE OF THIS CHAPTER OF THE BILL WOULD BE THAT OF THE PASSING OF A CONSTITUTIONAL AMENDMENT WHICH WOULD ALLOW A BOARD TO BE AT THE HEAD OF THE DIVISION (SJR 36). page 93, section 194.
2. IT WILL BE REQUIRED FOR POSITIVE IDENTIFICATION TO BE SHOWN WHEN A PERSON IS REGISTERING TO VOTE, AND AT THE POLLS BEFORE BEING GIVEN A BALLOT UNLESS THE REGISTRATION OFFICIAL OR POLL WORKER IS KNOWLEDGEABLE OF THE IDENTITY OF THE VOTER.
3. THERE WILL BE NO EARLY PICK-UP OF BALLOTS FROM THE POLLS. ALL BALLOTS WILL REMAIN AT THE POLLS UNTIL 8P.M.
4. CROSS-PRECINCT VOTING WILL BE ALLOWED BY STATUTE.
5. CROSS-DISTRICT VOTING WILL NOT BE ALLOWED.
6. THE CANVASSING OF ABSENTEE BALLOTS WOULD BEGIN 7 DAYS PRIOR TO THE ELECTION RATHER THAN 3 DAYS AFTER, AND THE COUNTING OF ABSENTEE BALLOTS WOULD BEGIN ON ELECTION DAY AT 8 P.M.
7. THE PURGE STATUTE WOULD BE CHANGED FROM EVERY 4 YEARS TO EVERY 2 YEARS, HOWEVER LOCAL ELECTIONS WOULD BE INCLUDED IN THE VOTER ACTIVITY HISTORY. THERE WILL BE AN ADDED PROVISION WHICH WOULD ALLOW A VOTER WHO HAS BEEN PURGED TO CAST A QUESTIONED BALLOT AND HAVE HIS VOTE COUNTED IF HE HAS IN FACT VOTED IN THE LAST FOUR YEARS AND HE SIGNS AN AFFADAVIT STATING SUCH AND IT IS VERIFIED BY THE DIRECTOR OF ELECTIONS.
8. ABSENTEE VOTING STATIONS WOULD BE SET UP IN MAJOR AIRPORTS AND REMOTE AREAS WITH SIGNIFICANT POPULATION, AND THESE STATIONS WOULD HAVE BALLOTS AVAILABLE FROM ALL 22 ELECTION DISTRICTS. THIS WOULD ENABLE A TRAVELING VOTER TO VOTE ON ELECTION DAY IF HE SUDDENLY FINDS HIMSELF OUT OF HIS DISTRICT.
9. THE NUMBER OF SIGNATURES NEEDED ON A PETITION FOR AN INDEPENDENT CANDIDATE TO GET HIS NAME ON THE BALLOT WOULD BE CHANGED FROM 1000 TO 2% OF THE NUMBER WHO VOTED IN THE LAST ELECTION, FOR STATEWIDE CANDIDATES, AND 2% OF THOSE WHO CAST VOTES IN THE DISTRICT FOR DISTRICT WIDE CANDIDATES.
10. ABSENTEE BALLOTS WOULD HAVE TO BE ATTESTED TO BE A PERSON QUALIFIED TO ADMINISTER OATHS, UNLESS IN A REMOTE AREA WHERE NO SUCH PERSON IS AVAILABLE.

STATE
of ALASKA**MEMORANDUM**

TO: Senator John Sackett
Chairman
Senate Finance Committee
Pouch V
Juneau, Alaska 99811

DATE : January 17, 1980

FROM: *opp* Patty Ann Polley
Director Of Elections

SUBJECT: Fiscal Impact of SB 312

Senate Bill 312 entitled "An Act relating to elections and revising the Alaska Election Code; and providing for an effective date" does have a financial impact for FY 80 and FY 81.

Attached is the fiscal note which was prepared for the election revisions as proposed by the Election Review Committee appointed by Lt. Governor Miller. Senate Bill 312 has many of the same provisions and I would expect costs to be somewhat similar.

Work is underway on a fiscal note for Senate Bill 312.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. S.B. 312.
 Title Election Code
 Requested by Election Review Committee Date 11/19/79

II. FISCAL DETAIL

Agency Affected Division of Elections
 Program Category Affected _____
 Budget Request Unit(s) Affected _____

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES					26.4	
200 TRAVEL				4.	9	5.
300 CONTRACTUAL				72.	112.6	500.
400 COMMODITIES						
500 EQUIPMENT					6.	
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL				76.	154.	505.

FUNDING (Thousands of Dollars)

GENERAL FUND				76.	154.	505.
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY					3	

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

In FY 80, the travel request is for the appointed state election board. The board will need to quickly begin it's work in order to be ready for the Primary Election. The request for \$72,000 is to implement the recommendations contained in the Arthur Young Report regarding the revisions to the current voter registration batch audit system.

In FY 81, three temporary positions are requested to serve as voting officers throughout the state. These temporary positions will handle absentee voting at airports, Prudhoe Bay, et. The travel increase is again for the appointed state election board. The contractual requests include increases due to the hand counting of all absentee ballots, the printing of hand marked and punch card ballots, the increase in the hours and additional security required for the hand counting of the absentee ballots. Some supplies will have to be reprinted to make the changes recommended in the bill. These include the absentee ballot affidavit envelope, the questioned ballot envelope. Other costs include the time to be spent in auditing the election records and the rental of space to hand count the absentee ballots. The request for equipment is for the purchase of microfiche readers for the absentee voting stations, polling booths for the voting stations, and various other pieces of equipment including holders for the microfiche.

IV. DATE 11-19-79

PREPARED BY Patricia Polly
 AGENCY Division of Elections
 PHONE 586 6181

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

1 IN THE SENATE

BY THE SPECIAL COMMITTEE ON
ELECTORAL REFORM

2 SENATE BILL NO. 312

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to elections and revising the Alaska
7 Election Code; and providing for an effective date."

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

9 * Section 1. AS 15.05.010 is amended to read:

10 Sec. 15.05.010. VOTER QUALIFICATION. A person may vote at any
11 election who

12 (1) is a citizen of the United States;

13 (2) is 18 years of age or older [HAS PASSED HIS 18TH BIRTH-
14 DAY];

15 (3) (repealed)

16 (4) has been a resident of the state and of the election
17 district in which he seeks to vote for at least 30 days just before the
18 election; and

19 (5) (repealed)

20 (6) has registered before the election as required under
21 AS 15.07 and is not registered to vote in another jurisdiction.

22 * Sec. 2. AS 15.05 is amended by adding a new section to read:

23 Sec. 15.05.011. QUALIFICATIONS OF OVERSEAS VOTERS. (a) A person
24 residing outside the United States may register and vote absentee by
25 qualifying under this section.

26 (b) Before registering a person under this section, the director
27 shall determine that the person

28 (1) was domiciled in the state immediately before leaving the
29 United States;

1 (2) meets the qualifications established in AS 15.05.010(1)
2 and (2);

3 (3) has not established a domicile in another state, terri-
4 tory, or possession of the United States since leaving this state;

5 (4) is not registered to vote and has not voted in another
6 state, territory, or possession of the United States since leaving this
7 state;

8 (5) has a valid passport, card of identity and registration,
9 or other identification issued under the authority of the United States
10 Secretary of State, and identification complying with the requirements
11 of this title.

12 (c) Lack of a place of abode in the state or lack of intent to
13 return to the state does not disqualify a person who qualifies under (b)
14 of this section.

15 (d) A person registered under this section may vote in a federal
16 election in this state.

17 * Sec. 3. AS 15.05.030 is repealed and re-enacted to read:

18 Sec. 15.05.030. LOSS AND RESTORATION OF VOTING RIGHTS. (a) A
19 person convicted of a crime that constitutes a felony involving moral
20 turpitude under state law may not vote in a state or a municipal elec-
21 tion from the date of the conviction through the date of the restoration
22 of voting rights under this section. The right to vote withdrawn under
23 this section is restored upon the unconditional discharge of the person.

24 (b) The commissioner of health and social services shall establish
25 procedures by which a person unconditionally discharged is advised of
26 the restoration of voting rights withdrawn by a conviction.

27 (c) As used in this section,

28 (1) "felony involving moral turpitude" includes those crimes
29 which are immoral or wrong in themselves such as murder, sexual assault,

1 robbery, kidnapping, incest, arson, burglary, theft, and forgery;

2 (2) "unconditional discharge" means that a person is released
3 from all disability arising under a conviction and sentence, including
4 probation and parole.

5 * Sec. 4. AS 15.07.010 is amended to read:

6 Sec. 15.07.010. REGISTRATION OF VOTERS. The precinct election
7 judges at any election shall allow a person to vote whose name is on
8 the official registration list for that precinct [REGISTERED] and who is
9 qualified under AS 15.05.010 - 15.05.040 [IN THE PRECINCT IN WHICH HE
10 INTENDS TO VOTE]. A person whose name is not on the official registra-
11 tion list shall be allowed to vote a questioned ballot.

12 * Sec. 5. AS 15.07.030 is amended by adding a new subsection to read:

13 (b) A person qualified under AS 15.05.011 to vote by absentee
14 ballot in a federal election is entitled to be registered as a voter in
15 the election district in which he resided immediately before departure
16 from the United States.

17 * Sec. 6. AS 15.07.040 is amended to read:

18 Sec. 15.07.040. TIME FOR REGISTRATION. A person who is qualified
19 under AS 15.05.010(1) - (4) is entitled to register at any time through-
20 out the year except that a person under 18 years of age may register at
21 any time within 90 days immediately preceding his 18th birthday [NO
22 REGISTRATION WILL BE MADE FOR A PERIOD OF 30 DAYS PRECEDING THE ELEC-
23 TION].

24 * Sec. 7. AS 15.07.060 is amended to read:

25 Sec. 15.07.060. REQUIRED REGISTRATION INFORMATION. (a) Each
26 applicant who requests registration or re-registration shall supply the
27 following information under oath:

28 (1) name and sex;

29 (2) address and other necessary information establishing

1 residence if requested;

2 (3) [ELECTION DISTRICT AND PRECINCT AS OF THE DATE OF REGIS-
3 TRATION;]

4 (4) term of residence in state and in election district; and
5 whether the applicant has previously been registered to vote in another
6 jurisdiction, and, if so, the jurisdiction and the address of the pre-
7 vious registration [WHERE];

8 (5) a declaration that the registrant will be 18 years of age
9 or older within 90 days of the date of registration [ON OR BEFORE THE
10 DATE OF THE NEXT STATEWIDE ELECTION];

11 (6) a declaration that the registrant is a citizen of the
12 United States;

13 (7) date of application;

14 (8) signature or mark.

15 (b) If the applicant has been previously registered to vote in
16 another jurisdiction, he shall surrender to the registration official
17 any voter registration or identification card or credentials from that
18 jurisdiction the applicant may possess. The director [LIEUTENANT GOVER-
19 NOR] shall notify the chief elections officer in that jurisdiction that
20 the applicant has registered to vote in Alaska, request that juris-
21 diction to cancel the applicant's voter registration there, and return
22 the applicant's voter registration or identification card or creden-
23 tials, if any, to that jurisdiction.

24 (c) If application for registration is made in person before a
25 registration official, the applicant shall exhibit one form of identi-
26 fication to the official, including but not limited to a driver's li-
27 cence, birth certificate, passport, hunting or fishing license. A regis-
28 tration official who knows the identity of the applicant may waive the
29 identification requirement.

1 * Sec. 8. AS 15.07.070 is amended to read:

2 Sec. 15.07.070. PROCEDURE FOR REGISTRATION. (a) The director
3 may adopt [LIEUTENANT GOVERNOR SHALL PROMULGATE RULES AND] regulations
4 under the Administrative Procedure Act (AS 44.62) consistent with the
5 provisions of this section to enable voters to register.

6 (b) To register by mail the director [LIEUTENANT GOVERNOR] or the
7 area election supervisor shall furnish, upon request, and at no cost to
8 the voter, forms prepared by the director [LIEUTENANT GOVERNOR] on which
9 the registration information required under AS 15.07.060 shall be in-
10 serted by the voter, or by a person on behalf of the voter if he is
11 physically incapacitated. The forms shall be executed before an elec-
12 tion judge, a notary public, a commissioned officer of the armed forces
13 including the National Guard, a district judge or magistrate, a United
14 States postal official, or other person qualified to administer oaths
15 [TWO ALASKA RESIDENTS IF THE PERSON REGISTERING IS IN THE STATE. IF THE
16 PERSON IS OUTSIDE THE STATE, THE FORMS SHALL BE EXECUTED BEFORE A PERSON
17 QUALIFIED TO ADMINISTER OATHS]. The director may require proof of
18 identification of the applicant as required by regulations adopted by
19 the director under the Administrative Procedure Act (AS 44.62). Upon
20 receipt and approval of the completed registration forms the director
21 [LIEUTENANT GOVERNOR] or the election supervisor shall forward to the
22 voter an acknowledgment in the form of a registration card, and his name
23 shall immediately be placed on the master register located in the office
24 of the director [LIEUTENANT GOVERNOR] and on the district register
25 located in the office of the election supervisor. If the registration
26 is denied, the voter shall immediately be informed in writing by certi-
27 fied or registered letter that registration was denied and the reason
28 for denial.

29 (c) The names of persons submitting completed registration forms

1 [ALL APPLICATIONS FOR REGISTRATION] by mail which are [SHALL BE] post-
2 marked at least 30 days before the next [ENSUING PRIMARY OR GENERAL]
3 election shall be placed on the official registration list for that
4 election. The name of a person submitting a completed registration
5 form by mail [AN APPLICATION TO REGISTER] which was not postmarked
6 before the 30-day requirement shall not be placed on the official regis-
7 tration list for the next election but shall be placed on the master
8 register after that election [CONSIDERED TO BE INVALID, BUT SHALL BE
9 CONSIDERED BY THE LIEUTENANT GOVERNOR AS AN APPLICATION BY THE VOTER TO
10 BE REGISTERED TO VOTE IN THE NEXT SUBSEQUENT PRIMARY OR GENERAL ELECTION
11 AND TO REMAIN ON THE MASTER REGISTER THEREAFTER].

12 (d) Qualified voters may register in person before a registration
13 official at any time throughout the year, except that no person regis-
14 tering [REGISTRATION MAY BE MADE] within 30 days preceding an election
15 may vote at that election. Upon receipt and approval of the registra-
16 tion forms the director [LIEUTENANT GOVERNOR] or the election supervisor
17 shall forward to the voter an acknowledgment in the form of a registra-
18 tion card and his name shall immediately be placed on the master regis-
19 ter located in the office of the director [LIEUTENANT GOVERNOR] and on
20 the district register located in the office of the election supervisor.
21 Names of persons registering at least 30 days before an election shall
22 be placed on the official registration list for that election.

23 (e) (repealed)

24 (f) Incomplete or inaccurate registration forms may not be ac-
25 cepted and shall be re-executed. The date of registration shall be the
26 date of re-execution before a registration official or the postmark date
27 if the application for registration is by mail.

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

29 Sec. 15.07.081. REGISTRATION OFFICIALS. The director [LIEUTENANT

1 GOVERNOR] shall appoint one or more registration officials to serve in
2 each precinct polling place in all [MUNICIPAL, PRIMARY, AND GENERAL]
3 elections during the hours the polling places are open. [REGISTRATION
4 OFFICIALS SERVE WITHOUT COMPENSATION.] An election clerk or election
5 judge, appointed under AS 15.10, may also serve as a registration offi-
6 cial. If more than one registration official is appointed to serve in a
7 polling place, each [THE MAJOR] political party [PARTIES] shall be
8 represented.

9 * Sec. 10. AS 15.07.090 (a) is amended to read:

10 (a) A voter whose name is changed by marriage or court order may
11 vote under the previous name, but if the voter desires to use the new
12 name, he or she shall notify the director [LIEUTENANT GOVERNOR] not
13 later than 30 days preceding an election so that the registration may be
14 amended to reflect the change.

15 * Sec. 11. AS 15.07.090(c) is amended to read:

16 (c) The director [LIEUTENANT GOVERNOR] shall transfer the regis-
17 tration of a voter from one precinct to another within an election
18 district when requested by the voter. The request shall be made 30 or
19 more days before the election day. The director [LIEUTENANT GOVERNOR]
20 shall transfer the registration of a voter from one election district to
21 another when requested by the voter. The voter must reside in his new
22 election district for at least 30 days in order to vote.

23 * Sec. 12. AS 15.07.100 is amended to read:

24 Sec. 15.07.100. REGISTRATION OFFICIALS. (a) The director [LIEU-
25 TENANT GOVERNOR] shall appoint one or more registration officials in
26 each precinct. When more than one registration official is appointed to
27 serve in a precinct, each [MAJOR] political party shall be represented.
28 However, any precinct containing more than 250 voters must have at least
29 two registration officials, one from each [MAJOR] political party.

1 The registration official shall be a qualified state voter and shall
2 take an oath to honestly, faithfully and promptly perform the duties of
3 his office.

4 (b) Training for registration officials shall be provided by the
5 director. On the completion of training, the director may require
6 that officials demonstrate their competence by a test or other method.

7 (c) A registration official serves at the pleasure of the director.
8 Each registration official shall be periodically evaluated by the direc-
9 tor based on the completeness of the registration forms, timely filing
10 of registration forms, and the voter registration activity attributed to
11 the registration official.

12 * Sec. 13. AS 15.07.110 is amended to read:

13 Sec. 15.07.110. EXPENSE OF REGISTRATION. Each registration offi-
14 cial serving between elections shall be paid by the director [LIEUTENANT
15 GOVERNOR] a sum to be determined by him which may not exceed \$1 for each
16 registration or change of registration personally made by the registra-
17 tion official.

18 * Sec. 14. AS 15.07.120 is amended to read:

19 Sec. 15.07.120. CUSTODY OF REGISTERS. A master register shall at
20 all times remain in the custody of the director [LIEUTENANT GOVERNOR].
21 The area election supervisor shall likewise maintain a register of all
22 voters within the precincts of the area election district he supervises.

23 * Sec. 15. AS 15.07 is amended by adding a new section to read:

24 Sec. 15.07.125. OFFICIAL REGISTRATION LIST. Thirty days before
25 each election, the director shall prepare an official registration list
26 for that election consisting of all names appearing on the master regis-
27 ter as of 30 days before the election. A list of persons eligible to
28 vote in each precinct at that election shall be prepared from the offi-
29 cial registration list.

1 * Sec. 16. AS 15.07.130(b) is amended to read:

2 (b) When a registered voter has not re-registered or has not
3 indicated in writing a desire to remain registered as provided in this
4 subsection within the preceding two years or has not voted in [EITHER] a
5 local, regional school board, primary or general election at least once
6 in two [FOUR] consecutive calendar years, the voter shall be advised by
7 mail sent to his last known address that his registration will be can-
8 celled unless he indicates within 90 days on forms furnished by the
9 director [LIEUTENANT GOVERNOR] his desire to remain registered.

10 * Sec. 17. AS 15.07.130(c) is amended to read:

11 (c) The director [LIEUTENANT GOVERNOR] shall obtain from the
12 office of vital statistics death certificates and presumptive death
13 certificates for all residents over 18 years of age who have died or who
14 have been presumptively declared dead. The director [LIEUTENANT GOVER-
15 NOR] shall cancel the registration of all deceased voters.

16 * Sec. 18. AS 15.07.130 is amended by adding new subsections to read:

17 (d) The director shall make reasonable efforts to obtain the names
18 of persons convicted of a felony involving moral turpitude. The direc-
19 tor shall also make reasonable efforts to obtain the names of persons
20 unconditionally released from custody. The director shall suspend the
21 registration of a person convicted of a felony involving moral turpitude
22 until the person is unconditionally released from custody.

23 (e) Within 60 days after each election held in a municipality, the
24 municipal clerk shall forward to the director a list of the voters who
25 voted in that election.

26 * Sec. 19. AS 15.07.140 is amended to read:

27 Sec. 15.07.140. GENERAL ADMINISTRATIVE SUPERVISION BY DIRECTOR
28 [LIEUTENANT GOVERNOR]. The director [LIEUTENANT GOVERNOR] shall provide
29 general administrative supervision over the registration and re-

1 registration of voters [AND MAY ISSUE REGULATIONS UNDER THE ADMINISTRA-
2 TIVE PROCEDURE ACT (AS 44.62) NECESSARY TO PROTECT THE INTEREST OF THE
3 VOTER AND ASSURE ADMINISTRATIVE EFFICIENCY; HOWEVER, THE LIEUTENANT
4 GOVERNOR MAY NOT ISSUE OR PROMULGATE ADMINISTRATIVE REGULATIONS WHICH
5 ARE INCONSISTENT WITH THE PROVISIONS OF THIS CHAPTER]. The director
6 [LIEUTENANT GOVERNOR] shall, no later than 40 days before any [PRIMARY
7 OR GENERAL] election, arrange to have the list of registered voters of
8 the precinct publicly displayed [IN THE PRECINCT]. The director [LIEU-
9 TENANT GOVERNOR] shall instruct registration officials to post the list
10 of registered voters in a number of locations calculated to obtain
11 maximum recognition. Upon request by the mayor or city manager of a
12 municipality or a borough chairman the director [LIEUTENANT GOVERNOR]
13 shall furnish registration information for all precincts all or part of
14 which are within the boundaries of the local government unit.

15 * Sec. 20. AS 15.07.200 is amended to read:

16 Sec. 15.07.200. REGISTRATION SUPERVISION. The registration pro-
17 gram is under the supervision of the director [LIEUTENANT GOVERNOR] in
18 accordance with AS 15.10.110.

19 * Sec. 21. AS 15.10.020 is amended to read:

20 Sec. 15.10.020. PRECINCT BOUNDARIES AND POLLING PLACES MODIFIED BY
21 DIRECTOR [LIEUTENANT GOVERNOR]. The director [LIEUTENANT GOVERNOR]
22 shall have the exclusive power to modify the boundary of a precinct and
23 to establish or abolish a precinct and polling place in the state by
24 regulations [RULES] adopted under the Administrative Procedure Act (AS
25 44.62).

26 * Sec. 22. AS 15.10.030 is amended to read:

27 Sec. 15.10.030. UNIFORM PRECINCT BOUNDARIES REQUIRED FOR STATE AND
28 LOCAL ELECTIONS. The precinct boundaries established by the director
29 [LIEUTENANT GOVERNOR] shall be the boundaries for both state and local

1 elections. The director [LIEUTENANT GOVERNOR] by regulation pursuant to
2 the provisions of the Administrative Procedure Act (AS 44.62) may autho-
3 rize the combining, consolidation, or altering of precinct boundaries
4 for local elections.

5 * Sec. 23. AS 15.10.050 is amended to read:

6 Sec. 15.10.050. GENERAL DUTY AND STANDARD FOR PRECINCT BOUNDARY
7 MODIFICATION. The director [LIEUTENANT GOVERNOR] shall modify the
8 boundary of a precinct, and shall establish or abolish a precinct if the
9 action serves the convenience of the voters and assures the efficient
10 administration of election laws.

11 * Sec. 24. AS 15.10.080 is amended to read:

12 Sec. 15.10.080. DATES FOR DESIGNATING PRECINCT BOUNDARY. The
13 director [LIEUTENANT GOVERNOR] shall designate boundaries of an election
14 precinct which has been established or modified, not later than 40 days
15 before an election.

16 * Sec. 25. AS 15.10.090 is amended to read:

17 Sec. 15.10.090. NOTICE OF PRECINCT BOUNDARY DESIGNATION AND MODI-
18 FICATION. The director [LIEUTENANT GOVERNOR] shall give full public
19 notice when precinct boundaries are designated and when the boundaries
20 of a precinct are modified or when a precinct is established or abol-
21 ished. Public notice shall include, but is not limited to, the publica-
22 tion on three different days in a daily newspaper of general circula-
23 tion, if such a newspaper is published in the election district where
24 the precinct is located, [AND] by posting written notice in three con-
25 spicuous places in the designated precinct, and by notification to appro-
26 priate municipal clerks.

27 * Sec. 26. AS 15.10.100 is amended to read:

28 Sec. 15.10.100. JUDICIAL REVIEW OF PRECINCT BOUNDARY. Any person
29 aggrieved by a determination of precinct boundaries by the director

1 [LIEUTENANT GOVERNOR] may bring a civil action to have the determination
2 reviewed in the superior court. If the action receives final determina-
3 tion within 15 days before the election, the director [LIEUTENANT GOVER-
4 NOR] shall not make the required modification in precinct boundaries
5 until immediately after the election.

6 * Sec. 27. AS 15.10.105(a) is amended to read:

7 Sec. 15.10.105. ADMINISTRATION [APPOINTMENT OF DIRECTOR] OF ELEC-
8 TIONS. (a) The lieutenant governor shall control and supervise the
9 division of elections. The lieutenant governor shall appoint a director
10 of elections. The director shall [TO] act for him in the supervision of
11 central and regional election offices, the employment and training of
12 election personnel, and the administration of all state elections as
13 well as those municipal elections which the state is required to con-
14 duct. The director serves at the pleasure of the lieutenant governor
15 [OF ELECTIONS^o SHALL ALSO ASSIST THE LIEUTENANT GOVERNOR IN THE ADMINIS-
16 TRATION OF THE VOTER REGISTRATION PROGRAM AND THE MODIFICATION OF PRE-
17 CINCT BOUNDARIES].

18 * Sec. 28. AS 15.10.107 is amended to read:

19 Sec. 15.10.107. STAFF TRAINING. The director [LIEUTENANT GOVER-
20 NOR] shall, [AT LEAST ANNUALLY, AND IN ANY EVENT NOT LATER THAN 30 DAYS]
21 before each primary [AND GENERAL] election in even-numbered years,
22 provide for a comprehensive training program for election officials,
23 both the full-time members of the staff of the division of elections and
24 those who are appointed as election board judges, clerks and counters
25 under AS 15.10.120 - 15.10.150 and other temporary election employees.

26 * Sec. 29. AS 15.10.110 is amended to read:

27 Sec. 15.10.110. APPOINTMENT OF ELECTION SUPERVISORS. The director
28 [LIEUTENANT GOVERNOR] shall appoint election supervisors, including one
29 in each of the municipalities of Juneau, Anchorage, Fairbanks and Nome,

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to assist in the administration of elections in the election districts designated by the director [LIEUTENANT GOVERNOR]. The director [LIEUTENANT GOVERNOR] may appoint as an election supervisor a person who is a qualified voter in the area over which he has jurisdiction and who does not hold an office in a political party. An election supervisor is entitled to receive compensation in an amount that is comparable to that received for similar state employment as determined by the director [LIEUTENANT GOVERNOR].

* Sec. 30. AS 15.10.120 is amended to read:

Sec. 15.10.120. APPOINTMENT OF ELECTION BOARD. The election supervisors shall appoint within their district an election board, composed of three judges, for each precinct from among the qualified voters of each of the precincts for which they are appointed. One judge shall be designated chairman and be primarily responsible for the administration of the election in the precinct. If no clerks are appointed for the precinct, the other two judges shall perform the duties of clerks of the election. No more than two judges may be of the same political party. When appointments to the election board have been accepted, the election supervisor shall notify the director [LIEUTENANT GOVERNOR] of the name and full local mailing address of the designated chairman and other judges of the election board in each precinct. Election boards in local government unit elections shall be appointed by the appropriate local government unit for all local elections.

* Sec. 31. AS 15.10.170 is amended to read:

Sec. 15.10.170. APPOINTMENT AND PRIVILEGES OF WATCHERS. The precinct party committee, where an organized precinct committee exists, or the district party committee where no organized precinct committee exists, or the state party chairman where neither precinct nor district committee exists, may appoint one or more persons as watchers in each

1 precinct and counting center for any election. Each candidate not
2 representing a political party may appoint one or more watchers for each
3 precinct or counting center in his respective district or the state for
4 any election. Any organization or organized group that sponsors or
5 opposes an initiative, referendum or recall may have one or more persons
6 as watchers at the polls and counting centers after first obtaining
7 authorization from the director [LIEUTENANT GOVERNOR]. No state party
8 chairman, no precinct party committee, no district committee or candi-
9 date not representing a political party or organization or organized
10 group may have more than one watcher on duty at a time in any precinct
11 or counting center. The watcher may be present at a position inside the
12 place of voting or counting which affords a full view of all action of
13 the election board and other counters taken from the time the polls are
14 opened until the ballots are finally counted and the results certified
15 by the election board or the Data Processing Review Board. The election
16 board or the Data Processing Review Board may require each watcher to
17 present written proof showing that he is the watcher appointed by the
18 precinct party committee, the district party committee, the organization
19 or organized group or the candidate he represents which is signed by the
20 chairman of the precinct party committee, the district party committee,
21 the state party chairman, the organization or organized group or the
22 candidate representing no party. The director [LIEUTENANT GOVERNOR] may
23 prescribe regulations under the Administrative Procedure Act (AS 44.62),
24 governing the conduct of watchers to assure the privileges of the watchers
25 and the proper conduct of the election.

26 * Sec. 32. AS 15.10.180 is amended to read:

27 Sec. 15.10.180. APPOINTMENT OF PARTY REPRESENTATIVES FOR STATE
28 CANVASS. The director [LIEUTENANT GOVERNOR] shall appoint two persons
29 from each political party to participate in the canvassing of the vote.

1 Each person who is appointed and serves is entitled to [THE SAME RATE
2 OF] compensation as provided in AS 15.15.380 [PAID ELECTION JUDGES].
3 Each political party may present to the director [LIEUTENANT GOVERNOR] a
4 list of three or more names from which he shall select the persons to
5 represent the party. The list of names may be submitted in writing at
6 least 30 days before the date of the election. The persons to represent
7 the party on the canvassing board may be selected by the state party
8 central committee or in any other manner prescribed by the bylaws of the
9 party. The list of names shall be certified by the chairman of the
10 state central committee of the party or by the person authorized by the
11 party bylaws to act in the absence of the chairman.

12 * Sec. 33. AS 15.15.010 is amended to read:

13 Sec. 15.15.010. GENERAL ADMINISTRATIVE SUPERVISION BY DIRECTOR
14 [LIEUTENANT GOVERNOR]. The director [LIEUTENANT GOVERNOR] shall provide
15 general administrative supervision over the conduct of state elections
16 [, AND MAY ISSUE ANY REGULATIONS UNDER THE ADMINISTRATIVE PROCEDURE ACT
17 (AS 44.62) NECESSARY FOR THE ADMINISTRATION OF ELECTIONS TO PROTECT THE
18 INTEREST OF THE VOTER AND ASSURE ADMINISTRATIVE EFFICIENCY. WHEN THE
19 LIEUTENANT GOVERNOR IS ADMINISTERING A BOROUGH OR SPECIAL ELECTION, HE
20 MAY ISSUE REGULATIONS UNDER AS 44.62 CHANGING THE TIME REQUIRED FOR
21 NOTICES OF ELECTION, APPOINTMENT OF ELECTION OFFICIALS, ABSENTEE VOTING,
22 CANVASS OF THE VOTE, AND ELECTION RECOUNTS].

23 * Sec. 34. AS 15.15.030 is amended to read:

24 Sec. 15.15.030. PREPARATION OF OFFICIAL BALLOT. The director
25 [LIEUTENANT GOVERNOR] shall prepare all official ballots to facilitate
26 fairness, simplicity, and clarity in the voting procedure, to reflect
27 most accurately the intent of the voter, and to expedite the administra-
28 tion of elections. The following directives shall be followed when
29 applicable.

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(1) The director [LIEUTENANT GOVERNOR] shall determine the size of the ballot, the type of print, necessary additional instruction notes to voters, and other similar matters of form not provided by law.

(2) The director [LIEUTENANT GOVERNOR] shall number ballots in series to assure simplicity and secrecy and to prevent fraud.

(3) The director [LIEUTENANT GOVERNOR] may contract for the preparation of the ballots on a regional basis if necessary and may contract for the preparation of ballots without obtaining competitive bids.

(4) The director [LIEUTENANT GOVERNOR] may not include on the ballot as a part of a candidate's name, any honorary or assumed title or prefix but may include in the candidate's name any nickname or familiar form of a proper name of the candidate.

(5) The state general election ballot shall be printed on white paper with the names of the candidates and their party designations placed in separate sections under the office designation to which they were nominated. The party affiliation, if any, shall be designated after the name of the candidate. The lieutenant governor and the governor shall be included under the same section. Provision shall be made for voting for write-in and no-party candidates within each section. The squares appearing on the ballots shall measure 1/4 inch on each side.

(6) The general election ballot shall be designed with the position of names of the candidates changed in each section as many times as there are candidates in the section in which there are the most names. As nearly as possible, an equal number of ballots shall be printed after each change. In making the changes of position, the name of the candidate at the head of each section shall be taken and placed at the bottom of the section and the column moved up so that the name

1 that before was second is first after the change. After the ballots are
2 printed, they shall be placed in separate stacks, one stack for each
3 change of position. The ballots shall then be gathered by taking one
4 from each stack, the intention being that every other ballot in the
5 accumulated stack of ballots shall have the names of the candidates in a
6 different position.

7 (7) The general election ballot shall be designed with the
8 names of candidates of each political party for the office of President
9 and Vice-President of the United States placed in the same section on
10 the ballot rather than the names of electors of President and Vice-
11 President.

12 (8) The general or special election ballot shall be designed
13 with the title and proposition for any initiative, referendum, or con-
14 stitutional amendment formulated as prescribed by law and placed on the
15 ballot in the manner prescribed by the director [LIEUTENANT GOVERNOR].
16 When placed on the ballot, a state ballot proposition or ballot question
17 shall carry the number which was assigned to the petition for the propo-
18 sition or question. Provision shall be made for marking the proposition
19 "For" or "Against."

20 (9) The general or special election ballot shall be designed
21 with the question of whether a constitutional convention shall be called
22 placed on the ballot in the following manner. "Shall there be a consti-
23 tutional convention?" Provision shall be made for marking the question
24 "Yes" or "No."

25 (10) A separate nonpartisan judicial ballot shall be designed
26 for each judicial district in which a justice or judge is seeking to
27 succeed himself. The ballot shall be divided into three parts and each
28 part shall bear a heading indicating the court to which the candidate is
29 seeking approval. Within each part the question of whether the justice

1 or judge shall be approved or rejected shall be set out in substantially
2 the following manner: (A) "Shall be retained as justice of the
3 supreme court for 10 years?"; (B) "Shall be retained as judge
4 of the superior court for six years?"; or (C) "Shall be re-
5 tained as judge of the district court for four years?" Provision shall
6 be made for marking each question "Yes" or "No."

7 (11) When the legislature by law authorizes a state debt for
8 capital improvements, the director [LIEUTENANT GOVERNOR] shall place the
9 question of whether the specific authorization shall be ratified by
10 placing the ballot title and question on the next general election
11 ballot, or on the special election ballot if a special election is held
12 for the purpose of ratifying the state debt for capital improvements
13 before the time of the next general election. Unless specifically
14 provided otherwise in the Act authorizing the debt, the ballot title
15 shall, by the use of a few words in a succinct manner, indicate the
16 general subject of the act. The question shall, by the use of a few
17 sentences in a succinct manner, give a true and impartial summary of the
18 Act authorizing the state debt. The question of whether state debt
19 shall be contracted shall be assigned a letter of the alphabet on the
20 ballot. Provision shall be made for marking the question substantially
21 as follows: "Bonds Yes" or "Bonds No," followed by an
22 appropriate square.

23 (12) (repealed)

24 (13) The director [LIEUTENANT GOVERNOR] may provide for the
25 use of punch-card voting in state elections in any area where data
26 processing equipment is available.

27 * Sec. 35. AS 15.15.035 is amended to read:

28 Sec. 15.15.035. PRINTING OF BALLOTS AND OTHER MATERIAL. The
29 director [LIEUTENANT GOVERNOR] may not be required to do business with a

1 printing company while the company is involved in a labor dispute.

2 * Sec. 36. AS 15.15.040 is amended to read:

3 Sec. 15.15.040. PREPARATION OF OTHER ELECTION MATERIALS. (a) The
4 director [LIEUTENANT GOVERNOR] shall prescribe the form of and prepare
5 tinted sample ballots [, THE ORIGINAL AND DUPLICATE REGISTERS, OATHS OF
6 OFFICE OF JUDGES, CHALLENGE OATHS, TALLY SHEETS, INSTRUCTIONS TO VOTERS,
7 WARNING NOTICES] and all other materials, forms and supplies required
8 for the election.

9 (b) The director [LIEUTENANT GOVERNOR] shall prepare and issue or
10 make available with each sample ballot for a special election the state-
11 ment provided for in AS 24.30.037 of the scope of each project included
12 in a proposed general obligation bond issue creating a state debt for
13 capital improvements that is submitted to the electorate for ratifica-
14 tion under AS 15.15.030(11). The statement of scope for each project
15 shall be the same statement included in the authorization bill. When a
16 ballot proposition is submitted to the voters at a primary or a special
17 election, a statement the same as that provided for in the election
18 pamphlet under AS 15.57.010(2) shall be made available with each sample
19 ballot.

20 * Sec. 37. AS 15.15.050 is amended to read:

21 Sec. 15.15.050. DISTRIBUTION OF ELECTION MATERIALS. The director
22 [LIEUTENANT GOVERNOR] shall distribute an adequate supply of sample and
23 official ballots [, ORIGINAL REGISTERS, DUPLICATE REGISTERS, OATHS,] and
24 all other materials, forms and supplies required for the election to the
25 election supervisors for distribution to chairmen of election boards in
26 precincts not less than 25 days before the date for the election.

27 * Sec. 38. AS 15.15.060 is amended to read:

28 Sec. 15.15.060. PROCUREMENT OF POLLING PLACES AND OTHER SUPPLIES.
29 (a) Immediately following the appointment of the election board, the

1 election supervisor in conjunction with the election board chairman
2 shall secure polling places for holding the election, [INCLUDING AL-
3 TERNATE EMERGENCY LOCATIONS,] suitable ballot boxes which will assure
4 security and an adequate number of voting booths or screens, national
5 flags, pens, and pencils. Not less than one voting booth or screen
6 shall be furnished for each 100 votes or fractional part of 100 votes
7 cast in the previous election.

8 (b) The director [LIEUTENANT GOVERNOR] may issue rules prescribing
9 the type of polling place for holding the election and the requirements
10 regarding ballot boxes, voting booths, screens, national flags, and
11 other supplies to assure administrative economy and to protect the
12 secrecy of the ballot.

13 (c) The director [STATE, THROUGH THE OFFICE OF LIEUTENANT GOVER-
14 NOR,] shall pay the cost of necessary election expenses incurred in
15 securing a place for holding the election, a suitable ballot box, and an
16 adequate number of voting booths, screens, national flags, and other
17 supplies. The national flag shall be displayed over or near the en-
18 trance of each polling place.

19 (d) When the director determines that there is an area in the
20 state where a voter may be confused as to his correct precinct polling
21 place, the director shall provide each polling place in that area with
22 a map which shows election district boundaries, precinct boundaries, and
23 polling places.

24 * Sec. 39. AS 15.15.070(a) is amended to read:

25 (a) The director [LIEUTENANT GOVERNOR] shall give and is autho-
26 rized to contract to give full public notice of the election. He may
27 select a manner reasonably calculated to give actual knowledge of the
28 election to the voters.

29 * Sec. 40. AS 15.15.070(e) is amended to read:

1 (e) The director [LIEUTENANT GOVERNOR] may have a precinct map of
2 a densely populated precinct published in a newspaper of general circu-
3 lation if need for the map is established.

4 * Sec. 41. AS 15.15.070(f) is amended to read:

5 (f) Additional notice shall be given of all bond issues, initia-
6 tives, referendums and propositions by use of newspapers, television,
7 radio, printed posters, maps, and similar means of communication con-
8 sidered necessary. The director [LIEUTENANT GOVERNOR] may not be re-
9 quired to post or publish notices except those provided for in this
10 section.

11 * Sec. 42. AS 15.15.070(g) is amended to read:

12 (g) The director [STATE, THROUGH THE OFFICE OF THE LIEUTENANT
13 GOVERNOR,] shall pay the cost of election expenses incurred in giving
14 notice of an election.

15 * Sec. 43. AS 15.15.090 is amended to read:

16 Sec. 15.15.090. DESIGNATION OF PRECINCT POLLING PLACE. The polling
17 place shall be located within the precinct unless the election super-
18 visor and the election board chairman determine that a building located
19 in an adjoining precinct is more suitable or convenient to the voters.

20 * Sec. 44. AS 15.15.140 is amended to read:

21 Sec. 15.15.140. PERMITTED USE OF UNOFFICIAL BALLOTS. If no offi-
22 cial ballots or election supplies are received, or if an insufficient
23 number of either are received, or if either have been destroyed or lost,
24 the election board shall provide, and the voters may use, unmarked
25 substitute ballots and other election materials to indicate the intent
26 of the voter. The election board shall certify to the facts which
27 prevented the use of the official ballots and materials and shall in-
28 clude the certificate in the election returns to the director [LIEU-
29 TENANT GOVERNOR]. The initial failure to certify to the facts, or

1 include the certificate as required, does not invalidate any ballots.
2 Upon disclosure that unofficial ballots have been used without a certi-
3 fication as required, the director [LIEUTENANT GOVERNOR] shall notify
4 the chairman of the election board by telephone or telegraph of his
5 failure to properly certify the ballots. The director [LIEUTENANT
6 GOVERNOR] may accept the required certificate made by telegraph and
7 count the ballots if the certificate is proper and actually delivered to
8 the director [LIEUTENANT GOVERNOR] within 10 days of the date that the
9 chairman of the election board was notified.

10 * Sec. 45. AS 15.15.180 is amended to read:

11 Sec. 15.15.180. KEEPING OF [ORIGINAL] REGISTER. The judges shall
12 keep a [AN ORIGINAL] register or registers in which each voter before
13 receiving his ballot shall sign his name and give both his resident and
14 mailing address. A record shall be kept in the registration book in
15 space provided of the name of persons who offer to vote but who actually
16 do not vote, and a brief statement of explanation. The signing of the
17 register constitutes a declaration by the voter that he is qualified to
18 vote.

19 * Sec. 46. AS 15.15 is amended by adding new sections to read:

20 Sec. 15.15.195. VOTERS ON OFFICIAL REGISTRATION LIST. An election
21 judge in a precinct shall allow a voter on the official registration
22 list to vote in the precinct unless the voter is questioned in accord-
23 ance with AS 15.15.213.

24 Sec. 15.15.198. VOTERS NOT ON OFFICIAL REGISTRATION LIST. (a) If
25 a voter's name does not appear on the official registration list in the
26 precinct in which he seeks to vote, he shall be allowed to vote a
27 questioned ballot.

28 (b) A person whose registration has been cancelled under AS 15.-
29 07.130(b) and who votes a questioned ballot shall have the ballot

1 counted if he has voted in a local, regional school board, primary or
2 general election within four years of the casting of the questioned bal-
3 lot, if he signs under oath a statement to that effect and if the earlier
4 vote is verified by the director.

5 * Sec. 47. AS 15.15.213 is amended to read:

6 Sec. 15.15.213. QUESTIONING A VOTER'S BALLOT. If his qualifica-
7 tions are [POLLING PLACE IS] in question a voter shall be allowed to
8 vote [, AND ANY ELECTION OFFICIAL SHALL CONSIDER THE BALLOT AS] a ques-
9 tioned ballot.

10 * Sec. 48. AS 15.15.215 is amended to read:

11 Sec. 15.15.215. DISPOSITION OF [CHALLENGED AND] QUESTIONED VOTES.
12 [(a)] A [CHALLENGED] voter [OR ONE] who casts a questioned ballot shall
13 vote his ballot in the same manner as prescribed for other voters [EX-
14 CEPT THAT HE SHALL USE A PAPER BALLOT]. After the election judge re-
15 moves the numbered stub [IDENTIFICATION NUMBER] from the ballot, the
16 [CHALLENGED] voter shall insert the ballot into a small blank envelope
17 designed to provide for the secrecy of the ballot, seal it and put the
18 sealed small envelope into a larger envelope on which the statement
19 [OATH AND AFFIDAVIT] he previously signed is located. [AFTER THE ELEC-
20 TION JUDGE REMOVES THE IDENTIFICATION NUMBER FROM THE BALLOT, THE VOTER
21 WHO CASTS A QUESTIONED BALLOT SHALL INSERT THE BALLOT INTO A SMALL BLANK
22 ENVELOPE, SEAL IT, AND PUT THE ENVELOPE INTO A LARGER ENVELOPE ON WHICH
23 THE INFORMATION CONCERNING THAT VOTER'S RESIDENCE IS LOCATED.] These
24 larger envelopes shall be sealed and deposited in the ballot box [ALONG
25 WITH THEIR RESPECTIVE ATTACHED STATEMENTS OF ASSERTED INVALIDITY]. [ALL
26 ENVELOPES SHALL BE COUNTED AND COMPARED TO THE VOTING LIST BEFORE
27 LEAVING THE PLACE OF POLLING AND UPON RECEIPT BY THE OFFICIAL OR BODY
28 SUPERVISING THE ELECTION.] When the ballot box is opened, these enve-
29 lopes shall be segregated, counted, compared to the voting list, and

1 delivered to the official or body supervising the election. The merits
2 of the [CHALLENGE OR] question shall be determined by this official or
3 body in accordance with the procedure prescribed for questioned [CHAL-
4 LENGED ABSENTEE] votes in AS 15.20.210.

5 [(b) A PERSON WHO FRIVOLOUSLY, MALICIOUSLY OR IN BAD FAITH CHAL-
6 LENGES A VOTER OR QUESTIONS HIS BALLOT IS GUILTY OF A MISDEMEANOR AND
7 UPON CONVICTION SHALL BE IMPRISONED FOR NOT MORE THAN 30 DAYS OR FINED
8 NOT MORE THAN \$100, OR BOTH.]

9 * Sec. 49. AS 15.15.220 is amended to read:

10 Sec. 15.15.220. ADMINISTRATION OF OATHS. Any election judge may
11 administer to a voter any oath that is necessary in the administration
12 of the election.

13 * Sec. 50. AS 15.15 is amended by adding a new section to read:

14 Sec. 15.15.225. VOTER IDENTIFICATION AT POLLS. (a) Before being
15 allowed to vote, each voter shall exhibit to an election judge one form
16 of identification, including but not limited to an official voter regis-
17 tration card, driver's license, birth certificate, passport, or hunting
18 or fishing license.

19 (b) An election judge may waive the identification requirement if
20 he knows the identity of the voter.

21 (c) A voter who cannot exhibit a required form of identification
22 shall be allowed to vote a questioned ballot.

23 * Sec. 51. AS 15.15.230 is amended to read:

24 Sec. 15.15.230. PROVIDING BALLOT TO VOTER. When the voter has
25 qualified to vote, the election judge shall give him an official ballot.
26 The voter shall retire to a booth or private place [SCREEN] to mark the
27 ballot [FOR THE CANDIDATES OF HIS CHOICE].

28 * Sec. 52. AS 15.15.240 is amended to read:

29 Sec. 15.15.240. ASSISTING VOTER BY JUDGE. A qualified voter who

1 cannot read, mark the ballot, or sign his name may request an election
2 [A] judge, a person, or not more than two persons of his choice to
3 assist him. If the election judge is requested, he shall assist the
4 voter. If any other person is requested, the person shall state upon
5 oath before the election judge that he will not divulge the vote cast by
6 the person whom he assists.

7 * Sec. 53. AS 15.15.260 is amended to read:

8 Sec. 15.15.260. PLACING BALLOT IN BALLOT BOX BY VOTER. When the
9 voter has marked his ballot, he shall inform the election judge. The
10 director [LIEUTENANT GOVERNOR] may require that the voter return the
11 ballot to the election judge temporarily so that any stub which may be
12 part of the ballot may be removed by the election judge. Any such
13 requirement shall protect the secrecy of the ballot. In all cases the
14 ballot shall be deposited in the ballot box by the voter himself in the
15 presence of the election judge unless the voter requests the election
16 judge to deposit the ballot on his behalf. Separate ballot boxes may be
17 used for separate ballots.

18 * Sec. 54. AS 15.15.300 is amended to read:

19 Sec. 15.15.300. PROHIBITING THE COUNT OF EXHIBITED BALLOTS. No
20 election official may allow a ballot to be placed [PLACE] in the ballot
21 box which he knows [A BALLOT KNOWN] to have been unlawfully exhibited by
22 the voter. A ballot unlawfully exhibited shall be destroyed [RETAINED
23 AND PLACED WITH THE IMPROPERLY MARKED OR DAMAGED BALLOTS].

24 * Sec. 55. AS 15.15.330 is amended to read:

25 Sec. 15.15.330. COMMENCEMENT OF CANVASS. [COUNTING OF PAPER
26 BALLOTS MAY BEGIN BEFORE THE POLLS ARE CLOSED IN PRECINCTS HAVING 300 OR
27 MORE VOTERS AND DESIGNATED BY THE LIEUTENANT GOVERNOR; HOWEVER, COUNTING
28 SHALL NOT IN ANY EVENT BEGIN BEFORE 2:00 P.M. PREVAILING TIME AND UNLESS
29 AT LEAST 100 VOTES HAVE BEEN CAST.] When [IN ALL OTHER PRECINCTS, WHEN]

1 the polls are closed and the last vote has been cast, the election board
2 and clerks or counters shall immediately proceed to open the ballot box
3 and to count and canvass the votes cast. In all cases the election
4 board shall cause the canvass to be continued without adjournment until
5 the canvass is complete.

6 * Sec. 56. AS 15.15.350 is amended to read:

7 Sec. 15.15.350. GENERAL PROCEDURE FOR CANVASS. The director may
8 [LIEUTENANT GOVERNOR SHALL] issue rules prescribing the manner in which
9 the precinct canvass is accomplished so as to assure accuracy in the
10 count and to expedite the process. The election or canvass board shall
11 count the number of ballots in the ballot box and shall compare that
12 number to the number of signatures in the register. The board shall
13 count the number of questioned ballots and shall compare that number to
14 the number of signatures of questioned voters in the register. Dis-
15 crepancies shall be noted and the numbers included in the certificate
16 prescribed by AS 15.15.370. The certificate prescribed by AS 15.15.370
17 shall also include the number of official ballots received by the elec-
18 tion board, and the number of unused and spoiled ballots. The election
19 board or canvass [COUNTING] board shall canvass the ballots in a manner
20 that allows watchers to see the ballots when opened and read. No person
21 handling the ballot after it has been taken from the ballot box and
22 before it is placed in the envelope for mailing may have a marking
23 device in hand or remove a ballot from the immediate vicinity of the
24 polls [EXCEPT AS PROVIDED BY AS 15.15.330 FOR THE EARLY COUNTING OF
25 BALLOTS, AND BY AS 15.20.680 FOR THE COUNTING OF PUNCH-CARD BALLOTS].
26 The election or canvass board shall maintain a record of all destroyed
27 and spoiled ballots and shall preserve the destroyed or spoiled ballots.

28 * Sec. 57. AS 15.15.360 is amended to read:

29 Sec. 15.15.360. RULES FOR COUNTING HAND-MARK [DETERMINING MARK ON]

1 BALLOTS. (a) The election board shall canvass and count hand-mark
2 ballots [THE VOTES] according to the following rules.

3 (1) A voter may mark his ballot only by the use of cross-
4 marks, "X" marks, diagonal, horizontal or vertical marks, solid marks,
5 stars, circles, asterisks, checks, or plus signs that are clearly spaced
6 in the square opposite the name of the candidate the voter desires to
7 designate.

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

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

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

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

20 (6) Improper marks on the ballot shall not be counted and
21 shall not invalidate marks for candidates properly made.

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

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

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

1 marked for the purpose of identifying the ballot.

2 (10) Stickers bearing a candidate's name may be affixed to the
3 ballot in place of writing in a candidate's name if write-in votes or
4 ballots are otherwise permitted. Stickers shall not be issued by mem-
5 bers of the election board while serving at the polls. Stickers shall
6 not be offered to voters within 200 [100] feet of the polling place.

7 (11) In order to vote for a write-in candidate, the voter
8 must write in the candidate's name in the space provided or place a
9 sticker in the space and, in addition, mark the square opposite the
10 candidate's name in accordance with (1) of this subsection.

11 (b) The rules set out in this section are mandatory and there
12 shall be no exceptions to them. A ballot may not be counted unless
13 marked in compliance with these rules. A court has no jurisdiction to
14 order a ballot counted which is not marked in accordance with rules set
15 out in this section.

16 * Sec. 58. AS 15.15 is amended by adding a new section to read:

17 Sec. 15.15.361. STICKERS. The director may adopt regulations
18 under the Administrative Procedure Act (AS 44.62), governing the size,
19 thickness, color and other characteristics of stickers and their use in
20 elections.

21 * Sec. 59. AS 15.15.370 is amended to read:

22 Sec. 15.15.370. COMPLETION OF CANVASS. When the canvass is com-
23 pleted, and in no event later than the day after the election, the
24 election board or counters shall make a certificate in duplicate of the
25 results. The certificate includes the number of votes cast for each
26 candidate, for and against each proposition, yes or no on each question,
27 and any additional information prescribed by the director [LIEUTENANT
28 GOVERNOR]. The election board shall, immediately upon completion of the
29 certificate or as soon thereafter as the local mail service permits,

1 send in one sealed package to the director [LIEUTENANT GOVERNOR] one
2 copy of the certificate and [,] the original register [, ALL BALLOTS
3 UNLAWFULLY EXHIBITED, PROPERLY IDENTIFIED, THE RECORD OF BALLOTS DE-
4 STROYED UNDER SEC. 250 OF THIS CHAPTER, AND ALL OATHS AND AFFIDAVITS].
5 In addition, all ballots properly cast shall be mailed to the director
6 [LIEUTENANT GOVERNOR] in a separate, sealed package. Both packages, in
7 addition to an address on the outside, shall clearly indicate the pre-
8 cinct from which they come. Each board shall, immediately upon comple-
9 tion of the certification and as soon thereafter as the local mail
10 service permits, send the duplicate certificate and the duplicate regis-
11 ter to its respective election supervisor. The director [LIEUTENANT
12 GOVERNOR] may authorize election boards in precincts in those areas of
13 the state where distance and weather make mail communication unreliable
14 to forward their election certificates by telegram or radio. The
15 director [LIEUTENANT GOVERNOR] may authorize the unofficial canvass of
16 votes on a regional basis by election supervisors, tallying the votes as
17 indicated on duplicate certificates. To assure adequate protection the
18 director [LIEUTENANT GOVERNOR] shall prescribe the manner in which the
19 ballots, registers, and all other election records and materials are
20 thereafter preserved, transferred, and destroyed.

21 * Sec. 60. AS 15.15.380 is amended to read:

22 Sec. 15.15.380. PAYMENT OF ELECTION BOARD MEMBERS. The state,
23 through the office of the director [LIEUTENANT GOVERNOR], shall pay each
24 election board member \$5 per hour for time spent at his election duties,
25 including the receiving of instructions. Election board chairmen and
26 the chairman and members of the absentee ballot, questioned ballot and
27 state canvass board shall be paid \$5.50 an hour for time spent at their
28 election duties.

29 * Sec. 61. AS 15.15.390 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (b) If the director [LIEUTENANT GOVERNOR] finds an unexplained
9 error in the tally of hand-mark [PAPER] ballots in any precinct election
10 poll book, he may count the ballots from the precinct according to the
11 rules set out in AS 15.15.360(a). If the director [LIEUTENANT GOVERNOR]
12 finds the precinct counters have not entered tallies in the precinct
13 tally books but have certified a candidate as having received a fixed
14 number of votes, the director [LIEUTENANT GOVERNOR] may recount the
15 ballots from that precinct according to the rules set out in AS 15.15.-
16 360(a). The director [LIEUTENANT GOVERNOR] shall certify in writing to
17 the state canvass board any changes resulting from the count.

18 * Sec. 66. AS 15.15.440 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (3) [IF HE BELIEVES HE WILL BE UNABLE TO BE PRESENT AT THE
25 POLLS BECAUSE OF THE PHYSICAL INACCESSIBILITY OF THE POLLING PLACE
26 CAUSING UNDUE TRAVEL EXPENSE, HARDSHIP, OR HAZARD TO THE VOTER.]

27 * Sec. 72. AS 15.20.020 is amended to read:

28 Sec. 15.20.020. PROVISION FOR GENERAL ADMINISTRATIVE SUPERVISION.
29 The director [LIEUTENANT GOVERNOR] shall provide general administrative

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (b) On receipt of an application in person for an absentee ballot
18 and exhibition of proof of identification as required in AS 15.15.225,
19 the absentee voting official or election supervisor shall issue the
20 ballot to the applicant.

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

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

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

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

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

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

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

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

19 (3) to an absentee voting official at an absentee voting
20 station designated under AS 15.20.045(b) at a time when the absentee
21 voting station is operating;

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

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

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

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

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

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

22 Sec. 15.20.081. ABSENTEE VOTING BY MAIL. (a) A qualified voter
23 may apply by mail to the director for an absentee ballot. The applica-
24 tion shall include the address to which the absentee ballot is to be
25 returned, the applicant's full Alaska residence address, and the appli-
26 cant's signature. Persons residing outside the United States and ap-
27 plying to vote absentee in federal elections in accordance with AS 15.-
28 05.011 need not include an Alaska residence address in the application.

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

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

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

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

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

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

1 under the Administrative Procedure Act (AS 44.62).

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

7 * Sec. 80. AS 15.20.170 is amended to read:

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

17 * Sec. 81. AS 15.20.190 is amended to read:

18 Sec. 15.20.190. APPOINTMENT, DUTIES, AND COMPENSATION OF DISTRICT
19 CANVASSING AND COUNTING BOARDS [BOARD]. (a) Thirty days prior to the
20 date of an election, the election supervisors shall appoint, in the same
21 manner provided for the appointment of election judges prescribed in
22 AS 15.10.150, district absentee ballot canvassing boards and district
23 questioned ballot canvassing boards, each composed of four members, two
24 from each [MAJOR] political party. The district boards [BOARD] shall
25 assist the election supervisors in counting and canvassing the absentee
26 and questioned ballots and shall receive [THE SAME] compensation as pro-
27 vided in AS 15.15.380 [PAID ELECTION JUDGES].

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

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

4 * Sec. 82. AS 15.20 is amended by adding new sections to read:

5 Sec. 15.20.201. TIME OF DISTRICT ABSENTEE BALLOT CANVASS. (a) On
6 the seventh day preceding the day of election, the election supervisor,
7 in the presence and with the assistance of the district absentee ballot
8 canvassing board, shall canvass all voter certificates of absentee
9 ballots received by that date. The canvass of absentee ballots shall
10 continue at times designated by the election supervisor until completed
11 and shall include all absentee ballots received in the office of the
12 election supervisor by 4:00 p.m. on the seventh day following the day of
13 the election.

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

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

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

27 Sec. 15.20.203. PROCEDURE FOR DISTRICT ABSENTEE BALLOT CANVASS.

28 (a) The district absentee ballot canvassing board shall examine each
29 absentee ballot envelope and shall determine whether the absentee voter

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (c) Any person present at the district questioned ballot canvass
7 may challenge the name of a questioned voter when read from the voter's
8 certificate on the back of the large envelope if he has good reason to
9 suspect that the questioned voter is not qualified to vote, is dis-
10 qualified, or has voted at the same election. The person making the
1 challenge shall specify the basis of the challenge in writing. The
2 district questioned ballot canvassing board by majority vote may refuse
3 to accept and count the questioned ballot of a person properly chal-
4 lenged under grounds listed in (b) of this section.

5 (d) If a questioned ballot is rejected, the election supervisor
6 shall send a copy of the statement of the challenge to the questioned
7 voter. The election supervisor shall place all rejected questioned
8 ballots in a separate envelope with statements of challenge. The enve-
9 lope shall be labeled "rejected questioned ballots" and shall be for-

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

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

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

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

15 * Sec. 83. AS 15.20.220 is amended to read:

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

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

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

3 * Sec. 84. AS 15.20.430 is amended to read:

4 Sec. 15.20.430. AUTHORIZATION OF RECOUNT APPLICATION. (a) A
5 defeated candidate or 10 qualified voters who believe there has been a
6 mistake made by an election official or by the canvassing board in
7 counting the votes in an election, may file an application within five
8 days after the completion of the state canvass to the director [LIEU-
9 TENANT GOVERNOR] for a recount of the votes from any particular precinct
10 or any election district and for any particular office, proposition, or
11 question. However, the application may be filed only within three days
12 after the completion of the state canvass after the general election for
13 a recount of votes cast for the office of governor and lieutenant gover-
14 nor. If there is a tie vote as provided in AS 15.15.460, the director
15 [LIEUTENANT GOVERNOR] shall initiate the recount and give notice to the
16 interested parties as provided in AS 15.20.470.

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

26 * Sec. 85. AS 15.20.440(b) is amended to read:

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

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

2 * Sec. 86. AS 15.20.450 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* Sec. 102. AS 15.20.620 is amended by adding a new subsection to read:

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

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

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

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

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

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

1 Sec. 15.20.650. DELIVERY OF BALLOTS TO COMPUTER COUNTING CENTER.
2 The delivery of ballots from the precinct polling place to the desig-
3 nated computer counting center shall be made by a delivery team con-
4 sisting of two members of the election board, one from each of the two
5 major political parties or by a licensed security officer accompanied by
6 at least one person designated by the election board. The delivery team
7 shall accompany the ballots from the precinct polling place to the
8 receiving board at the computer counting center.

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

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

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

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

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

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

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

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

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

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

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

1 vating it;

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

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

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

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

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

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

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

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

12 (c) After processing is completed, the write-in ballots [, THE
13 FACSIMILE ENVELOPE,] and the envelope containing the [CHALLENGED AND]
14 questioned ballots shall be given to the election supervisor, and the
15 remaining ballots shall again be sealed and transported to a designated
16 place of security. [ALL COMPUTER TAPES RESULTING FROM THE ABORTED
17 COUNTING OPERATION SHALL BE ERASED AND THE SUMMARY CARDS DESTROYED.]
18 * Sec. 110. AS 15.20.700 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (1) the full name of the candidate;

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

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

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

18 (5) the name of the political party of which he is a candi-
19 date for nomination;

20 (6) the full resident address of the candidate;

21 (7) the date of the primary election at which the candidate
22 declares himself to be a candidate;

23 (8) that the candidate will meet the specific residency
24 requirements of the office for which he is a candidate;

25 (9) that the candidate will meet the specific citizenship
26 requirements of the office for which he is a candidate;

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

29 (11) that the candidate will meet the specific age require-

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

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

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

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

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

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

13 (b) A person filing a declaration of candidacy under this section
14 shall simultaneously file a statement of income sources and business
15 interests which complies with the requirements of AS 39.50.

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

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

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

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

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

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

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

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

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

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

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

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