

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
5855 HOUSE JUDICIARY

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(Sec. 1.02 ch 83 SLA 1960; am sec. 2 ch 125 SLA 1962; am secs. 2, 3 ch 136 SLA 1966; am sec. 1 ch 228 SLA 1968; am secs. 4, 38 ch 116 SLA 1972; am secs. 4, 5 ch 197 SLA 1975; am sec. 6 ch 11 SLA 1979; am sec. 3 ch 100 SLA 1980)

Sec. 15.05.030. Loss and restoration of voting rights.

(a) A person convicted of a crime that constitutes a felony involving moral turpitude under state law may not vote in a state or a municipal election from the date of the conviction through the date of the unconditional discharge of the person. Upon the unconditional discharge, the person may register under AS 15.07. (b) The commissioner of corrections shall establish procedures by which a person unconditionally discharged is advised of the voter registration requirements and procedures.

(Sec. 1.03 ch 83 SLA 1960; am sec. 4 ch 100 SLA 1980; am sec. 1 ch 85 SLA 1986)

Sec. 15.05.040. Voter disqualification for unsound mind.

No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed.

(Sec. 1.04 ch 83 SLA 1960)

Chapter 07. Registration of Voters.

Sec. 15.07.010. Registration of voters. The precinct election judges at any election shall allow a person to vote whose name is on the official registration list for that precinct and who is qualified under AS 15.05.010 - 15.05.040. A person whose name is not on the official registration list shall be allowed to vote a questioned ballot.

(Sec. 2 ch 211 SLA 1968; am sec. 5 ch 116 SLA 1972; am sec. 5 ch 100 SLA 1980)

Sec. 15.07.020. Registration as a prerequisite. Repealed by sec. 231 ch 100 SLA 1980.

Sec. 15.07.030. Who may register.

(a) A person who has the qualifications of a voter as set out in AS 15.05.010(1) - (4), or who will have the qualifications at the succeeding primary or general election, is entitled to be registered as a voter in the precinct in which he resides. (b) A person qualified under AS 15.05.011 to vote by absentee ballot in a federal election is entitled to be registered as a voter in the election district in which he resided immediately before departure from the United States.

(Sec. 2 ch 211 SLA 1968; am sec. 19 ch 32 SLA 1971; am sec. 6 ch 100 SLA 1980)

Sec. 15.07.040. Time for registration. A person who is qualified under AS 15.05.010(1) - (4) is entitled to register at any time throughout the year except that a

person under 18 years of age may register at any time within 90 days immediately preceding his 18th birthday.

(Sec. 2 ch 211 SLA 1968; am sec. 20 ch 32 SLA 1971; am sec. 6 ch 116 SLA 1972; am sec. 7 ch 100 SLA 1980)

Sec. 15.07.050. Registration in person or by mail. Registration may be made in person before a registration official or by mail.

(Sec. 2 ch 211 SLA 1968)

Sec. 15.07.060. Required registration information. (a) Each applicant who requests registration or reregistration shall supply the following information under oath: (1) name and sex; (2) address and other necessary information establishing residence if requested; (3) Repealed by sec. 8 ch 100 SLA 1980. (4) term of residence in state and in election district; and whether the applicant has previously been registered to vote in another jurisdiction, and, if so, the jurisdiction and the address of the previous registration; (5) a declaration that the registrant will be 18 years of age or older within 90 days of the date of registration; (6) a declaration that the registrant is a citizen of the United States; (7) date of application; (8) signature or mark. (b) If the applicant has been previously registered to vote in another jurisdiction, he shall surrender to the registration official any voter registration or identification card or credentials from that jurisdiction the applicant may possess. The director shall notify the chief elections officer in that jurisdiction that the applicant has registered to vote in Alaska, request that jurisdiction to cancel the applicant's voter registration there, and return the applicant's voter registration or identification card or credentials, if any, to that jurisdiction. (c) If application for registration is made in person before a registration official, the applicant shall exhibit one form of identification to the official, including but not limited to a driver's license, birth certificate, passport, hunting or fishing license. A registration official who knows the identity of the applicant may waive the identification requirement. (d) If the applicant requests reregistration, the applicant shall supply under oath any former name under which the applicant was registered to vote in the state.

(Sec. 2 ch 211 SLA 1968; am sec. 21 ch 32 SLA 1971; am secs. 6, 7 ch 197 SLA 1975; am sec. 8 ch 100 SLA 1980)

Sec. 15.07.065. Exchange of voter registration information. Repealed by sec. 231 ch 100 SLA 1980.

Sec. 15.07.070. Procedure for registration. (a) The director may adopt regulations under the Administrative Procedure Act (AS 44.62) relating to the registration of voters consistent with the requirements of this section. (b) To register by mail the director or the area election supervisor shall furnish, upon request, and at no cost to

the voter, forms prepared by the director on which the registration information required under AS 15.07.060 shall be inserted by the voter, or by a person on behalf of the voter if the voter is physically incapacitated. The forms shall be executed before a notary public, a commissioned officer of the armed forces including the National Guard, a district judge or magistrate, a United States postal official, or other person qualified to administer oaths. If none of the officials listed in this subsection is reasonably accessible, the person shall have the forms witnessed by two persons over the age of 18 years, and, in addition, shall provide the certification required by AS 09.63.020. The director may require proof of identification of the applicant as required by regulations adopted by the director under the Administrative Procedure Act (AS 44.62). Upon receipt and approval of the completed registration forms the director or the election supervisor shall forward to the voter an acknowledgment in the form of a registration card, and the voter's name shall immediately be placed on the master register located in the office of the director and on the district register located in the office of the election supervisor. If the registration is denied, the voter shall immediately be informed in writing by certified or registered letter that registration was denied and the reason for denial. (c) The names of persons submitting completed registration forms by mail which are postmarked at least 30 days before the next election shall be placed on the official registration list for that election. The name of a person submitting a completed registration form by mail which was not postmarked before the 30-day requirement shall not be placed on the official registration list for the next election but shall be placed on the master register after that election. (d) Qualified voters may register in person before a registration official at any time throughout the year, except that no person registering within 30 days preceding an election may vote at that election. Upon receipt and approval of the registration forms the director or the election supervisor shall forward to the voter an acknowledgment in the form of a registration card and his name shall immediately be placed on the master register located in the office of the director and on the district register located in the office of the election supervisor. Names of persons registering 30 or more days before an election shall be placed on the official registration list for that election. (e) Repealed, sec. 38 ch 116 SLA 1972. (f) Incomplete or inaccurate registration forms may not be accepted and shall be reexecuted. The date of registration shall be the date of reexecution before a registration official or the postmark date if the application for registration is by mail.

(Sec. 2 ch 211 SLA 1968; am sec. 8 ch 71 SLA 1972; am secs. 7, 38 ch 116 SLA 1972; am sec. 9 ch 100 SLA 1980; am sec. 62 ch 6 SLA 1984)

Sec. 15.07.080. Registration officials to serve during the 1968 primary and general election. Repealed by sec. 38 ch 116 SLA 1972.

Sec. 15.07.081. Registration officials. The director shall appoint one or more registration officials to serve in each precinct polling place in all elections during the hours the polling places are open. An election clerk or election judge, appointed under AS 15.10, may also serve as a registration official. If more than one registration official is appointed to serve in a polling place, each political party shall be represented.

(Sec. 1 ch 197 SLA 1975; am sec. 10 ch 100 SLA 1980)

Sec. 15.07.090. Reregistration and amendment and transfer of registration. (a) A voter whose name is changed by marriage or court order may vote under the previous name, but if the voter desires to use the new name, he or she shall notify the director not later than 30 days preceding an election so that the registration may be amended to reflect the change. (b) A voter shall reregister if his registration is cancelled for failure to vote in prior elections as provided in AS 15.07.130. The reregistration may not be made later than 30 days preceding an election. (c) The director shall transfer the registration of a voter from one precinct to another within an election district when requested by the voter. The request shall be made 30 or more days before the election day. The director shall transfer the registration of a voter from one election district to another when requested by the voter. The voter must reside in his new election district for at least 30 days in order to vote. (d) A person who claims to be a registered voter, but for whom no evidence of registration in the precinct can be found, shall be granted the right to vote in the same manner as that of a questioned voter and the ballot shall be treated in the same manner. The ballot shall be considered to be a "questioned ballot" and shall be so designated. The director or the director's representative shall determine whether the voter is registered in the election district before counting the ballot. A voter who has failed to obtain a transfer as provided in (c) of this section shall vote a "questioned ballot" in the precinct in which the voter resides.

(Sec. 2 ch 211 SLA 1968; am secs. 8, 9 ch 116 SLA 1972; am secs. 1, 2 ch 38 SLA 1974; am secs. 9 - 11 ch 197 SLA 1975; am secs. 11, 12 ch 100 SLA 1980; am sec. 32 ch 59 SLA 1982)

Sec. 15.07.100. Registration officials. (a) The director shall appoint one or more registration officials in each precinct. When more than one registration official is appointed to serve in a precinct, each political party shall be represented. However, any precinct containing more than 250 voters must have at least two registration officials, one from each political party. The registration official shall be a qualified state voter and shall take an oath to honestly, faithfully and promptly perform the duties of his office. (b) Training for registration officials shall be provided by the director. On the completion of training, the director may require that officials demonstrate their competence by a test or other method. (c) A registration

official serves at the pleasure of the director. Each registration official shall be periodically evaluated by the director based on the completeness of the registration forms, timely filing of registration forms, and the voter registration activity attributed to the registration official. (d) A registration official shall transmit completed voter registration forms to the election supervisor within five days following completion by the voter.

(Sec. 2 ch 211 SLA 1968; am sec. 13 ch 100 SLA 1980)

Sec. 15.07.110. Payment for registration. The director shall pay each registration official serving between elections a sum set by regulation adopted by the director which may not exceed \$1 for each registration or change of registration personally made by the registration official. The director may not pay a registration official for voter registration forms postmarked later than five days following completion by the voter.

(Sec. 2 ch 211 SLA 1968; am sec. 3 ch 38 SLA 1974; am sec. 14 ch 100 SLA 1980)

Sec. 15.07.120. Custody of registers. A master register shall at all times remain in the custody of the director. The area election supervisor shall likewise maintain a register of all voters within the precincts of the area election district he supervises.

(Sec. 2 ch 211 SLA 1968; am sec. 15 ch 100 SLA 1980)

Sec. 15.07.125. Official registration list. The director shall prepare an official registration list for each election consisting of all names appearing on the master register 30 days before the election. A list of persons eligible to vote in each precinct at that election shall be prepared from the official registration list.

(Sec. 16 ch 100 SLA 1980)

Sec. 15.07.130. Elimination of excess names. (a) At the close of each calendar year the area election supervisor shall examine the register. (b) When a registered voter has not reregistered or has not indicated in writing a desire to remain registered as provided in this subsection within the preceding two years or has not voted in a local, regional school board, primary, special or general election at least once in two consecutive calendar years, the voter shall be advised by mail sent to his last known address that his registration will be cancelled unless he indicates within 90 days on forms furnished by the director his desire to remain registered. (c) The director shall obtain from the office of vital statistics a certified list of all residents over 18 years of age who have died or who have been presumptively declared dead. The director shall cancel the registration of all deceased voters.

(Sec. 2 ch 211 SLA 1968; am sec. 22 ch 32 SLA 1971; am sec. 4 ch 38 SLA 1974; am secs. 17, 18 ch 100 SLA 1980)

Sec. 15.07.135. Cancellation of registration of convicted persons. The director shall make reasonable efforts to obtain the names of persons convicted of a felony involving moral turpitude. The director shall cancel the registration of a person convicted of a felony involving moral turpitude. Upon presenting proof that the person is unconditionally discharged from custody, the person may register. The director shall make reasonable efforts to verify the unconditional discharge of persons applying for registration under this section.

(Sec. 19 ch 100 SLA 1980; 15.07.130(d); am sec. 2 ch 85 SLA 1986)

Sec. 15.07.137. Voting information from municipalities. Within 60 days after each election held in a municipality, the municipal clerk shall certify and send to the director the official registration list containing the names, residence addresses, and voter numbers of all persons voting in each precinct in that election. The names of the persons who voted in the municipal election shall be indicated on the official registration list sent to the director by the municipal clerk.

(Sec. 19 ch 100 SLA 1980; 15.07.130(e))

Sec. 15.07.140. General administrative supervision by director. The director shall provide general administrative supervision over the registration and reregistration of voters. The director shall, no later than 40 days before any election, arrange to have the list of registered voters of the precinct publicly displayed. The director shall instruct registration officials to post the list of registered voters in a number of locations calculated to obtain maximum recognition. Upon request by the mayor or manager of a municipality the director shall furnish registration information for all precincts all or part of which are within the boundaries of the local government unit.

(Sec. 2 ch 211 SLA 1968; am sec. 10 ch 116 SLA 1972; am sec. 20 ch 100 SLA 1980)

Sec. 15.07.150. Appeals from denial of registration. When a person is refused registration by a registration official, the official shall at the time of the refusal give to the registration applicant, in writing, the reason or reasons for the refusal. The person shall have the right to an immediate appeal to the area election supervisor, which appeal may be taken informally, and either verbally or in writing. When a voter is refused registration by an area election supervisor the action shall be reviewed by the superior court of the judicial district; the area election supervisor shall file a petition with the superior court for a judicial determination. If the petition is filed within

45 days before the date of a statewide election, the petition shall be given precedence over other matters pending before the court.

(Sec. 2 ch 211 SLA 1968)

Sec. 15.07.160. Unlawful action. (a) Except as provided in AS 15.07.135, it is unlawful for a registration official to refuse to register a person who is qualified to vote under provisions of AS 15.05.010(1) - (4). (b) It is unlawful for a person knowingly lacking the qualifications of a voter to register under AS 15.07.030 to vote. (c) Repealed, sec. 231 ch 100 SLA 1980.

(Sec. 2 ch 211 SLA 1968; am sec. 23 ch 32 SLA 1971; am sec. 231 ch 100 SLA 1980; am secs. 3, 4 ch 85 SLA 1986)

Sec. 15.07.170. False statements. No applicant for registration or reregistration may make a material statement which is false, knowing it to be false.

(Sec. 2 ch 211 SLA 1968; am sec. 1 ch 31 SLA 1969)

Sec. 15.07.180. Fees prohibited. No registration official may accept a fee from an applicant applying for registration.

(Sec. 2 ch 211 SLA 1968)

Sec. 15.07.190. Violations. A person who violates AS 15.07.170 or 15.07.180 is guilty of a misdemeanor and upon conviction is punishable by imprisonment for not more than one year, or by a fine of not more than \$1,000, or by both.

(Sec. 2 ch 211 SLA 1968; am sec. 2 ch 31 SLA 1969)

Sec. 15.07.200. Registration supervision. The registration program is under the supervision of the director in accordance with AS 15.10.105.

(Sec. 2 ch 211 SLA 1968; am sec. 11 ch 116 SLA 1972; am sec. 21 ch 100 SLA 1980; am sec. 33 ch 59 SLA 1982)

Chapter 10. Election Districts and Officials.

Sec. 15.10.010. Precinct boundaries initially established. The state is divided into the election precincts as established for the general election of October, 1958, or as subsequently amended as prescribed by law, and shall remain so divided until the precinct boundaries are modified, or the precinct is abolished or a precinct is established as required by the provisions of this title.

(Sec. 2.01 ch 83 SLA 1960)

Sec. 15.10.020. Precinct boundaries and polling places modified by director. The director shall have the exclusive power to modify the boundary of a precinct and to establish

or abolish a precinct and polling place in the state by regulations adopted under the Administrative Procedure Act (AS 44.62).

(Sec. 2.02 ch 83 SLA 1960; am sec. 22 ch 100 SLA 1980)

Sec. 15.10.030. Uniform precinct boundaries required for state and local elections. The precinct boundaries established by the director shall be the boundaries for both state and local elections. The director by regulation pursuant to the provisions of the Administrative Procedure Act (AS 44.62) may authorize the combining, consolidation, or altering of precinct boundaries for local elections.

(Sec. 2.03 ch 83 SLA 1960; am sec. 4 ch 136 SLA 1966; am sec. 23 ch 100 SLA 1980)

Sec. 15.10.040. Restriction on precinct boundary modification. No precinct may include territory lying within more than one election district. Whenever practicable, precinct boundaries shall conform to municipal boundaries.

(Sec. 2.04 ch 83 SLA 1960; am sec. 12 ch 197 SLA 1975)

Sec. 15.10.050. General duty and standard for precinct boundary modification. The director shall modify the boundary of a precinct, and shall establish or abolish a precinct if the action serves the convenience of the voters and assures the efficient administration of election laws.

(Sec. 2.05 ch 83 SLA 1960; am sec. 24 ch 100 SLA 1980)

Sec. 15.10.060. Specific duty and standard for precinct boundary modification. Repealed by sec. 38 ch 116 SLA 1972.

Sec. 15.10.070. Precinct boundary identification. Each precinct shall be given an appropriate name or number and be clearly defined so the boundaries can be readily determined.

(Sec. 2.07 ch 83 SLA 1960)

Sec. 15.10.080. Dates for designating precinct boundary. The director shall designate boundaries of an election precinct which has been established or modified, not later than 40 days before an election.

(Sec. 2.08 ch 83 SLA 1960; am sec. 3 ch 125 SLA 1962; am sec. 25 ch 100 SLA 1980)

Sec. 15.10.090. Notice of precinct boundary designation and modification. The director shall give full public notice when precinct boundaries are designated and when the boundaries of a precinct are modified or when a precinct is established or abolished. Public notice shall include, but is not limited to, the publication on three different days

in a daily newspaper of general circulation, if such a newspaper is published in the election district where the precinct is located, by posting written notice in three conspicuous places in the designated precinct, and by notification to appropriate municipal clerks.

(Sec. 2.09 ch 83 SLA 1960; am sec. 26 ch 100 SLA 1980)

Sec. 15.10.100. Judicial review of precinct boundary. Any person aggrieved by a determination of precinct boundaries by the director may bring a civil action to have the determination reviewed in the superior court. If the action receives final determination within 40 days before the election, the director shall not make the required modification in precinct boundaries until immediately after the election.

(Sec. 2.10 ch 83 SLA 1960; am sec. 21 ch 69 SLA 1970; am sec. 27 ch 100 SLA 1980)

Sec. 15.10.105. Administration of elections.

(a) The lieutenant governor shall control and supervise the division of elections. The lieutenant governor shall appoint a director of elections. The director shall act for him in the supervision of central and regional election offices, the employment and training of election personnel, and the administration of all state elections as well as those municipal elections which the state is required to conduct. The director serves at the pleasure of the lieutenant governor. (b) It is essential that the nonpartisan nature, integrity, credibility and impartiality of the administration of elections be maintained. The director of elections and the full-time members of his staff may not join, support or otherwise participate in a partisan political organization, faction or activity, including but not limited to the making of political contributions. The director of elections and the full-time members of his staff may not hold or campaign for elective office, be an officer of a political party or member or officer of a political committee, permit their name to be used, or make any contributions, in support of or in opposition to a candidate or a ballot proposition or question, participate in any way in a national, state or local election campaign or lobby, employ or assist a lobbyist. However, this subsection does not restrict the director of elections or the full-time members of his staff from expressing private opinion, registering as to party, or voting.

(Sec. 13 ch 197 SLA 1975; am sec. 28 ch 100 SLA 1980)

Sec. 15. 107. Staff training. The director shall, before each primary election in even-numbered years, provide for a comprehensive training program for election officials, both the full-time members of the staff of the division of elections and those who are appointed as election board judges, clerks and counters under AS 15.10.120 15.10.150 and other temporary election employees.

(Sec. 13 ch 197 SLA 1975; am sec. 29 ch 100 SLA 1980)

Sec. 15.10.110. Appointment of election supervisors. The director shall appoint election supervisors, including one in each of the municipalities of Juneau, Anchorage, Fairbanks and Nome, to assist in the administration of elections in the election districts designated by the director. The director 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.

(Sec. 2.11 ch 83 SLA 1960; am sec. 4 ch 125 SLA 1962; am sec. 5 ch 26 SLA 1966; am sec. 5 ch 136 SLA 1966; am sec. 22 ch 69 SLA 1970; am sec. 12 ch 116 SLA 1972; am sec. 5 ch 38 SLA 1974; am sec. 30 ch 100 SLA 1980)

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. The judges shall, to the extent possible, be appointed 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 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. 2.12 ch 83 SLA 1960; am sec. 6 ch 136 SLA 1966; am sec. 2 ch 228 SLA 1968; am sec. 31 ch 100 SLA 1980)

Sec. 15.10.125. Appointment of additional election boards. In each precinct having 200 or more voters additional election boards may be appointed.

(Sec. 3 ch 228 SLA 1968; am sec. 13 ch 116 SLA 1972)

Sec. 15.10.130. Appointment of clerks. The election supervisor may appoint one clerk to assist the election board in conducting the election in precincts whenever necessary. The election supervisor may appoint one additional clerk to serve in such precincts as he determines necessary to administer the elections in an efficient and economical manner. Clerks shall be appointed from among qualified voters in precincts in which they reside. If only one clerk is appointed he may not be of the same political

party as the governor. If two clerks are appointed they may not be of the same political party.

(Sec. 2.13 ch 83 SLA 1960; am sec. 7 ch 136 SLA 1966; am sec. 4 ch 228 SLA 1968)

Sec. 15.10.140. Appointment of counters. The chairman of the election board may appoint a team of counters to assist with the counting of the ballots in each precinct where the election supervisor considers it necessary. The appointments may be made from among the qualified voters in the precincts in which they reside, and may be made at any time before the completion of the precinct count. There shall be four counters on each counting team, no more than two of whom may be of the same political party.

(Sec. 2.14 ch 83 SLA 1960; am sec. 3 ch 80 SLA 1963; am sec. 5 ch 228 SLA 1968; am sec. 14 ch 116 SLA 1972; am sec. 32 ch 100 SLA 1980)

Sec. 15.10.150. Appointment of nominees for judges and clerks. Whenever the appointment of election judges or clerks is required, the party district committee of the political party of which the governor is a member may present in writing to the election supervisor on or before April 15 in each regular election year, or at least 60 days before a special election, the names of two party nominees for judges, and one for clerk, in any or all election precincts, and the election supervisor shall appoint two of the party nominees to the respective precinct election boards. The party district committee of the political party which received the second largest number of statewide votes in the preceding gubernatorial election may present in writing to the election supervisor on or before April 15 in each regular election year, or at least 60 days before a special election the name of one party nominee for judge and one for clerk for any or all election precincts and the election supervisor shall appoint one of the party nominees to the respective precinct election boards. The election supervisor may appoint additional nominees if he determines that additional judges or clerks are needed. If any party district committee fails to present the names prescribed by this section by April 15 of a regular election year or before the 60th day preceding a special election, the election supervisor may appoint any qualified person not otherwise disqualified under AS 15.10.120.

(Sec. 2.15 ch 83 SLA 1960; am sec. 8 ch 136 SLA 1966; am sec. 6 ch 228 SLA 1968; am sec. 15 ch 116 SLA 1972; am sec. 14 ch 197 SLA 1975; am sec. 33 ch 100 SLA 1980)

Sec. 15.10.160. Date and notice of appointment of election board. Repealed by sec. 9 ch 136 SLA 1966.

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 precinct and counting center for any election. Each candidate not representing a political party may appoint one or more watchers for each precinct or counting center in his respective district or the state for any election. Any organization or organized group that sponsors or opposes an initiative, referendum or recall may have one or more persons as watchers at the polls and counting centers after first obtaining authorization from the director. No state party chairman, no precinct party committee, no district committee or candidate not representing a political party or organization or organized group may have more than one watcher on duty at a time in any precinct or counting center. The watcher may be present at a position inside the place of voting or counting which affords a full view of all action of the election board and other counters taken from the time the polls are opened until the ballots are finally counted and the results certified by the election board or the data processing review board. The election board or the data processing review board may require each watcher to present written proof showing that he is the watcher appointed by the precinct party committee, the district party committee, the organization or organized group or the candidate he represents which is signed by the chairman of the precinct party committee, the district party committee, the state party chairman, the organization or organized group or the candidate representing no party.

(Sec. 2.17 ch 83 SLA 1960; am sec. 4 ch 80 SLA 1963; am sec. 10 ch 136 SLA 1966; am sec. 23 ch 69 SLA 1970; am sec. 15 ch 197 SLA 1975; am sec. 34 ch 100 SLA 1980)

Sec. 15.10.180. Appointment of party representatives for state ballot counting review. The director shall appoint two persons from each political party to participate in the state ballot counting review. Each person who is appointed and serves is entitled to compensation as provided in AS 15.15.380. Each political party may present to the director a list of three or more names from which the director shall select the persons to represent the party. The list of names may be submitted in writing at least 30 days before the date of the election. The persons to represent the party on the state ballot counting review board may be selected by the state party central committee or in any other manner prescribed by the bylaws of the party. The list of names shall be certified by the chairman of the state central committee of the party or by the person authorized by the party bylaws to act in the absence of the chairman.

(Sec. 2.18 ch 83 SLA 1960; am sec. 35 ch 100 SLA 1980; am sec. 34 ch 59 SLA 1982)

Chapter 13. State Election Campaigns.

Sec. 15.13.010. Applicability. (a) This chapter applies in every election for governor, lieutenant governor, a

member of the state legislature, a delegate to a constitutional convention, or judge seeking electoral confirmation. It also applies to every candidate for election to a municipal office in a municipality with a population of more than 1,000 inhabitants according to the latest United States census figures or estimates of population certified as correct for administrative purposes by the Department of Community and Regional Affairs. A municipality may exempt its elected municipal officers from the requirements of this chapter if a majority of the voters voting on the question at a regular election, as defined by AS 29.71.800(20), or a special municipality-wide election called for that purpose, vote to exempt its elected municipal officers from the requirements of this chapter. The question of exemption from the requirements of this chapter may be submitted by the governing body by ordinance or by initiative election. Nothing in this chapter prohibits a municipality from regulating by ordinance campaign contributions and expenditures. (b) Except as otherwise provided, this chapter applies to contributions, expenditures and communications made by a candidate, group, municipality or individual for the purpose of influencing the outcome of a ballot proposition or question as well as those made to influence the nomination or election of a candidate.

(Sec. 1 ch 76 SLA 1974; am secs. 1, 2 ch 189 SLA 1975; am sec. 32 ch 74 SLA 1985)

Sec. 15.13.011. Inapplicability to presidential primary.
Repealed, sec. 1 ch 2 SLA 1984.

Sec. 15.13.020. Alaska Public Offices Commission. (a) There is created in the Department of Administration the Alaska Public Offices Commission consisting of five members. (b) The governor shall appoint two members of each of the two political parties whose candidate for governor received the highest number of votes in the most recent preceding general election at which a governor was elected. The two appointees from each of these two parties shall be chosen from a list of four names to be submitted by the central committee of each party. (c) The four members selected under (b) of this section shall, by a majority vote, appoint the remaining fifth member of the commission. (d) Upon selection of the commission's fifth member, the commission's four members selected under (b) of this section shall draw lots to determine the length of their terms of office so that one commission member serves one year, one serves two years, one serves three years and one serves four years. However, the terms of no two commission members who are members of the same political party may expire in consecutive years. The term of office of the fifth member, appointed under (c) of this section, expires in the fifth year. Terms of office of the initial appointees to the commission, including the fifth member, shall date from February 1 before their appointment. After the terms of office of the initial appointees to the commission expire, the term of office of a member of the commission is five

years, or until his successor is appointed and qualifies. No commission member may serve more than one term. However, initial appointees to the commission who do not serve a full five-year term and a person appointed to fill the unexpired term of his predecessor may be appointed to a successive full five-year term. (e) No member of the commission, during tenure, may (1) hold or campaign for elective office; (2) be an officer of a political party, political committee or group; (3) permit his name to be used, or make any contributions whatsoever, in support of or in opposition to a candidate or proposition or question that appears on any ballot in the state including but not limited to that of a municipality; however, contributions may be made to a candidate for the office of President of the United States; (4) participate in any way in an election campaign or participate in or contribute to any political party; or (5) lobby, employ or assist a lobbyist. (f) Members of the commission shall receive compensation of \$50 a day while attending commission meetings and shall be entitled to travel expenses and per diem authorized by law for members of other boards and commissions. (g) The members shall elect a chairman. Three members of the commission constitute a quorum. A vacancy does not impair the powers of the remaining members to exercise all of the powers of the commission. (h) A vacancy on the commission shall be filled by the appropriate appointing authority within 30 days of the occurrence of the vacancy. The appointee shall serve for the remaining term of his predecessor. (i) The commission may employ an executive director and other employees it considers necessary. Neither the executive director nor an employee may have a vote. (j) The commission shall establish an office, which may be called a regional office, in each senate district in the state to keep on file for public inspection copies of all reports filed with the commission by candidates for statewide office and by candidates for legislative office in that district; however, where one municipality contains more than one election district, only one commission office shall be established in that municipality. The regional office shall make all forms and pertinent material available to candidates. All reports shall be filed by candidates, groups and individuals directly with the commission's central district office. The commission shall insure that copies of all reports by statewide and legislative candidates in each senate district are forwarded promptly to that district or regional office. (k) The commission shall insure that copies of reports filed by candidates for municipal office are made available for public inspection in the appropriate municipality.

(Sec. 1 ch 76 SLA 1974; am sec. 23 ch 25 SLA 1975; am secs. 3-10 ch 189 SLA 1975; am Executive Order No. 41 sec. 2 (1980))

Sec. 15.13.030. Duties of the commission. The commission shall (1) develop and provide all forms for the reports and statements required to be made under this chapter, AS 24.45 and AS 39.50; (2) prepare and publish a manual setting out

uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter and otherwise assist candidates, groups, and individuals in complying with the requirements of this chapter; (3) receive and hold open for public inspection reports and statements required to be made under this chapter and, upon request, furnish copies at cost to interested persons; (4) compile and maintain a current list of all filed reports and statements; (5) prepare a summary of each report filed under AS 15.13.110 and make copies of this summary available to interested persons at their actual cost; (6) notify, by registered or certified mail, all persons who are delinquent in filing reports and statements required to be made under this chapter; (7) report within 60 days after the election the names of all persons and groups who have failed to comply with any of the provisions of this chapter to the office of the attorney general; (8) examine, investigate and compare all reports, statements and actions required by this chapter, AS 24.45 and AS 39.50 and to report to the attorney general the names of all persons or groups which the commission has substantial reason to believe have violated this chapter, AS 24.45 or AS 39.50; (9) prepare and publish an annual report to the legislature concerning the activities of the commission, the effectiveness of this chapter, its enforcement by the attorney general's office, and recommendations and proposals for change; (10) adopt regulations necessary to implement and clarify the provisions of AS 24.45, AS 39.50 and this chapter, subject to the provisions of the Administrative Procedure Act (AS 44.62).

(Sec. 1 ch 76 SLA 1974; am sec. 24 ch 25 SLA 1975; am secs. 11, 12 ch 189 SLA 1975; am secs. 3-5 ch 167 SLA 1976)

Sec.15.13.040. Contributions, expenditures and supplying of services to be reported. (a) Each candidate shall make a full report, upon a form prescribed by the commission, listing the date and amount of all expenditures made by the candidate, the total amount of all contributions, including all funds contributed by the candidate himself, and for all contributions in excess of \$100 in the aggregate a year, the name, address, principal occupation, and employer of the contributor and the date and amount contributed by each contributor. The report shall be filed in accordance with AS 15.13.110 and shall be certified correct by the candidate or campaign treasurer. (b) Each group shall make a full report upon a form prescribed by the commission, listing (1) the name and address of each officer and director; (2) the aggregate amount of all contributions made to it; and, for all contributions in excess of \$100 in the aggregate a year, the name, address, principal occupation, and employer of the contributor, and the date and amount contributed by each contributor; and (3) the date and amount of all contributions made by it and all expenditures made, incurred or authorized by it. (c) The report required under (b) of this section shall be filed in accordance with AS 15.13.110 and shall be certified as correct by the group's treasurer. (d) Every individual, person or group making a contribution

or expenditure shall make a full report, upon a form prescribed by the commission, of the following contributions or expenditures: (1) any contribution of cash, goods or services valued at more than \$100 a year to any group or candidate; or (2) any expenditure whatsoever for advertising in newspapers, on radio or on television; or, for the publication, distribution or circulation of brochures, flyers, or other campaign material for any candidate or ballot proposition or question. (e) The report required under (d) of this section shall contain the name, address, principal occupation and employer of the individual filing the report, and an itemized list of expenditures. The report shall be filed with the commission by the contributor no later than 10 days after the contribution or expenditure is made. A copy of the report shall be furnished to the candidate, campaign treasurer or deputy campaign treasurer at the time the contribution is made. (f) During each year in which an election occurs, all businesses, persons, or groups which furnish any of the following services, facilities, or supplies to a candidate or group shall maintain a record of each transaction: newspapers, radio, television, advertising, advertising agency services, accounting, billboards, printing, secretarial, public opinion polls, or research and professional campaign consultation or management, media production or preparation, or computer services. The records shall be maintained on the forms provided and in the manner required by the commission. The supplier shall file a report of the complete record of each transaction with all candidates or groups to whom he provides services, facilities or supplies in excess of \$250 in the aggregate in accordance with AS 15.13.110. All records shall be available for public inspection.

(Sec. 1 ch 76 SLA 1974; am sec. 13 ch 189 SLA 1975)

Sec. 15.13.045. Investigations, hearings. (a) The commission may issue subpoenas, administer oaths, hold hearings and conduct investigations. (b) In conjunction with (a) of this section, the commission may compel the attendance of witnesses and production of papers, books, records, accounts, documents, and testimony, and may have the deposition of witnesses taken in a manner prescribed by court rule or law for the taking of depositions in civil actions when consistent with the powers and duties assigned to the commission by this chapter. (c) The commission may examine the papers, books, records, accounts and documents of any person subject to this chapter to ascertain the correctness of a report filed with the commission, or in conjunction with an investigation or inspection conducted under (a) of this section. (d) Subpoenas may be issued and shall be served in the manner prescribed by AS 44.62.430 and court rule. The failure, refusal or neglect to obey a subpoena is punishable as contempt in the manner prescribed by law or court rule. The superior court may compel obedience to the commission's subpoena in the same manner as prescribed for obedience to a subpoena issued by the court.

(Sec. 14 ch 189 SLA 1975)

Sec. 15.13.050. Groups. Each group, before making an expenditure on behalf of, or in opposition to, a candidate or a contribution to a candidate, shall register, on forms provided by the commission, with the commission. If the group intends to support or oppose only one candidate, or to contribute to or expend on behalf of, or in opposition to, one candidate 50 per cent or more of its funds, the name of the candidate shall be a part of the name of the group. Promptly upon receiving the registration, the commission shall notify the candidate of the group's organization and intent.

(Sec. 1 ch 76 SLA 1974; am sec. 15 ch 189 SLA 1975)

Sec. 15.13.060. Campaign treasurers.

(a) Each candidate and group shall appoint a campaign treasurer who is responsible for receiving, holding, and disbursing all contributions and expenditures, and for filing all reports and statements required by law. A candidate may be a campaign treasurer. (b) Each group shall file the name and address of its campaign treasurer with the commission at the time it registers with the commission under AS 15.13.050. (c) Each candidate for state office shall file the name and address of the campaign treasurer with the commission, or submit, in writing, the name and address of the campaign treasurer to the director for filing with the commission, no later than 15 days after the date of filing the declaration of candidacy or the nominating petition. Each candidate for municipal office shall file the name and address of the campaign treasurer with the commission no later than seven days after the date of filing the declaration of candidacy or the nominating petition. If the candidate does not designate a campaign treasurer, the candidate is the campaign treasurer. (d) In the case of the death, resignation or removal of a campaign treasurer, the candidate shall appoint a successor as soon as practicable and file his name and address with the commission within 48 hours of the appointment. The candidate is disqualified when he has been found to have been in willful violation of this subsection. (e) A campaign treasurer may appoint as many deputy campaign treasurers as he considers necessary. The candidate shall file the names and addresses of the deputy campaign treasurers with the commission. (f) The candidate is responsible for the performance of his campaign treasurer, and any default or violation by the treasurer also shall be considered a default or violation by the candidate if he knew or had reason to know of the default or violation.

(Sec. 1 ch 76 SLA 1974; am secs. 16 - 19 ch 189 SLA 1975; am sec. 1 ch 133 SLA 1977; am sec. 35 ch 59 SLA 1982)

Sec. 15.13.070. Contributions and expenditures; amount and form of payment. (a) No person or group, including but not limited to all political committees, businesses, corporations, and labor unions, may contribute to or expend

more than \$1,000 a year on behalf of or in opposition to the competing candidates for each elective office. Political parties and their subdivisions are not subject to the limitation prescribed in this subsection, but they are subject to the reporting requirements prescribed by AS 15.13.040(b) and 15.13.110. Nothing in this chapter prohibits (1) a candidate from contributing more than \$1,000 of his own money to his own campaign; or (2) individuals or groups, including but not limited to all political committees, businesses, corporations, and labor unions, from contributing to or expending on behalf of a ballot proposition or question more than \$1,000 a year; however, these contributions and expenditures shall be reported in accordance with AS 15.13.040 and 15.13.110. (b) No contribution over \$100 may be made in cash or by cash payment and it may not be accepted by or on behalf of a candidate. (c) No expenditures over \$100 may be made in cash or by cash payment unless a written receipt is obtained and filed with the commission. (d) No contribution may be made, and no expenditure may be made or incurred, directly or indirectly, anonymously, in a fictitious name, or by one person or group in the name of another, to influence the election of a candidate in an election. A contribution made by a person wishing to remain anonymous, and received by a candidate, campaign treasurer or deputy campaign treasurer, may not be used or expended, but shall be returned to the donor, if his identity is known, and if no donor is found, the contribution escheats to the state if not donated by the candidate to the charity of his choice. (e) Contributions to a candidate or a political committee may be received by, and expenditures of a candidate or political committee may be made by, only the candidate, campaign treasurer, or deputy campaign treasurer. (f) Repealed, sec. 45 ch 85 SLA 1986. ~~Expenditures of a candidate or political committee may be made by any candidate, treasurer, or group unless the source is disclosed as required by the provisions of this chapter whether or not those funds were received prior to May 10, 1974.~~

(Sec. 1 ch 76 SLA 1974; am secs. 20, 21 ch 189 SLA 1975; am sec. 45 ch 85 SLA 1986)

Sec. 15.13.080. Statement by contributor. A person or group contributing to a candidate over \$250 or contributing goods or services to a candidate with a value of more than \$250 to influence the election of a candidate shall furnish the commission a signed statement, on a form made available by the commission. The statement shall itemize the contributions and goods and state that the contributor is not a person or group prohibited by law from contributing and that the contribution consists of funds or property belonging to the contributor and has not been given or furnished by another person or group. The contributor's statement shall be filed with the commission by the contributor no later than 10 days after the contribution is made. A copy of the statement shall be furnished the candidate, campaign treasurer, or deputy campaign treasurer at the time the contribution is made.

(Sec. 1 ch 76 SLA 1974; am sec. 29 ch 189 SLA 1975)

Sec. 15.13.090. Identification of communication. All advertisements, billboards, handbills, paid-for television and radio announcements and other communications intended to influence the election of a candidate or outcome of a ballot proposition or question shall be clearly identified by the words "paid for by" followed by the name and address of the candidate, group or individual paying for the advertising. In addition, candidates and groups must identify the name of their campaign chairman.

(Sec. 1 ch 76 SLA 1974; am sec. 22 ch 189 SLA 1975; am sec. 36 ch 100 SLA 1980)

Sec. 15.13.100. Expenditures before filing. No political campaign expenditure may be made or incurred by a person in an election or by a person or group with his knowledge and on his behalf before the date upon which he or she files for nomination for the office which the person seeks, except for personal travel expenses or for opinion surveys or polls. These expenditures shall be charged against the spending limitation that applies to the office for which he subsequently files, and shall be included in the first report required under this chapter after filing for office.

(Sec. 1 ch 76 SLA 1974; am sec. 23 ch 189 SLA 1975)

Sec. 15.13.110. Filing of reports.

(a) Each candidate and group shall make a full report in accordance with AS 15.13.040 during the period ending three days before the due date of the report and beginning on the last day covered by the most recent previous report, or, if a first report, all contributions received and expenditures made before three days before the due date of the report. The report shall be filed at the following times: (1) 30 days before the election; however, this report is not required if the deadline for filing a nominating petition or declaration of candidacy is within 30 days of the election; (2) one week before the election; (3) ten days after the election; and (4) December 31 of each year for expenditures and contributions received which were not reported that year. (b) Each contribution or expenditure which exceeds \$250 and which is made within one week of the election shall be reported to the commission by date, amount, and contributor or recipient within 24 hours of receipt or expenditure by the candidate or campaign treasurer. (c) The reports of candidates shall be filed with the commission's central office. All reports required by this chapter shall be kept open to public inspection. Within 30 days after each election, the commission shall prepare a summary of each report which shall be made available to the public at cost upon request. Each summary shall use uniform categories of reporting. (d) Within 30 days after each election, each supplier shall make a full report to the commission in accordance with AS 15.13.040. Within 60 days after each election, the commission shall prepare a summary by candidate or group of the transactions and make the summaries public. (e) A group formed to sponsor an

initiative, a referendum or a recall shall report 30 days after its first filing with the lieutenant governor. Thereafter each group shall report within 10 days after the end of each calendar quarter on the contributions received and expenditures made during the preceding calendar quarter until reports are due under (a) of this section.

(Sec. 1 ch 76 SLA 1974; am sec. 24 ch 189 SLA 1975; am sec. 2 ch 133 SLA 1977)

Sec. 15.13.120. Penalty; limitations on actions. (a) A person who violates a provision of this chapter is guilty of a misdemeanor and, upon conviction, is punishable by imprisonment for not more than one year or by a fine of not more than \$5,000. A violation includes but is not limited to any of the following acts or omissions: (1) failing to make a statement or report required to be made under this chapter, or failing to make a statement or report at the time the statement or report is required to be made under this chapter; (2) making a campaign contribution or expenditure which exceeds the limitations of AS 15.13.070(f); (3) making a false statement or report under this chapter; (4) giving or furnishing money to another person or group for the purpose of making a contribution or expenditure anonymously, in a fictitious name, or in the name of another, or contributing in violation of AS 15.13.090; (5) making a communication to support or defeat a candidate without identification of sponsorship, in violation of AS 15.13.090. (6) knowingly accepting a contribution in violation of AS 15.13.070; (b) Repealed, Sec. 6 ch 134 SLA 1982. (c) Promptly after the final date for filing statements and reports, the commission shall notify all persons who have become delinquent in filing them, including contributors who failed to file a statement in accordance with AS 15.13.040, and shall make available a list of these delinquents for public inspection. The commission shall also report to the attorney general the names of all candidates in an election whose campaign treasurers have failed to file the reports required by this chapter. (d) A person who believes a violation of this chapter has occurred may file a complaint with the commission. If the commission determines there is substantial reason to believe that a violation has occurred, it shall expeditiously make an investigation, which may also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. When, in the judgment of the commission, after affording due notice and an opportunity for a hearing, a person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of a provision of this chapter, or a regulation or order issued under it, it shall promptly report the information to the attorney general for appropriate action. The commission shall report its determination and recommendation to the person who filed the complaint with the commission within 60 days of receiving the complaint unless circumstances require additional time to make an adequate investigation. The finding of the commission may be appealed to the superior

court. (e) Prosecution for violation of a provision of this chapter may not be commenced after four years have elapsed from the date of the alleged violation. (f) If, after being sworn into office, a person who was a successful candidate or the campaign treasurer or deputy campaign treasurer of a person who was a successful candidate is convicted of a violation of this chapter, proceedings shall be held and appropriate action taken in accordance with (1) art. II, sec. 12 of the state constitution, if the candidate is a candidate for the state legislature; (2) art. II, sec. 20 of the state constitution, if the candidate is a candidate for governor or lieutenant governor; (3) AS 29.20.170, if the candidate is a candidate for the borough assembly; (4) AS 29.20.280, if the candidate is a candidate for borough mayor; (5) AS 29.20.170, if the candidate is a candidate for city council; (6) AS 29.20.280, if the candidate is a candidate for city mayor; (7) the provisions of the call for the constitutional convention, if the candidate is a candidate for constitutional convention delegate; (8) art. IV, sec. 10 of the state constitution, if the candidate is a candidate for judicial retention. (g) Information developed by the commission under (d) of this section shall be considered during a proceeding under (f) of this section. (h) When, after being sworn into office, a successful candidate or the campaign treasurer or deputy campaign treasurer of a person who was a successful candidate is charged with a violation of this chapter, the case shall be promptly tried and accorded a preferred position for purposes of argument and decision, so as to assure a speedy disposition of the matter.

(Sec. 1 ch 76 SLA 1974; am sec. 25 ch 189 SLA 1975; am secs. 1, 6 ch 134 SLA 1982; am secs. 33 - 36 ch 74 SLA 1985)

Sec. 15.13.122. Legal counsel. (a) The attorney general is legal counsel for the commission. He shall advise the commission in legal matters arising in the discharge of its duties and represent the commission in actions to which it is a party. If, in the opinion of the commission, the public interest warrants, the commission may request the chief justice of the supreme court to appoint a special prosecutor to represent the commission in a proceeding involving an alleged violation of this chapter and to prosecute that violation. (b) When the public interest warrants, the commission may employ temporary legal counsel from time to time in matters in which the commission is involved.

(Sec. 26 ch 189 SLA 1975)

Sec. 15.13.125. Civil penalty: late filing of required reports. A person who fails to file a properly completed and certified report within the time required by AS 15.13.110(a)(1), (3), (4) or 15.13.110(d) is subject to a civil penalty of not more than \$10 a day for each day the delinquency continues as determined by the commission

subject to right of appeal to the superior court. A person who fails to file a properly completed and certified report within the time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a civil penalty of not more than \$50 a day for each day the delinquency continues as determined by the commission subject to right of appeal to the superior court. An affidavit stating facts in mitigation may be submitted to the commission by a person against whom a civil penalty is assessed. However, the imposition of the penalties prescribed in this section or in AS 15.13.120 does not excuse that person from filing reports required by this chapter.

(Sec. 6 ch 167 SLA 1976)

Sec. 15.13.130. Definitions. In this chapter, (1) "candidate" means a person who files for election to the state legislature, for governor, for lieutenant governor, for municipal office, for retention in judicial office, or for constitutional convention delegate, or who campaigns as a write-in candidate for any of these offices; (2) "contribution" means purchase, payment, promise or obligation to pay, loan or loan guarantee, deposit or gift of money, goods or services for which charge is ordinarily made and which is made for the purpose of influencing the nomination or election of a candidate, and in AS 15.13.010(b) for the purpose of influencing a ballot proposition or question, including the payment by a person other than a candidate or political party, or compensation of the personal services of another person which are rendered to the candidate or political party; however, "contribution" does not include (A) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or ballot proposition or question, but it does include professional services volunteered by individuals for which they ordinarily would be paid a fee or wage; (B) services provided by an accountant or other person to prepare reports and statements required by this chapter; (C) ordinary hospitality in a home; (3) "expenditure" means a purchase or a transfer of money or anything of value, or promise or agreement to purchase or transfer money or anything of value, incurred or made for the purpose of (A) influencing the nomination or election of a candidate or of any individual who files for nomination at a later date and becomes a candidate; or (B) use by a political party; or (C) the payment by a person other than a candidate or political party of compensation for the personal services of another person which are rendered to a candidate or political party; (D) influencing the outcome of a ballot proposition or question; however, "expenditure" does not include a candidate's filing fee or the cost of preparing reports and statements required by this chapter; (4) "group" means every state and regional executive committee of a political party and, in addition, means any combination of two or more persons or individuals acting jointly who take action the major purpose of which is to influence the outcome of an election; a group that makes expenditures or

receives contributions with the authorization or consent, express or implied, or under the control, direct or indirect, of a candidate shall be considered to be controlled by that candidate; a group whose major purpose is to further the nomination, election, or candidacy of only one person, or intends to expend more than 50 per cent of its money on a single candidate, shall be considered to be controlled by that candidate and its actions done with his knowledge and consent unless, within 10 days from the date the candidate learns of the existence of the group he files with the commission, on a form provided by the commission, an affidavit that the group is operating without his control; a group organized for more than one year preceding an election and endorsing candidates for more than one office or more than one political party is presumed not to be controlled by a candidate; however, a group that contributes more than 50 per cent of its money to or on behalf of one candidate shall be considered to support only one candidate for purposes of AS 15.13.070, whether or not control of the group has been disclaimed by the candidate; (5) "individual" means a natural person; (6) Repealed, sec. 88 ch 74 SLA 1985. (7) "person", in addition to the terms set out in AS 01.10.060, includes a labor union.

(Sec. 1 ch 76 SLA 1974; am sec. 28 ch 189 SLA 1975; am sec. 88 ch 74 SLA 1985)

Chapter 15. General Procedure for Elections.

Sec. 15.15.010. General administrative supervision by director. The director shall provide general administrative supervision over the conduct of state elections, and may issue regulations under the Administrative Procedure Act (AS 44.62) necessary for the administration of state elections. (Sec. 3.01 ch 83 SLA 1960; am sec. 5 ch 80 SLA 1963; am sec. 37 ch 100 SLA 1980)

Sec. 15.15.020. Date of general election. The general election is held on the Tuesday after the first Monday in November in every even numbered year.

(Sec. 3.02 ch 83 SLA 1960)

Sec. 15.15.030. Preparation of official ballot. The director shall prepare all official ballots to facilitate fairness, simplicity, and clarity in the voting procedure, to reflect most accurately the intent of the voter, and to expedite the administration of elections. The following directives shall be followed when applicable: (1) The director 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 shall number ballots in series to assure simplicity and secrecy and to prevent fraud. (3) The director 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 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 that before was second is first after the change. After the ballots are printed, they shall be placed in separate stacks, one stack for each change of position. The ballots shall then be gathered by taking one from each stack, the intention being that every other ballot in the accumulated stack of ballots shall have the names of the candidates in a different position. (7) The general election ballot shall be designed with the names of candidates of each political party for the office of President and Vice-President of the United States placed in the same section on the ballot rather than the names of electors of President and Vice-President. (8) The general or special election ballot shall be designed with the title and proposition for any initiative, referendum, or constitutional amendment formulated as prescribed by law and placed on the ballot in the manner prescribed by the director. When placed on the ballot, a state ballot proposition or ballot question shall carry the number which was assigned to the petition for the proposition or question. Provision shall be made for marking the proposition "For" or "Against." (9) The general or special election ballot shall be designed with the question of whether a constitutional convention shall be called placed on the ballot in the following manner: "Shall there be a constitutional convention?" Provision shall be made for marking the question "Yes" or "No." (10) A separate nonpartisan judicial ballot shall be designed for each judicial district in which a justice or judge is seeking to succeed himself. The ballot shall be divided into four parts and each part shall bear a heading indicating the court to which the candidate is seeking approval. Within each part the question of whether the justice or judge shall be approved or rejected shall be set out in substantially the following manner: (A) "Shall be retained as justice of the supreme court for 10 years?"; (B) "Shall be retained as judge of the court of appeals for eight years?"; (C) "Shall be retained as judge of the superior court for six

years?"; or (D) "Shall be retained as judge of the district court for four years?" Provision shall be made for marking each question "Yes" or "No." (11) When the legislature by law authorizes a state debt for capital improvements, the director shall place the question of whether the specific authorization shall be ratified by placing the ballot title and question on the next general election ballot, or on the special election ballot if a special election is held for the purpose of ratifying the state debt for capital improvements before the time of the next general election. Unless specifically provided otherwise in the Act authorizing the debt, the ballot title shall, by the use of a few words in a succinct manner, indicate the general subject of the Act. The question shall, by the use of a few sentences in a succinct manner, give a true and impartial summary of the Act authorizing the state debt. The question of whether state debt shall be contracted shall be assigned a letter of the alphabet on the ballot. Provision shall be made for marking the question substantially as follows: "Bonds Yes" or "Bonds No," followed by an appropriate square. (12) (Repealed) (13) The director may provide for the use of punch-card voting in state elections in any area where data processing equipment is available.

(Sec. 3.03 ch 83 SLA 1960; am secs. 5 - 7 ch 125 SLA 1962; am sec. 6 ch 80 SLA 1963; am sec. 1 ch 72 SLA 1967; am secs. 7, 8 ch 228 SLA 1968; am sec. 1 ch 18 SLA 1969; am sec. 6 ch 38 SLA 1974; am sec. 1 ch 120 SLA 1975; am sec. 21 ch 12 SLA 1980; am sec. 38 ch 100 SLA 1980)

Sec. 15.15.035. Printing of ballots and other material. The director may not be required to do business with a printing company while the company is involved in a labor dispute.

(Sec. 9 ch 228 SLA 1968; am sec. 39 ch 100 SLA 1980)

Sec. 15.15.040. Preparation of other election materials.

(a) The director shall prescribe the form of and prepare tinted sample ballots and all other materials, forms and supplies required for the election. (b) The director shall prepare and issue or make available with each sample ballot for a special election the statement provided for in AS 24.08.037 of the scope of each project included in a proposed general obligation bond issue creating a state debt for capital improvements that is submitted to the electorate for ratification under AS 15.15.030(11). The statement of scope for each project shall be the same statement included in the authorization bill. When a ballot proposition is submitted to the voters at a primary or a special election, a statement the same as that provided for in the election pamphlet under AS 15.58.020(6) shall be made available with each sample ballot.

(Sec. 3.04 ch 83 SLA 1960; am sec. 11 ch 136 SLA 1966; am sec. 16 ch 116 SLA 1972; am sec. 1 ch 70 SLA 1973; am sec. 16 ch 197 SLA 1975; am sec. 40 ch 100 SLA 1980)

Sec. 15.15.050. **Distribution of election materials.** The director shall distribute an adequate supply of sample and official ballots and all other materials, forms and supplies required for the election to the election supervisors for distribution to chairmen of election boards in precincts not less than 25 days before the date for the election.

(Sec. 3.05 ch 83 SLA 1960; am sec. 12 ch 136 SLA 1966; am sec. 17 ch 116 SLA 1972; am sec. 41 ch 100 SLA 1980)

Sec. 15.15.060. **Procurement of polling places and other supplies.** (a) Immediately following the appointment of the election board, the election supervisor in conjunction with the election board chairman shall secure polling places for holding the election, suitable ballot boxes which will assure security and an adequate number of voting booths or screens, national flags, pens, and pencils. Not less than one voting booth or screen shall be furnished for each 100 votes or fractional part of 100 votes cast in the previous election. The election supervisor and the election board chairman may, in an emergency, secure an alternate location for a polling place. (b) The director may issue rules prescribing the type of polling place for holding the election and the requirements regarding ballot boxes, voting booths, screens, national flags, and other supplies to assure administrative economy and to protect the secrecy of the ballot. (c) The director shall pay the cost of necessary election expenses incurred in securing a place for holding the election, a suitable ballot box, and an adequate number of voting booths, screens, national flags, and other supplies. The national flag shall be displayed over or near the entrance of each polling place. (d) When the director determines that there is an area in the state where a voter may be confused as to his correct precinct polling place, the director shall provide each polling place in that area with maps and materials which indicate election district boundaries, precinct boundaries, and polling places.

(Sec. 3.06 ch 83 SLA 1960; am sec. 13 ch 136 SLA 1966; am sec. 42 ch 100 SLA 1980)

Sec. 15.15.070. **Public notice of election required.** (a) The director shall give and is authorized to contract to give full public notice of the election. He may select a manner reasonably calculated to give actual knowledge of the election to the voters. (b) The notice shall be given by publication at least twice in one or more newspapers of general circulation in each of the four major election districts. The printed notice shall specifically include but is not limited to the date of election, the hours between which the polling places will be open, the offices to which candidates are to be nominated or elected, and the subject of the propositions and questions which are to be voted on. (c) Public notice shall also be given by posting notices in two or more conspicuous places in each election precinct. The posted notice shall specifically include but is not limited to the date of election, the location of the polling place, the hours between which the

polling places will be open, the offices to which candidates are to be nominated or elected, and the subject of the propositions and questions which are to be voted on. (d) First publication or posting is to be made not less than 10 days before the election. (e) The director may have a precinct map of a densely populated precinct published in a newspaper of general circulation if need for the map is established. (f) Additional notice shall be given of all bond issues, initiatives, referendums and propositions by use of newspapers, television, radio, printed posters, maps, and similar means of communication considered necessary. The director may not be required to post or publish notices except those provided for in this section. (g) The director shall pay the cost of election expenses incurred in giving notice of an election.

(Sec. 3.07 ch 83 SLA 1960; am sec. 8 ch 125 SLA 1962; am sec. 10 ch 228 SLA 1968; am secs. 43 - 46 ch 100 SLA 1980; am sec. 5 ch 85 SLA 1986)

Sec. 15.15.080. Time for opening and closing polls. (a) Except as provided in (b) of this section, on the day of any election, each election board shall open the polls for voting at seven o'clock in the morning, shall close the polls for voting at eight o'clock in the evening, and shall keep the polls open during the time between these hours. The election board members shall report to the polling place at 6:30 in the morning of an election day. (b) On the day of any election that is not a general election, a primary election, a special election, or a federal election held under this title, the director shall require each election board to open the polls for voting at eight o'clock in the morning, shall close the polls for voting at eight o'clock in the evening, and shall keep the polls open during the time between these hours. The election board members shall report to the polling place one-half hour before the polls are to open on election day.

(Sec. 3.08 ch 83 SLA 1960; am sec. 11 ch 228 SLA 1968; am sec. 18 ch 116 SLA 1972; am secs. 1, 2 ch 5 SLA 1984)

Sec. 15.15.090. Designation of precinct polling place. The polling place shall be located within the precinct unless the election supervisor and the election board chairman determine that a building located in an adjoining precinct is more suitable or convenient to the voters.

(Sec. 8 ch 38 SLA 1974; am sec. 47 ch 100 SLA 1980)

Sec. 15.15.100. Time off for voting. A qualified voter who does not have sufficient time outside his working hours within which to vote at a state election may, without loss of pay, take off as much working time as will enable him to vote. If any employee has two consecutive hours in which to vote, either between the opening of the polls and the beginning of his regular working shift, or between the end of his regular working shift and the closing of the polls,

he shall be considered to have sufficient time outside his working hours within which to vote.

(Sec. 3.10 ch 83 SLA 1960)

Sec. 15.15.110. General duties and oath of election board and clerks. The election board shall supervise the election in the precinct. Before entering upon the duties of office, each election judge and clerk shall take an oath to honestly, faithfully, and promptly perform the duties of his office. Any appointed judge, whether or not having himself subscribed to the oath, may administer the oath to another judge. The chairman of the election board shall rotate the time at which judges and clerks may be relieved for meals.

(Sec. 3.11 ch 83 SLA 1960; am sec. 19 ch 116 SLA 1972)

Sec. 15.15.120. Filling vacancies in election board. If an appointed judge or clerk fails to appear and subscribe to the oath on election day or becomes incapacitated during the time of the election or the counting of the ballots, the election board members present shall elect, by a majority voice vote, a qualified voter to fill the vacancy. The qualified voter elected to fill the vacancy shall be of the same political party as the person for whom the substitution is made unless, after reasonable effort, the election board members determine that a qualified voter of the same political party is not available.

(Sec. 3.12 ch 83 SLA 1960; am sec. 14 ch 136 SLA 1966; am sec. 48 ch 100 SLA 1980)

Sec. 15.15.130. Majority decision of election board. The decision of the majority of judges determines the action that the election board shall take regarding any question which arises during the course of the election.

(Sec. 3.13 ch 83 SLA 1960)

Sec. 15.15.140. Permitted use of unofficial ballots. (a) If the election board receives an insufficient number of official paper ballots, official punch-card ballots, or official election materials, it shall provide and the voters may use unmarked substitute ballots or other election materials to indicate the intent of the voter. (b) The election board shall certify the facts which prevented the use of the official ballots and materials and shall include the certificate in the election returns to the director. The initial failure to certify to the facts or include the certificate required does not invalidate any ballots. (c) On disclosure that unofficial ballots have been used without the certification required under (b) of this section, the director shall notify the chairman of the election board by telephone or telegram of his failure to certify the ballots properly. (d) The director may accept a certificate made by telegram and count the ballots if the certificate is proper and actually received by the director within 10 days

of the date that the chairman of the election board was notified under (c) of this section.

(Sec. 3.14 ch 83 SLA 1960; am sec. 49 ch 100 SLA 1980)

Sec. 15.15.150. Official opening of polls. On the day and hour of election, the election board shall announce that the polls are open and receive the voters.

(Sec. 31.5 ch 83 SLA 1960)

Sec. 15.15.160. Prohibition of political discussion by election board. During the hours that the polls are open, no judge or clerk may discuss any political party, candidate or issue while on duty.

(Sec. 3.16 ch 83 SLA 1960)

Sec. 15.15.170. Prohibition of political persuasion near election polls. During the hours the polls are open, no person who is in the polling place or within 200 feet of any entrance to the polling place may attempt to persuade a person to vote for or against a candidate, proposition or question. The election judges shall post warning notices at the required distance in the form and manner prescribed by the director.

(Sec. 3.17 ch 83 SLA 1960; am sec. 20 ch 116 SLA 1972; am sec. 50 ch 100 SLA 1980)

Sec. 15.15.180. Keeping of register. The judges shall keep a register or registers in which each voter before receiving his ballot shall sign his name and give both his resident and mailing address. A record shall be kept in the registration book in space provided of the name of persons who offer to vote but who actually do not vote, and a brief statement of explanation. The signing of the register constitutes a declaration by the voter that he is qualified to vote.

(Sec. 3.18 ch 83 SLA 1960; am sec. 15 ch 136 SLA 1966; am sec. 9 ch 38 SLA 1974; am sec. 51 ch 100 SLA 1980)

Sec. 15.15.190. Keeping of duplicate register. Repealed by sec. 231 ch 100 SLA 1980.

Sec. 15.15.195. Voters on official registration list. An election judge in a precinct shall allow a voter on the official registration list to vote in the precinct unless the voter is questioned in accordance with AS 15.15.210.

(Sec. 52 ch 100 SLA 1980)

Sec. 15.15.198. Voters not on official registration list. (a) If a voter's name does not appear on the official registration list in the precinct in which the voter seeks to vote, the election judge shall affirmatively advise the voter that the voter may cast a questioned ballot and the voter shall be allowed to vote a questioned ballot. (b) A person whose registration has been cancelled under AS

15.07.130(b) and who votes a questioned ballot shall have the ballot counted if (1) he was registered to vote for either of the two most recent general elections; (2) he signs under oath a statement to that effect; and (3) the earlier registration is verified by the director.

(Sec. 52 ch 100 SLA 1980; am sec. 6 ch 85 SLA 1986)

Sec. 15.15.200. Questioning of voter of doubtful qualification. Repealed by sec. 38 ch 116 SLA 1972.

Sec. 15.15.210. Questioning of voters of suspect qualification. Every election judge and election clerk shall question, and every watcher and any other person qualified to vote in the precinct may question a person attempting to vote if the questioner has good reason to suspect that the questioned person is not qualified to vote. All questions regarding a person's qualifications to vote shall be made in writing setting out the reason the person has been questioned. A questioned person before voting shall subscribe to an oath or affirmation in a form provided by the director attesting to the fact that in each particular the person meets all the qualifications of a voter, is not disqualified, and has not voted at the same election. The questioned person shall also state the place from which that person came immediately before living in the precinct where offering to vote and the length of time of residence in the former place. After the questioned person has executed the oath or affirmation, the person may vote. If the questioned person refuses to execute the oath or affirmation, the person may not vote.

(Sec. 36 ch 59 SLA 1982)

Sec. 15.15.215. Disposition of questioned votes. (a) A voter who casts a questioned ballot shall vote his ballot in the same manner as prescribed for other voters. After the election judge removes the numbered stub from the ballot, the voter shall insert the ballot into a small envelope and put the small envelope into a larger envelope on which the statement he previously signed is located. These larger envelopes shall be sealed and deposited in the ballot box. When the ballot box is opened, these envelopes shall be segregated, counted, compared to the voting list, and delivered to the official or body supervising the election. The merits of the question shall be determined by this official or body in accordance with the procedure prescribed for questioned votes in AS 15.20.207. (b) Repealed by sec. 231 ch 100 SLA 1980.

(Sec. 1 ch 120 SLA 1968; am sec. 17 ch 197 SLA 1975; am secs. 55, 231 ch 100 SLA 1980)

Sec. 15.15.220. Administration of oaths. Any election judge may administer to a voter any oath that is necessary in the administration of the election.

(Sec. 3.22 ch 83 SLA 1960; am sec. 56 ch 100 SLA 1980)

Sec. 15.15.225. Voter identification at polls. (a) Before being allowed to vote, each voter shall exhibit to an election judge one form of identification, including but not limited to an official voter registration card, driver's license, birth certificate, passport, or hunting or fishing license. (b) An election judge may waive the identification requirement if he knows the identity of the voter. (c) A voter who cannot exhibit a required form of identification shall be allowed to vote a questioned ballot.

(Sec. 57 ch 100 SLA 1980)

Sec. 15.15.230. Providing ballot to voter. When the voter has qualified to vote, the election judge shall give him an official ballot. The voter shall retire to a booth or private place to mark the ballot.

(Sec. 3.23 ch 83 SLA 1960; am sec. 58 ch 100 SLA 1980)

Sec. 15.15.240. Assisting voter by judge. A qualified voter who cannot read, mark the ballot, or sign his name may request an election judge, a person, or not more than two persons of his choice to assist him. If the election judge is requested, he shall assist the voter. If any other person is requested, the person shall state upon oath before the election judge that he will not divulge the vote cast by the person whom he assists.

(Sec. 3.24 ch 83 SLA 1960; am sec. 9 ch 125 SLA 1962; am sec. 59 ch 100 SLA 1980)

Sec. 15.15.250. Disposition of improperly marked ballot. If a voter improperly marks or otherwise damages a ballot, the voter may request and the election board shall provide him with another ballot, with a maximum of three, and the board shall record the number of the improperly marked or damaged ballot and destroy it immediately without examining it.

(Sec. 3.25 ch 83 SLA 1960; am sec. 7 ch 80 SLA 1963)

Sec. 15.15.260. Placing ballot in ballot box by voter. When the voter has marked his ballot, he shall inform the election judge. The director may require that the voter return the ballot to the election judge temporarily so that any stub which may be part of the ballot may be removed by the election judge. Any such requirement shall protect the secrecy of the ballot. In all cases the ballot shall be deposited in the ballot box by the voter himself in the presence of the election judge unless the voter requests the election judge to deposit the ballot on his behalf. Separate ballot boxes may be used for separate ballots.

(Sec. 3.26 ch 83 SLA 1960; am sec. 1 ch 102 SLA 1978; am sec. 60 ch 100 SLA 1980)

Sec. 15.15.270. Prohibiting the leaving of the polling place with ballot. No voter may leave the polling place with the official ballot that he received to mark.

(Sec. 3.27 ch 83 SLA 1960)

Sec. 15.15.280. Prohibiting the exhibition of marked ballots. Subject to AS 15.15.240 no voter may exhibit his ballot to an election official or any other person so as to enable any person to ascertain how the voter marked his ballot.

(Sec. 3.28 ch 83 SLA 1960)

Sec. 15.15.290. Prohibiting the identification of ballots. No election official may, while the polls are open, open any ballot received from a voter, or mark a ballot by folding or otherwise so as to be able to recognize it, or otherwise attempt to learn how a voter marked his ballot, or allow the same to be done by another person.

(Sec. 3.29 ch 83 SLA 1960)

Sec. 15.15.300. Prohibiting the count of exhibited ballots. No election official may allow a ballot to be placed in the ballot box which he knows to have been unlawfully exhibited by the voter. A ballot unlawfully exhibited shall be recorded as a spoiled ballot and destroyed.

(Sec. 3.30 ch 83 SLA 1960; am sec. 61 ch 100 SLA 1980)

Sec. 15.15.310. Official closing of polls. Fifteen minutes before and at the time of closing the polls, the election board shall announce the present time and the time of closing the polls.

(Sec. 3.31 ch 83 SLA 1960)

Sec. 15.15.320. Voters in line when polls close. Every qualified voter present and in line at the time prescribed for closing the polls may vote.

(Sec. 3.32 ch 83 SLA 1960)

Sec. 15.15.330. Commencement of ballot count. When the polls are closed and the last vote has been cast, the election board and clerks or counters shall immediately proceed to open the ballot box and to count the votes cast. In all cases the election board shall cause the count to be continued without adjournment until the count is complete.

(Sec. 3.33 ch 83 SLA 1960; am sec. 14 ch 228 SLA 1968; am sec. 24 ch 116 SLA 1972; am sec. 62 ch 100 SLA 1980)

Sec. 15.15.340. Report, oath and vacancies of counters. Counters shall report to the election board at the polls at the time designated by the election supervisor or the chairman of the election board to assume their duties to assist the election board in counting the vote. Before undertaking the duties of office, each counter shall subscribe to an oath to honestly, faithfully, impartially, and promptly carry out the duties of his position. An election judge may administer the oath. If an appointed counter fails to appear and subscribe to the oath at the

time designated by the election supervisor, the election board shall appoint any qualified voter to fill the vacancy.

(Sec. 3.34 ch 83 SLA 1960; am sec. 15 ch 228 SLA 1968; am sec. 25 ch 116 SLA 1972; am sec. 63 ch 100 SLA 1980)

Sec. 15.15.350. General procedure for ballot count. (a) The director may issue rules prescribing the manner in which the precinct ballot count is accomplished so as to assure accuracy in the count and to expedite the process. The election board shall account for all ballots by completing a ballot statement containing (1) the number of official ballots received; (2) the number of official ballots voted; (3) the number of official ballots spoiled; (4) the number of official ballots unused and destroyed. The board shall count the number of questioned ballots and shall compare that number to the number of questioned voters in the register. Discrepancies shall be noted and the numbers included in the certificate prescribed by AS 15.15.370. The election board shall count the ballots in a manner that allows watchers to see the ballots when opened and read. No person handling the ballot after it has been taken from the ballot box and before it is placed in the envelope for mailing may have a marking device in hand or remove a ballot from the immediate vicinity of the polls. (b) Ballots may not be counted before 8:00 p.m., local time, on the day of the election.

(Sec. 3.35 ch 83 SLA 1960; am sec. 16 ch 228 SLA 1968; am sec. 18 ch 197 SLA 1975; am sec. 64 ch 100 SLA 1980)

Sec. 15.15.360. Rules for counting hand-marked ballots. (a) The election board shall count hand-marked ballots according to the following rules. (1) A voter may mark his ballot only by the use of cross-marks, "X" marks, diagonal, horizontal or vertical marks, solid marks, stars, circles, asterisks, checks, or plus signs that are clearly spaced in the square opposite the name of the candidate the voter desires to designate. (2) A failure to properly mark a ballot as to one or more candidates does not itself invalidate the entire ballot. (3) If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked. (4) If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted. (5) The mark specified in (1) of this subsection shall be counted only if it is substantially inside the square provided, or touching the square so as to indicate clearly that the voter intended the particular square to be designated. (6) Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates properly made. (7) An erasure or correction invalidates only that section of the ballot in which it appears. (8) A vote marked for the candidate for President or Vice-President of the United States is considered and counted as a vote for the election of the presidential electors. (9) Write-in votes are not invalidated by writing in the name of a candidate whose name is printed on the ballot unless the election board

determines, on the basis of other evidence that the ballot was so marked for the purpose of identifying the ballot. (10) Stickers bearing a candidate's name may be affixed to the ballot in place of writing in a candidate's name if write-in votes are otherwise permitted. Stickers shall not be issued by members of the election board while serving at the polls. Stickers shall not be offered to voters within 200 feet of the polling place. (11) In order to vote for a write-in candidate, the voter must write in the candidate's name in the space provided or place a sticker in the space and, in addition, mark the square opposite the candidate's name in accordance with (1) of this subsection. (b) The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot may not be counted unless marked in compliance with these rules. (c) The rules set out in this section apply to hand-marked punch-card ballots if punch-card machines are not available in a precinct.

(Sec. 3.36 ch 83 SLA 1960; am secs. 10 - 12 ch 125 SLA 1962; am secs. 8 - 10 ch 80 SLA 1963; am sec. 1 ch 136 SLA 1966; am sec. 24 ch 69 SLA 1970; am sec. 26 ch 116 SLA 1972; am sec. 65 ch 100 SLA 1980)

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

(Sec. 66 ch 100 SLA 1980)

Sec. 15.15.370. Completion of ballot count. When the count of ballots is completed, and in no event later than the day after the election, the election board shall make a certificate in duplicate of the results. The certificate includes the number of votes cast for each candidate, for and against each proposition, yes or no on each question, and any additional information prescribed by the director. The election board shall, immediately upon completion of the certificate or as soon thereafter as the local mail service permits, send in one sealed package to the director one copy of the certificate and the register. In addition, all ballots properly cast shall be mailed to the director in a separate, sealed package. Both packages, in addition to an address on the outside, shall clearly indicate the precinct from which they come. Each board shall, immediately upon completion of the certification and as soon thereafter as the local mail service permits, send the duplicate certificate to the respective election supervisor. The director may authorize election boards in precincts in those areas of the state where distance and weather make mail communication unreliable to forward their election results by telephone, telegram or radio. The director may authorize the unofficial totaling of votes on a regional basis by election supervisors, tallying the votes as indicated on duplicate certificates. To assure adequate protection the director shall prescribe the manner in which the ballots,

registers, and all other election records and materials are thereafter preserved, transferred, and destroyed.

(Sec. 3.37 ch 83 SLA 1960; am sec. 11 ch 80 SLA 1963; am sec. 67 ch 100 SLA 1980)

Sec. 15.15.380. Payment of election board members. The director shall pay each election board member for time spent at his election duties, including the receiving of instructions. Election board chairmen and the chairman and members of the absentee ballot, questioned ballot and state ballot counting review boards shall be paid for time spent at their election duties. The director shall set the compensation to be paid under this section by regulation.

(Sec. 3.38 ch 83 SLA 1960; am sec. 17 ch 228 SLA 1968; am sec. 27 ch 116 SLA 1972; am sec. 1 ch 85 SLA 1975; am sec. 1 ch 70 SLA 1978; am sec. 68 ch 100 SLA 1980)

Sec. 15.15.390. Certifying election expenses. The director shall prescribe the manner of certifying, auditing, and paying election expenses, including the cost of giving notice, renting polling places, paying election judges, clerks, and counters, securing a ballot box, postage, and stationery, and obtaining similar election necessities.

(Sec. 3.39 ch 83 SLA 1960; am sec. 69 ch 100 SLA 1980)

Sec. 15.15.400. Preparation of voter list. The director shall prepare both a statewide list and a list by precinct of the names and addresses of all persons who voted in the election and their political party affiliation. Any person may obtain a copy of the list, or a part of the list, or a computer tape containing both residence and mailing addresses of voters, by applying to the director and paying to the state treasury a fee as determined by the director.

(Sec. 3.40 ch 83 SLA 1960; am sec. 70 ch 100 SLA 1980)

Sec. 15.15.410. Plural voting. Upon a determination that a person has voted more than once in the same election, the director shall notify the attorney general.

(Sec. 3.41 ch 83 SLA 1960; am sec. 71 ch 100 SLA 1980)

Sec. 15.15.420. Duty to review the ballot counting. The director shall review the counting of the ballots with the assistance of and in the presence of the appointed representatives from the political parties.

(Sec. 3.42 ch 83 SLA 1960; am sec. 72 ch 100 SLA 1980)

Sec. 15.15.430. Scope of the review of ballot counting. (a) The review of ballot counting by the director shall include only (1) a review and comparison of the tallies of hand-marked ballots in the election poll books with the precinct election certificates to correct any mathematical error in the count of hand-marked ballots, (2) a review of the tallies of write-in votes and a review of election

certificates as provided by law from precincts using punch-card ballots, (3) a review of absentee and questioned ballots as prescribed by law. (b) If the director finds an unexplained error in the tally of hand-marked ballots in any precinct, he may count the ballots from the precinct according to the rules set out in AS 15.15.360. If the director finds the precinct counters have not entered tallies in the precinct tally books but have certified a candidate as having received a fixed number of votes, the director may recount the ballots from that precinct according to the rules set out in AS 15.15.360. The director shall certify in writing to the state ballot counting review board any changes resulting from the count.

(Sec. 3.43 ch 83 SLA 1960; am sec. 12 ch 80 SLA 1963; am sec. 73 ch 100 SLA 1980)

Sec. 15.15.440. Dates for opening and closing state ballot counting review. The state ballot counting review shall begin no later than 11 days after the election and be continued daily until completed. The director may designate the hours each day during which the state ballot counting review board is to conduct its ballot counting review. The director shall close the review when the director is satisfied that no missing precinct certificate of election would, if received, change the result of the election. If no election certificate has been received from a precinct, the director may secure from the election supervisors and may count a certified copy of the duplicate election certificate of the precinct. If no election materials have been received, but election results have been received by telephone, telegram or radio, the director shall count the election results so received. If the director has reason to believe that a missing precinct certificate, if received, would affect the result of the election, the director shall await the receipt of the certificate until the close of business on the 15th day after the date of election. A certificate not actually delivered to the director by the close of business on the 15th day after the election may not be counted at the state ballot counting review.

(Sec. 3.44 ch 84 SLA 1960; am sec. 13 ch 125 SLA 1962; am sec. 13 ch 80 SLA 1963; am sec. 74 ch 100 SLA 1980; am sec. 7 ch 85 SLA 1986)

Sec. 15.15.450. Certification of state ballot counting review. Upon completion of the state ballot counting review the director shall certify the person receiving the largest number of votes for the office for which he was a candidate as elected to that office and shall certify the approval of a justice or judge not rejected by a majority of the voters voting on the question. The director shall issue to the elected candidates and approved justices and judges, a certificate of their election or approval. The director shall also certify the results of a proposition and other question except that the lieutenant governor shall certify the results of an initiative, referendum or constitutional amendment.

(Sec. 3.45 ch 83 SLA 1960; am sec. 75 ch 100 SLA 1980)

Sec. 15.15.460. Tie votes. If two or more candidates tie in having the highest number of votes for the same office for which there is to be elected only one candidate, the director shall so notify the candidates who are tied. The director shall immediately proceed with the recount of votes in the manner provided by AS 15.20.430 - 15.20.530.

(Sec. 3.46 ch 83 SLA 1960; am sec. 76 ch 100 SLA 1980)

Sec. 15.15.470. Preservation of election ballots, papers, and materials. The director shall preserve all precinct election certificates, tallies, and registers for four years after the election. All ballots and stubs may be destroyed 30 days after the certification of the state ballot counting review unless an application for recount has been filed and not completed, or unless their destruction is stayed by an order of the court. The director may permit the inspection of election materials upon call by Congress, the state legislature, or a court of competent jurisdiction.

(Sec. 3.47 ch 83 1960; am sec. 14 ch 125 SLA 1962; am sec. 77 ch 100 SLA 1980)

Sec. 15.15.480. Security of ballots. All official ballots in the possession of election officials, whether voted or not voted, shall be kept in a secure manner until destroyed in accordance with law. The director shall provide for the security of ballots during transportation and storage under regulations adopted under the Administrative Procedure Act (AS 44.62).

(Sec. 78 ch 100 SLA 1980)

Chapter 20 Special Procedures for Elections.

Article 1. Absentee Voting

Sec. 15.20.010. Persons who may vote absentee.

At any election a qualified voter may vote an absentee ballot for the district in which he resides and is registered, (1) if he believes that he will be unavoidably absent from his voting precinct on election day, whether inside the state or not, or (2) if he will be unable to be present at the polls because of physical disability. (3) Repealed by sec. 79 ch 100 SLA 1980.

(Sec. 4.01 ch 83 SLA 1960; am sec. 79 ch 100 SLA 1980)

Sec. 15.20.015. Moving from election district just before election. A person who meets all voter qualifications except that listed in AS 15.05.010(4) is qualified to vote by absentee ballot in the election district in which he formerly resided if he lived in that election district for at least 30 days immediately before his change of residence.

(Sec. 2 ch 80 SLA 1963)

Sec. 15.20.020. Provision for general administrative supervision. The director shall provide general administrative supervision over the conduct of absentee voting. The director shall make available instructions to absentee voters regarding the procedure for absentee voting. One set of instructions shall accompany each absentee ballot.

(Sec. 4.02 ch 83 SLA 1960; am sec. 80 ch 100 SLA 1980)

Sec. 15.20.030. Preparation of ballots, envelopes, and other material. The director shall provide ballots for use as absentee ballots in all districts. The director shall provide a small envelope in which the voter shall initially place the marked ballot, and shall provide a larger envelope, with the prescribed voter's certificate on the back, in which the small envelope with ballot enclosed shall be placed. The director shall prescribe the form of and prepare the voter's certificate, envelopes, and other material used in absentee voting. The voter's certificate shall include an oath, for use when required, that the voter is a qualified voter in all respects, a blank for the voter's signature, a certification that the affiant properly executed the marking of the ballot and identified himself, blanks for the attesting official or witnesses, and a place for recording the date the envelope was sealed and witnessed.

(Sec. 4.03 ch 83 SLA 1960; am sec. 14 ch 80 SLA 1963; am sec. 81 ch 100 SLA 1980)

Sec. 15.20.040. Distribution of ballots, envelopes, and other material. The director shall distribute the absentee ballots, envelopes, and other absentee voting material to the election supervisors for redistribution to absentee voting officials and absentee ballot stations established under AS 15.20.045(b) before the date upon which a person may first apply for an absentee ballot in person.

(Sec. 4.04 ch 83 SLA 1960; am sec. 15 ch 80 SLA 1963; am sec. 82 ch 100 SLA 1980)

Sec. 15.20.045. Designation of absentee voting officials and stations. (a) The director or election supervisor may designate persons to act as absentee voting officials under AS 15.20.010 - 15.20.220 in areas where election supervisors do not have offices. Magistrates may, with the approval of the administrative director of the Alaska Court System, be designated under this section. At least 15 days before the election the director shall supply each absentee voting official with appropriate ballots. (b) The director may designate by regulation adopted under the Administrative Procedure Act (AS 44.62) locations at which absentee voting stations will be operated on election day and on other dates and at times to be designated by the director. The director shall supply absentee voting stations with ballots for all election districts in the state and shall designate absentee voting officials to serve at absentee voting stations.

(Sec. 19 ch 197 SLA 1975; am sec. 83 ch 100 SLA 1980) Sec.

15.20.048. Absentee voting in offices of election supervisors. (a) The director shall supply each election supervisor with ballots for all districts in the state to be used for absentee voting in an election. Ballots for absentee voting in person shall be available in the offices of the election supervisors 15 days before the election through the day of the election. (b) The director shall announce publicly that voting may begin in the offices of the election supervisors at a time earlier than the time allowed under (a) of this section if all election supervisors are supplied with ballots under (a) of this section before the 15th day before the election.

(Sec. 84 ch 100 SLA 1980)

Sec. 15.20.050. Requirement of full public notice. The director shall give full public notice of the dates and manner of voting absentee and may select any means of communication permitted to be used in giving notice of the date and time of the general election.

(Sec. 4.05 ch 83 SLA 1960; am sec. 85 ch 100 SLA 1980)

Sec. 15.20.060. Application in person or by a representative. Repealed by sec. 231 ch 100 SLA 1980

Sec. 15.20.061. Absentee voting in person. (a) A qualified voter may apply in person for an absentee ballot to the following election officials at the times specified: (1) to an absentee voting official in the election district in which the voter resides on or after the 15th day before an election up to and including the day before the date of the election; (2) to an election supervisor (A) after a date announced by the director under AS 15.20.048(b); and (B) on or after the 15th day before an election up to and including the date of the election; (3) to an absentee voting official at an absentee voting station designated under AS 15.20.045(b) at any time when the absentee voting station is operating; (4) to an absentee voting official in the precinct in which the voter resides when distances preclude easy access to the polling place on or after the 15th day before an election up to and including election day; (5) to an absentee voting official in the precinct in which no volunteers can be located to serve on the election board on or after the 15th day before an election up to and including election day. (b) On receipt of an application in person for an absentee ballot and exhibition of proof of identification as required in AS 15.15.225, the absentee voting official or election supervisor shall issue the ballot to the applicant. (c) On receipt of an absentee ballot in person, the voter shall proceed to mark the ballot in secret, to place the ballot in the small envelope, to place the small envelope in the larger envelope, and to sign the voter's certificate on the back of the larger envelope in the presence of the election official who shall sign as attesting official and date his signature. The election

official shall then accept the ballot. (d) The election official may not accept a marked ballot that has been exhibited by an absentee voter with intent to influence other voters. If the absentee voter improperly marks or otherwise damages a ballot, the voter may request and the election official shall provide him with another ballot up to a maximum of three. Exhibited, improperly marked, or damaged ballots shall be destroyed. The numbers of all ballots destroyed shall be noted on the ballot statement. (e) Each election official shall keep a record of the names and signatures of voters who cast absentee ballots before him and the dates on which the ballots were cast.

(Sec. 86 ch 100 SLA 1980)

Sec. 15.20.062 - 15.20.070. Applications for ballot. Repealed by sec. 231 ch 100 SLA 1980.

Sec. 15.20.071. Absentee voting by personal representative. (a) A qualified voter who is physically disabled may apply for an absentee ballot through a personal representative to the following election officials at the times specified: (1) to an absentee voting official in the election district in which the voter resides on or after the 15th day before an election up to and including the day of the election; (2) to an election supervisor (A) after a date announced by the director under AS 15.20.048(b); and (B) on or after the 15th day before an election up to and including the date of the election; (3) to an absentee voting official at an absentee voting station designated under AS 15.20.045(b) at a time when the absentee voting station is operating; (4) to the election board chairman or his designee on election day in the precinct in which the voter is entitled to vote except that the voter may not apply to the election board chairman in an area in which absentee voting officials have been designated. (b) Upon receipt of a written application by personal representative, the election official authorized to issue the absentee ballot shall provide the ballot and other absentee voting material to the personal representative if the written application is signed by the applicant and is accompanied by a letter from a licensed physician or a statement signed by two qualified voters stating that the applicant will be unable to go to the polling place because of physical disability. (c) The personal representative shall deliver the absentee ballot to the voter as soon as practicable. Upon receipt of an absentee ballot through a personal representative, the voter shall proceed to mark the ballot in secret, to place the ballot in the small envelope, to place the small envelope in the larger envelope, and to sign the voter's certificate on the envelope in the presence of the personal representative who shall witness and date the signature of the voter. The voter must mark the ballot and sign the voter's certification not later than election day. The voter shall then return the absentee ballot to the personal representative who shall deliver the ballot to the election official who provided the ballot. The absentee ballot must be returned to the election official not later

than 8:00 p.m. on election day. (d) Each election official shall keep a record of the name and signature of each personal representative requesting an absentee ballot and the name of the person on whose behalf the ballot is requested. The election official shall record the date and time the absentee ballot is provided and the time the ballot is returned to the election official. (e) A candidate for office at that election may not act as a personal representative.

(Sec. 87 ch 100 SLA 1980; am sec. 8 ch 85 SLA 1986)

Sec. 15.20.080. Date for application in person. Repealed by sec. 231 ch 100 SLA 1980.

Sec. 15.20.081. Absentee voting by mail. (a) A qualified voter may apply by mail to the director for an absentee ballot. The application shall include the address to which the absentee ballot is to be returned, the applicant's full Alaska residence address, and the applicant's signature. Persons residing outside the United States and applying to vote absentee in federal elections in accordance with AS 15.05.011 need not include an Alaska residence address in the application. (b) An application for an absentee ballot by mail must be postmarked not less than ten days before the election for which the absentee ballot is sought. The absentee ballot application shall permit the person to register to vote under AS 15.07.070 and to request an absentee ballot for each state election held within that calendar year for which the voter is eligible to vote. (c) After receipt of an application by mail, the director shall send the absentee ballot and other absentee voting material to the applicant by the most expeditious mail service. The material shall be sent as soon as they are ready for distribution. The return envelope sent with the materials shall be addressed to the election supervisor in the district in which the voter is a resident. (d) Upon receipt of an absentee ballot by mail, the voter, in the presence of a notary public, commissioned officer of the armed forces including the National Guard, district judge or magistrate, United States postal official, or other person qualified to administer oaths, may proceed to mark the ballot in secret, to place the ballot in the small envelope, to place the small envelope in the larger envelope, and to sign the voter's certificate on the back of the larger envelope in the presence of an official listed in this subsection who shall sign as attesting official and shall date the signature. If none of the officials listed in this subsection is reasonably accessible, an absentee voter shall have the ballot witnessed by two persons over the age of 18 years and, in addition, shall provide the certification prescribed in AS 09.63.020. (e) An absentee ballot must be marked on or before the date of the election. Except as provided in (h) of this section, a voter who returns the ballot by mail shall use a mail service at least equal to first class and mail the ballot not later than the day of the election to the election supervisor for the election district in which the voter seeks to vote. The

ballot may not be counted unless it is received by the close of business on the 10th day after the election. If the ballot is postmarked, it must be postmarked on or before election day. After the day of the election, no ballots shall be accepted unless received by mail. (f) The director may require a voter casting an absentee ballot by mail to provide proof of identification or other information to aid in the establishment of his identity as prescribed by regulations adopted under the Administrative Procedure Act (AS 44.62). (g) The director shall maintain a record of the name of each voter to whom an absentee ballot is sent by mail. The record must list the date on which the ballot is mailed and the date on which the ballot is received by the election supervisor and the dates on which the ballot was executed and postmarked. (h) An absentee ballot returned by mail from outside the United States or from a military APO or FPO address that has been marked and mailed not later than election day may not be counted unless the ballot is received by the election supervisor not later than the close of business on the 15th day following the election.

(Sec. 87 ch 100 SLA 1980; am sec. 63 ch 6 SLA 1984; am secs. 9 - 11 ch 85 SLA 1986)

Sec. 15.20.082. Absentee voting by mail from outside the United States. (a) The director shall prepare special absentee ballots under this section for use in a state primary election, a state general election, and a state special election when the voter notifies the director in writing that the voter expects to be living, working, or traveling outside the United States at the time of the election. The director shall prepare the ballot so that it may be sent to the absentee voter 60 days before the date of the election. The director shall list on the ballot the different races to be voted on at the particular election on a statewide basis and, if the director prepares the ballot without the names of candidates printed on the ballot, the director shall provide the voter with information described in (c) of this section. (b) A special state absentee ballot prepared for use under (a) of this section shall contain each judicial retention election and ballot proposition or question scheduled to appear on the particular ballot. (c) A special state absentee ballot prepared for the state general election or for a state special election shall, if the names of candidates are not yet certified, permit a voter to cast a ballot for all the candidates of a particular political party that expects to have candidates appear on the ballot; for this purpose, the director shall prepare the ballot with party boxes and a blank line for each office to be voted on in that election. The voter may vote for a candidate for that office by writing in the name of a person and marking the box to the right of that name or the voter may mark one of the party boxes. If the voter puts a mark in a party box for that office, the director shall count the mark as a vote cast for the candidate for that office nominated by that party. If the voter writes in a name for an office, the vote shall be counted as a write-in vote for that office. The director

shall count the ballots under AS 15.15.360. The director shall provide the voter with the names of each candidate appearing on the primary election ballot and the names of any candidates who have qualified by petition to appear on the general election ballot. (d) The director shall prepare the regular absentee ballots as soon as is reasonably possible and shall send the regular absentee ballot to each person receiving a special absentee ballot under this section. The director shall, if the regular absentee ballot is received within the time required by law, count the regular absentee ballot in preference to the special absentee ballot.

(Sec. 12 ch 85 SLA 1986)

Sec. 15.20.090 - 15.20.150. Dates for and procedure on applications; casting votes. Repealed by sec. 231 ch 100 SLA 1980.

Sec. 15.20.160. Fee prohibited. No person may receive a fee from the voter for attesting to any voter's certificate required in voting absentee.

(Sec. 4.16 ch 83 SLA 1960)

Sec. 15.20.170. Disposition of ballots. Each absentee voting official shall transmit the dated envelopes containing the marked ballots by the most expeditious mail service to the election supervisor for his district. Upon receipt of the absentee ballots the election supervisor shall stamp on the envelope the date on which the ballot is received.

(Sec. 4.17 ch 83 SLA 1960; am sec. 18 ch 228 SLA 1968; am sec. 23 ch 197 SLA 1975; am sec. 88 ch 100 SLA 1980)

Sec. 15.20.180. Names of absentee voters to be made available. The election supervisors and election officials shall have available for public inspection the names and addresses of persons who voted absentee.

(Sec. 4.18 ch 83 SLA 1960; am sec. 19 ch 228 SLA 1968; am sec. 24 ch 197 SLA 1975)

Sec. 15.20.190. Appointment, duties, and compensation of district counting boards. (a) Thirty days prior to the date of an election, the election supervisors shall appoint, in the same manner provided for the appointment of election judges prescribed in AS 15.10.150, district absentee ballot counting boards and district questioned ballot counting boards, each composed of four members, two from each political party. The district boards shall assist the election supervisors in counting the absentee and questioned ballots and shall receive the same compensation paid election judges under AS 15.15.380. (b) The election supervisor shall appoint a counting team or teams to aid the district absentee ballot counting board in counting absentee ballots and the district questioned ballot counting board in

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

(Sec. 4.19 ch 83 SLA 1960; am sec. 20 ch 228 SLA 1968; am sec. 89 ch 100 SLA 1980)

Sec. 15.20.200. Time of district canvass and for counting absentee ballots. Repealed by sec. 231 ch 100 SLA 1980.

Sec. 15.20.201. Time of district absentee ballot counting review. (a) No less than seven days preceding the day of election, the election supervisor, in the presence and with the assistance of the district absentee ballot counting board, shall review all voter certificates of absentee ballots received by that date. The review of absentee ballots shall continue at times designated by the election supervisor until completed. (b) Counting of absentee ballots which have been reviewed shall begin at 8:00 p.m., local time, on the day of the election at places designated by each election supervisor and shall continue until all absentee ballots reviewed and eligible for counting have been counted. The counting teams shall report the count of absentee ballots to the district absentee ballot counting board. An election supervisor or an election official may not remove absentee ballots from the small, inner envelopes before 8:00 p.m., local time, on the day of the election. Counting of the absentee ballots shall continue at times designated by the election supervisor until all absentee ballots are counted. (c) Not later than the 15th day following the day of the election, the district absentee ballot counting board shall certify the absentee ballot review. (d) Absentee ballots received in the office of an election supervisor after the completion of the district absentee ballot counting review shall be forwarded immediately to the director by the most expeditious service.

(Sec. 90 ch 100 SLA 1980; am secs. 13 - 15 ch 85 SLA 1986)

Sec. 15.20.203. Procedure for district absentee ballot counting review. (a) The district absentee ballot counting board shall examine each absentee ballot envelope and shall determine whether the absentee voter is qualified to vote at the election and whether the absentee ballot has been properly cast. (b) An absentee ballot may not be counted if (1) the voter has failed to properly execute the certificate; (2) an official or the witnesses authorized by law to attest the voter's certificate fail to execute the certificate; (3) the ballot is not attested on or before the date of the election; (4) the ballot, if postmarked, is not postmarked on or before the date of the election; or (5) after the day of election, the ballot was delivered by a means other than mail. (c) Any person present at the district absentee ballot counting review may challenge the name of an absentee voter when read from the voter's certificate on the back of the large envelope if he has good reason to suspect that the challenged voter is not qualified

to vote, is disqualified, or has voted at the same election. The person making the challenge shall specify the basis of the challenge in writing. The district absentee ballot counting board by majority vote may refuse to accept and count the absentee ballot of a person properly challenged on grounds listed in (b) of this section. (d) If an absentee ballot is rejected, the election supervisor shall send a copy of the statement of the challenge to the absentee voter. The election supervisor shall place all rejected absentee ballots in a separate envelope with the statements of challenge. The envelope shall be labeled "rejected absentee ballots" and shall be forwarded to the director with the election certificates and other returns. (e) If an absentee ballot is not rejected, the large envelope shall be opened and the small envelope containing the absentee ballot shall be placed in a container and mixed with other small envelopes. (f) The small envelopes shall be drawn from the container, opened, and the absentee ballots counted at the times specified in AS 15.20.201 and according to the rules for determining properly marked ballots in AS 15.15.360. (g) Upon completion of the absentee ballot review, the election supervisor shall prepare an election certificate for execution by the district absentee ballot counting board and shall forward the original certificate and other returns to the director no later than the 16th day following the election.

(Sec. 90 ch 100 SLA 1980; am secs. 16, 17 ch 85 SLA 1986)

Sec. 15.20.205. Time of district questioned ballot counting review. (a) On the second day following the day of the election, the election supervisor or his designee, in the presence and with the assistance of the district questioned ballot counting board, shall review all voter certificates of questioned ballots received by that date. The review of questioned ballots shall continue at times designated by the election supervisor until completed. (b) Counting of questioned ballots which have been reviewed shall begin on the third day following the day of the election and shall continue at times designated by the election supervisor until all questioned ballots reviewed and eligible for counting have been counted. The counting teams shall report the count to the district questioned ballot counting board. (c) The district questioned ballot counting board shall certify the questioned ballot totals as soon as the count is completed but no later than the 10th day following the election. (d) Questioned ballots received after certification of the count shall be forwarded immediately to the director by the most expeditious service.

(Sec. 90 ch 100 SLA 1980; am sec. 18 ch 85 SLA 1986)

Sec. 15.20.207. Procedure for district questioned ballot review. (a) The district questioned ballot counting board shall examine each questioned ballot envelope and shall determine whether the questioned voter is qualified to vote at the election and whether the questioned ballot has been properly cast. (b) A questioned ballot may not be counted if (1) the voter has failed to properly execute the

certificate; or (2) an official or the witnesses authorized by law to attest the voter's certificate fail to execute the certificate. (c) Any person present at the district questioned ballot review may challenge the name of a questioned voter when read from the voter's certificate on the back of the large envelope if he has good reason to suspect that the questioned voter is not qualified to vote, is disqualified, or has voted at the same election. The person making the challenge shall specify the basis of the challenge in writing. The district questioned ballot counting board by majority vote may refuse to accept and count the questioned ballot of a person properly challenged under grounds listed in (b) of this section. (d) If a questioned ballot is rejected, the election supervisor shall send a copy of the statement of the challenge to the questioned voter. The election supervisor shall place all rejected questioned ballots in a separate envelope with statements of challenge. The envelope shall be labeled "rejected questioned ballots" and shall be forwarded to the director with the election certificates and other returns. (e) If a questioned ballot is not rejected, the large envelope shall be opened and the small envelope containing the questioned ballot shall be placed in a container and mixed with other small envelopes containing questioned ballots. (f) The small envelopes shall be drawn from the container, opened, and the questioned ballots counted at the times specified in AS 15.20.205 and according to the rules for determining properly marked ballots in AS 15.15.360. (g) Upon completion of the questioned ballot review, the election supervisor shall prepare an election certificate for execution by the district questioned ballot counting board, and shall forward the original certificate and returns to the director as soon as the count is completed but no later than the ninth day following the election.

(Sec. 90 ch 100 SLA 1980; am sec. 19 ch 85 SLA 1986)

Sec. 15.20.210. Procedure for district canvass. Repealed by sec. 231 ch 100 SLA 1980.

Sec. 15.20.211. Counting cross-district and certain write-in votes. (a) If a qualified voter of the state votes a ballot for an election district other than the election district in which he is registered, the votes he casts for statewide candidates and for statewide ballot propositions and statewide questions shall be counted. If the qualified voter voted for a candidate for the state senate from the senate district in which he is a resident, the vote shall be counted. The votes cast for candidates or ballot propositions or questions not appearing on the ballot of the district in which he is a resident may not be counted. (b) If a voter requested an absentee ballot by mail and the proper absentee ballot was not sent to the voter, the votes cast by the voter on the ballot he received which are for write-in candidates he could have voted for if he had received and voted the proper absentee ballot shall be counted.

(Sec. 91 ch 100 SLA 1980)

Sec. 15.20.220. Procedure for state review. (a) When the director and appointed party representatives have completed the review of ballots cast at the voting precincts, they shall proceed to review the absentee and questioned ballot votes certified by the district counting boards. The review of the absentee and questioned ballot vote certified by the district counting boards shall be accomplished by reviewing the tallies of the recorded vote to check for mathematical error and by comparing the totals with the election certificate of results. (b) The state review board shall review and count absentee and questioned ballots that have been forwarded to the director and that have not been reviewed or counted by a district counting board. Absentee and questioned ballots not received in the office of the director by 4:00 p.m. on the 15th day following the election may not be counted in the review.

(Sec. 37 ch 59 SLA 1982)

Article 2. Voting Machines

Sec. 15.20.230 - 15.20.420. Repealed. Repealed by sec. 231 ch 100 SLA 1980.

Article 3. Election Recounts

Sec. 15.20.430. Authorization of recount application.

(a) A defeated candidate or 10 qualified voters who believe there has been a mistake made by an election official or by the counting board in counting the votes in an election, may file an application within five days after the completion of the state review to the director for a recount of the votes from any particular precinct or any election district and for any particular office, proposition, or question. However, the application may be filed only within three days after the completion of the state review after the general election for a recount of votes cast for the office of governor and lieutenant governor. If there is a tie vote as provided in AS 15.15.460, the director shall initiate the recount and give notice to the interested parties as provided in AS 15.20.470. (b) The date on which the director receives an application rather than the date of mailing or transmission determines whether the application is filed within the time allowed under (a) of this section. If the actual physical delivery by telegram of a copy in substance of the statements made in the application for recount is received in the office of the director at or before 5:00 p.m. Alaska Standard time, on the due date the application will be accepted; providing the original signed application is postmarked at or before 5:00 p.m. Alaska Standard time of the same day.

(Sec. 4.71 ch 83 SLA 1960; am sec. 20 ch 136 SLA 1966; am sec. 93 ch 100 SLA 1980)

Sec. 15.20.440. Form of application. (a) The application shall state in substance the basis of the belief that a mistake has been made, the particular election precinct or election district for which the recount is to be held, the particular office, proposition, or question for which the recount is to be held, and that the person making the application is a candidate or that the 10 persons making the application are qualified voters. The candidate or persons making the application shall designate by full name and mailing address two persons who shall represent the applicant and be present and assist during the recount. Any person may be named representative, including the candidate or any person signing the application. Applications by 10 qualified voters shall also include the designation of one of the number as chair. The candidate or persons making the application shall sign the application and shall print or type their full name and mailing address. (b) Candidates, political parties, or organized groups having a direct interest in a recount and who are seeking to protect their interests during a recount may provide, at their own expense, two or more observers to witness the recount.

(Sec. 4.72 ch 83 SLA 1960; am sec. 18 ch 80 SLA 1963; am sec. 94 ch 100 SLA 1980; am sec. 20 ch 85 SLA 1986)

Sec. 15.20.450. Requirement of deposit. The application shall include a deposit in cash, by certified check, or by bond with a surety approved by the director. The amount of the deposit is \$300 for each precinct, \$750 for each election district, and \$10,000 for the entire state. If the recount includes an office for which candidates received a tie vote, or the difference between the number of votes cast was 20 or less or was less than .5 percent of the total number of votes cast for the two candidates for the contested office, or a question or proposition for which there was a tie vote on the issue, or the difference between the number of votes cast in favor of or opposed to the issue was 20 or less or was less than .5 percent of the total votes cast in favor of or opposed to the issue, the application need not include a deposit and the state shall bear the cost of the recount. If, on the recount, a candidate other than the candidate who received the original election certificate is declared elected, or if the vote on recount is determined to be four percent or more in excess of the vote reported by the state review for the candidate applying for the recount or in favor or opposed to the question or proposition as stated in the application, the entire deposit shall be refunded. If the entire deposit is not refunded, the director shall refund any money remaining after the cost of the recount has been paid from the deposit.

(Sec. 4.73 ch 83 SLA 1960; am sec. 15 ch 125 SLA 1962; am sec. 21 ch 136 SLA 1966; am sec. 1 ch 77 SLA 1976; am sec. 95 ch 100 SLA 1980; am sec. 21 ch 85 SLA 1986)

Sec. 15.20.460. Determination of date of recount. If the director determines that the application is substantially in

the required form, he shall fix the date of the recount to be held within three days after the receipt of an application requesting a recount of the general election votes cast for the office of governor and lieutenant governor and within five days after the receipt of an application requesting a recount for any other office, question, or proposition.

(Sec. 4.74 ch 83 SLA 1960; am sec. 96 ch 100 SLA 1980)

Sec. 15.20.470. Requirement of notice. The director shall give the candidate or designated chairman signing the application, the two or more persons appointed to represent the applicant during the recount, and other directly interested parties, notice of the time and place of the recount by certified mail, by telegraph, or by telephone.

(Sec. 4.75 ch 83 SLA 1960; am sec. 97 ch 100 SLA 1980)

Sec. 15.20.480. Procedure for recount. In conducting the recount, the director shall review all ballots whether the ballots were counted at the precinct or by computer or by the district absentee counting board or the questioned ballot counting board to determine which ballots, or part of ballots, were properly marked and which ballots are to be counted in the recount, and shall check the accuracy of the original count, the precinct certificate and the review. The director shall check the number of ballots and questioned ballots cast in a precinct against the registers and shall check absentee ballots voted against absentee ballots distributed. The director shall count absentee ballots received after close of business on the 15th day following the election and before the completion of the recount. For administrative purposes, the director may join and include two or more applications in a single review and count of votes. The rules in AS 15.15.360 governing the counting of hand-marked ballots and the rules in AS 15.20.730 governing the counting of punch-card ballots shall be followed in the recount. The ballots and other election material shall remain in the custody of the director during the recount and the highest degree of care shall be exercised to protect the ballots against alteration or mutilation. The recount shall be completed within 10 days. The director may employ additional personnel necessary to assist in the recount.

(Sec. 4.76 ch 83 SLA 1960; am sec. 98 ch 100 SLA 1980; am sec. 22 ch 85 SLA 1986)

Sec. 15.20.490. Certification of results. If it is determined by recount that the plurality of votes was cast for a candidate, the director shall issue a certificate of election or nomination to the elected or nominated candidate as determined by the recount. If it is determined by the recount that a proposition or question should be certified as having received the required vote, the director shall so certify except that the lieutenant governor shall so certify

if the proposition or question involves an initiative, a referendum or a constitutional amendment.

(Sec. 4.77 ch 83 SLA 1960; am sec. 99 ch 100 SLA 1980)

Sec. 15.20.500. Authorization for expanding recount.
Repealed by sec. 6 ch 26 SLA 1966.

Sec. 15.20.510. Provision for appeal to courts. A candidate or any person who requested a recount who has reason to believe an error has been made in the recount (1) involving any question or proposition or the validity of any ballot may appeal to the superior court in accordance with applicable court rules governing appeals in civil matters, and (2) involving candidates for the legislature or Congress or the office of governor and lieutenant governor may appeal to the supreme court in accordance with rules as may be promulgated by the court. Appeal shall be filed within five days of the completion of the recount. Upon order of the court, the director shall furnish the record of the recount taken including all ballots, registers, and other election material and papers pertaining to the election contest. The appeal shall be heard by the court sitting without a jury. The inquiry in the appeal shall extend to the questions whether or not the director has properly determined what ballots, parts of ballots, or marks for candidates on ballots are valid, and to which candidate or division on the question or proposition the vote should be attributed. The court shall enter judgment either setting aside, modifying, or affirming the action of the director on recount.

(Sec. 4.79 ch 83 SLA 1960; am sec. 19 ch 80 SLA 1963; am sec. 100 ch 100 SLA 1980)

Sec. 15.20.520. Provision for appeal to legislature or Congress. A candidate or persons who requested a recount, who have reason to believe an error has been made in the recount involving a candidate for the general election for the state legislature or Congress, may appeal to the chamber in which the candidate seeks membership in accordance with applicable rules of the legislature or Congress. Upon request of the legislature or Congress, the director shall furnish the record of the recount taken including all ballots, registers, and other election material and papers pertaining to the election contest.

(Sec. 4.80 ch 83 SLA 1960; am sec. 101 ch 100 SLA 1980)

Sec. 15.20.530. Determination of tie votes.

If after a recount and appeal two or more candidates tie in having the highest number of votes for the same office, the director shall notify the candidates who are tied. The director shall notify the candidates of a reasonably suitable time and place to determine the successful candidate by lot. After the determination has been made by lot, the director shall so certify.

(Sec. 4.81 ch 83 SLA 1960; am sec. 102 ch 100 SLA 1980)

Article 4. Election Contests

Sec. 15.20.540. Grounds for election contest. A defeated candidate or 10 qualified voters may contest the nomination or election of any person or the approval or rejection of any question or proposition upon one or more of the following grounds: (1) malconduct, fraud, or corruption on the part of an election official sufficient to change the result of the election; (2) when the person certified as elected or nominated is not qualified as required by law; (3) any corrupt practice as defined by law sufficient to change the results of the election.

(Sec. 4.91 ch 83 SLA 1960)

Sec. 15.20.550. Jurisdiction and time for contest. The action may be brought in the superior court within 10 days after the completion of the state review.

(Sec. 4.92 ch 83 SLA 1960; am sec. 103 ch 100 SLA 1980)

Sec. 15.20.560. Judgment of court. The judge shall pronounce judgment on which candidate was elected or nominated and whether the question or proposition was accepted or rejected. The director shall issue a new election certificate to correctly reflect the judgment of the court. If the court decides that the election resulted in a tie vote, the director shall immediately proceed to determine the election by lot as is provided by law. If the court decides that no candidate was duly elected or nominated, the judgment shall be that the contested election be set aside. The provisions of this section and AS 15.20.540 and 15.20.550 are not intended to limit or interfere with the power of the legislature to judge the election and qualifications of its members.

(Sec. 4.93 ch 83 SLA 1960; am sec. 104 ch 100 SLA 1980)

Article 5. Punch-Card Voting

Sec. 15.20.590. Appointment of officials.

(a) For every area of the state designated by him for punch-card voting, the director shall appoint a data processing review board which is responsible to him for the evaluation of all computer phases of the election. The board shall consist of at least three members. At least one member shall be a member of the political party whose candidate for governor received the largest number of statewide votes at the preceding general election, one shall be a member of the party whose candidate received the second largest number of votes, and one shall be registered to vote either as an "independent" or "nonpartisan" or shall have declined to state his party affiliation when registering to vote. At least one of the members must be familiar with the election process, and at least two must have some expertise in computer programming and processing. The election supervisor shall name one of the members who has sufficient familiarity with computer programming and operations as presiding officer of the board. (b) For the computer

counting center in his area, each election supervisor shall appoint (1) a receiving board consisting of at least one person from each political party; and (2) a control board consisting of at least one person from each political party. (Sec. 2 ch 120 SLA 1975; am sec. 105 ch 100 SLA 1980)

Sec. 15.20.600. Party representation. In AS 15.20.590 - 15.20.730, wherever there is a provision for a person to represent a political party, he shall be chosen by the appointing official subject to the approval of the district committee of that party. If the party district committee fails to respond within 15 days, the appointing official shall seek approval from the state chairman of the party. If the committee or state chairman makes a reasonable objection, another person shall be appointed.

(Sec. 2 ch 120 SLA 1975; am sec. 106 ch 100 SLA 1980) Sec.

15.20.609. Use of computers. The director shall designate the computers to be used in the counting of ballots. The director may designate more than one computer for use in computer counting centers in addition to alternate computers specified under AS 15.20.610.

(Sec. 107 ch 100 SLA 1980)

Sec. 15.20.610. Alternate site. For each computer counting center, the director shall designate an alternate site, if available, to be used in the event of equipment failure at the main location. If the computer fails and no alternate site is available, the election supervisor shall designate emergency counting teams to hand count punch-card ballots in the manner prescribed by AS 15.20.730.

(Sec. 2 ch 120 SLA 1975; am sec. 108 ch 100 SLA 1980)

Sec. 15.20.620. Tests and security. (a) No later than one week before the election, the computer punch-card vote counting program must be tested in the presence of and to the satisfaction of the data processing review board. Testing shall take place at both the main and alternate computer counting centers. (b) In addition to the test specified in (a) of this section, other tests shall be made to ensure that the system is functioning properly (1) at least one day before the election at a time specified by the data processing review board presiding officer; (2) on the day of the election one hour before the polls close; (3) immediately after the final vote tabulation is complete; (4) approximately one hour before the processing of the questioned and absentee ballots; and (5) immediately after the final vote tabulation of questioned and absentee ballots is complete. (c) As a security precaution, after the computer has been tested as prescribed in (b) (2) and (4) of this section, (1) the vote-counting task shall remain isolated from nonrelated processing tasks; (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. (d) During the final tabulation by computer, a manual count of different individual races in six precincts chosen at random shall be made, and the results checked against those of the system. (e) If a problem is encountered during any of the testing or tabulating procedures, additional tests may be conducted as considered necessary. (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 code which comprises the instructions to be executed by the computer.

(Sec. 2 ch 120 SLA 1975; am secs. 109 - 112 ch 100 SLA 1980)

Sec. 15.20.630. Demonstration. A demonstration of the punch-card process shall be made available to each voter at the polling place before he begins the voting process and each voter shall be informed that the demonstration is available.

(Sec. 2 ch 120 SLA 1975)

Sec. 15.20.640. Processing at polling place. (a) Immediately after the polls have closed, the ballot box shall be opened by election board members in full view of all persons present, and all ballots shall be removed from the ballot envelopes. (b) The ballot cards shall be inspected individually and any ballots which are damaged so that they cannot be read by the computer shall be withdrawn and set aside for hand counting. (c) The ballots containing write-in votes shall be banded together and placed behind the other undamaged ballot cards which have been voted. The envelope containing questioned 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. (d) The special container shall be placed in a transport box which shall be locked, sealed, or otherwise secured before delivery to the computer counting center.

(Sec. 2 ch 120 SLA 1975; am secs. 113, 114 ch 100 SLA 1980)

Sec. 15.20.650. Delivery of ballots to computer counting center. The delivery of ballots from the precinct polling place to the designated computer counting center shall be made by a delivery team consisting of two members of the election board, one from each of the two major political parties or by a licensed security officer accompanied by at least one person designated by the election board. The delivery team shall accompany the ballots from the precinct polling place to the receiving board at the computer counting center.

(Sec. 2 ch 120 SLA 1975; am sec. 115 ch 100 SLA 1980)

Sec. 15.20.660. Receipt of ballots at computer counting center. (a) A state trooper shall be on duty at the computer counting center during the processing of ballots. (b) Immediately inside the computer counting center the receiving board shall (1) receive the transport box and examine the seal; if the seal is damaged or otherwise not intact the board shall notify the election supervisor immediately; if the seal is intact the receiving board shall sign a receipt to that effect and acknowledge delivery; (2) check the precinct off on a log sheet, enter the arrival time, initial the entry, and have the delivery team sign the log sheet; and (3) deliver the special container to the control board.

(Sec. 2 ch 120 SLA 1975)

Sec. 15.20.670. Receipt of ballots by control board. The control board shall (1) cut the seal and remove all ballots and envelopes from the special container; (2) insert the proper header and end cards into the ballots; (3) place the ballot bundles and unprocessable ballots envelope in a tray for delivery to the computer room; and (4) give the envelope containing questioned ballots to the election supervisor. (Sec. 2 ch 120 SLA 1975; am secs. 116, 117 ch 100 SLA 1980) **Sec. 15.20.680. Counting of ballots by computer.** (a) All vote-counting processing in the computer room shall be under the supervision of the presiding officer of the data processing review board. The presiding officer shall resolve any problems which arise in the vote counting by consulting with other members of the board. (b) The data processing review board shall initiate the processing of ballots from each precinct by (1) comparing the precinct identification on the header card against that of the envelope to ensure that they are the same; (2) ensuring that any write-in ballots are separate and placed at the rear of other ballots; and (3) giving the ballots to the computer operator. (c) The computer operator shall process the ballots by (1) picking up the ballots of one precinct; removing any ballots which cannot be processed; placing any unprocessable ballots in the envelope; and returning the envelope to the data processing review board member for hand counting; (2) placing the ballots in the computer card reader and activating it; (3) returning the counted ballots with write-in ballots separated to the data processing review board.

(Sec. 2 ch 120 SLA 1975; am sec. 118 ch 100 SLA 1980)

Sec. 15.20.685. Hand counting of punch-card ballots. (a) The election supervisor shall appoint a counting team or teams to assist in the counting of punch-card ballots at the computer counting center on election night. There shall be at least four counters on each counting team, no more than two of whom may be members of the same political party. (b) A counting team or teams shall count all punch-card ballots which cannot be processed through the computer and all write-in votes on ballots which have been processed through

the computer. Each counting team shall make a certificate in duplicate of the results of the count.

(Sec. 119 ch 100 SLA 1980)

Sec. 15.20.690. Alternate computer counting. (a) A computer service technician shall be on standby duty during the entire vote counting process. If equipment failure occurs and the data processing review board determines that repairs cannot be made within a reasonable time and an alternate computer is not available at the same site, the computer room process shall be moved to the alternate site if one is available. If an alternate computer is available at the same site, the data processing review board shall make a test run to ensure that the alternate computer is functioning properly, and ballot counting shall be continued beginning with the precinct determined appropriate by the data processing review board. If an alternate site is not available, ballots shall be counted manually. The data processing review board shall determine the precincts to receive manual counting. (b) If an alternate site is available, all ballots including those previously counted shall be boxed, and a receipt prepared. The ballot programs shall also be sealed. The sealed material shall then be transported to the alternate location accompanied by a state trooper, the election supervisor, and the data processing review board. On arrival at the alternate site, the board shall initiate a test run to ensure that the computer is functioning properly. After checking the seals on all containers, the supervisor and presiding officer shall sign the receipt and open all of the materials. Ballot counting shall be continued, beginning with the precinct determined appropriate by the data processing review board. (c) After processing is completed, all ballots shall be sealed and transported to a designated place of security.

(Sec. 2 ch 120 SLA 1975; am sec. 120 ch 100 SLA 1980)

Sec. 15.20.700. Disposition of ballots. (a) The ballots which have been counted in the computer room shall be sealed by the data processing review board or the designated counting team. The sealed ballots shall then be transported to a designated place of security. The questioned ballots shall be sealed and given to the election supervisor for tallying. (b) Repealed by sec. 121 ch 100 SLA 1980. (c) The ballot image magnetic tape which contains an exact image of each counted ballot shall be retained in a secure manner by the election supervisor until the director determines that it is no longer needed.

(Sec. 2 ch 120 SLA 1975; am sec. 121 ch 100 SLA 1980)

Sec. 15.20.710. Report of partial results. The presiding officer of the data processing review board may authorize activation of the print program to provide partial results, if time permits. This printout shall be released to the presiding officer of the data processing review board who shall file the original with the control board and provide copies for posting and distribution to news media

representatives. In addition, the director may authorize the computerized broadcast of results while vote counting is in progress. This broadcast may be accomplished through on-line terminals and may begin when the vote counting begins.

(Sec. 2 ch 120 SLA 1975; am sec. 122 ch 100 SLA 1980)

Sec. 15.20.720. Public observation. The punch-card counting process shall be available for public viewing by closed circuit television, or by direct observation to the extent that the presiding officer of the data processing review board determines that election officials and computer personnel will not be hindered in the performance of their duties.

(Sec. 2 ch 120 SLA 1975; am sec. 123 ch 100 SLA 1980)

Sec. 15.20.730. Rules for counting punch-card ballots. (a) A vote for a candidate whose name is not printed on the ballot shall be counted only if the name is written in, the square following it is punched, and the number of punches does not exceed the number of offices available. A write-in vote for a candidate whose name is also printed on the ballot may be counted only if the square following the written name is punched, the square following the printed name is not punched, and the number of punches does not exceed the number of offices available. (b) The computer shall be programmed to count ballots as follows: (1) a vote may be counted only if the punch is clearly spaced in the square designated by a plus sign following the name of the candidate the voter desires to select; (2) if there is only one plus-marked square for a team whose names are on separate lines, such as president and vice-president; or governor and lieutenant governor, a punch in the square or elsewhere in the rectangle following the names shall be counted for that team; (3) a failure to properly punch a ballot card as to one or more candidates does not itself invalidate the entire ballot; (4) if a voter punches fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked; (5) if a voter punches more names than there are persons to be elected to the office, the votes for candidates to that office shall not be counted; (6) improper marks on the ballots shall not be counted and shall not invalidate punches for candidates properly made; (7) an erasure or correction invalidates only that section of the ballot in which it appears; (8) a vote marked for the candidate for President of the United States is considered and counted as a vote for the election of presidential electors. (c) Hand counting of write-in votes and unprocessable punch-card ballots shall be done in accordance with the requirements of this section. If an equipment failure occurs and the data processing review board determines that the ballots are to be counted manually, the ballot counting shall be done in accordance with the requirements of this section.

(Sec. 2 ch 120 SLA 1975; am sec. 124 ch 100 SLA 1980)

Sec. 15.20.740. Questioned punch-card ballots. The procedure for reviewing and counting questioned punch-card ballots is the same procedure established in AS 15.20.205 and 15.20.207 for hand-marked ballots except that questioned punch-card ballots may be processed by the computer from the third through the eighth day following the election. The data processing review board shall supervise the count and shall follow the procedure established in AS 15.20.680 and 15.20.685.

(Sec. 125 ch 100 SLA 1980)

Article 6. Voting by Mail.

Sec. 15.20.800. Voting by mail. (a) The director may conduct an election by mail if it is held at a time other than when the general, party primary, or municipal election is held. (b) If the director conducts an election under (a) of this section by mail, the director shall send a ballot for each election described in (a) of this section to each person whose name appears on the official registration list prepared under AS 15.07.125 for that election. The ballot shall be sent to the address stated on the official registration list unless the voter has notified the director or an election supervisor of a different address to which the ballot should be sent. The director shall send ballots by first class, nonforwardable mail. (c) If the director conducts an election under (a) of this section by mail, the director shall mail ballots under this section on or before the 22nd day before the election. (d) The voter may cast the ballot under AS 15.20.081(d) - (e). (e) The director shall review ballots voted under this section under procedures established for the review of absentee ballots under AS 15.20.201 and 15.20.203.

(Sec. 23 ch 85 SLA 1986)

Chapter 25. Nomination of Candidates.

Article 1. Primary Elections.

Sec. 15.25.010. Provision for primary election. Candidates for the elective state executive and state and national legislative offices shall be nominated in a primary election by direct vote of the people in the manner prescribed by AS 15.25.010 15.25.200.

(Sec. 5.01 ch 83 SLA 1960; am sec. 1 ch 1 SLA 1967; am sec. 1 ch 20 SLA 1980)

Sec. 15.25.020. Date of primary. The primary election is held on the fourth Tuesday in August of every even numbered year.

(Sec. 5.02 ch 83 SLA 1960; am sec. 1 ch 26 SLA 1966; am sec. 2 ch 1 SLA 1967)

Sec. 15.25.030. Declaration of candidacy. (a) A member of a political party who seeks to become a candidate of the

party in the primary election shall execute and file a declaration of candidacy. The declaration shall be executed under oath before an officer authorized to take acknowledgments and shall state in substance: (1) the full name of the candidate; (2) the full mailing address of the candidate; (3) if the candidacy is for the office of state senator or state representative, the election or senate district of which the candidate is a resident; (4) the office for which the candidate seeks nomination; (5) the name of the political party of which he is a candidate for nomination; (6) the full resident address of the candidate; (7) the date of the primary election at which the candidate declares himself to be a candidate; (8) that the candidate will meet the specific residency requirements of the office for which he is a candidate; (9) that the candidate will meet the specific citizenship requirements of the office for which he is a candidate; (10) that the candidate is a qualified voter as required by law; (11) that the candidate will meet the specific age requirements of the office for which he is a candidate; (12) that the candidate requests that his name be placed on the primary election ballot; (13) that the required fee accompanies the declaration; (14) that he is not a candidate for any other office to be voted on at the primary or general election and that he has not filed another declaration of candidacy or nominating petition for the office for which this declaration is filed; (15) the manner in which he wishes his name to appear on the ballot; and (16) that the candidate is registered to vote as a member of the political party whose nomination he seeks. (b) A person filing a declaration of candidacy under this section shall simultaneously file a statement of income sources and business interests which complies with the requirements of AS 39.50.

(Sec. 5.03 ch 83 SLA 1960; am sec. 16 ch 125 SLA 1962; am sec. 1 ch 53 SLA 1966; am sec. 3 ch 1 SLA 1967; am sec. 35 ch 116 SLA 1972; am sec. 3 ch 133 SLA 1977; am sec. 126 ch 100 SLA 1980)

Sec. 15.25.040. Manner and date of filing declaration. (a) The declaration is filed by either (1) the actual physical delivery of the declaration in person or by mail at or before 5:00 p.m., prevailing time, June 1 of the year in which a general election is held for the office, or (2) the actual physical delivery by telegram of a copy in substance of the statements made in paragraphs (1) - (5) of the declaration as required by AS 15.25.030 at or before 5:00 p.m., prevailing time, June 1 of the year in which a general election is held for the office and also the actual physical delivery of the declaration containing paragraphs (1) - (16) as required by AS 15.25.030 by registered mail which is received not more than 15 days after that time. (b) If the postmark is illegible, a dated receipt from the post office where dispatched shall be acceptable as evidence of mailing. If June 1 is a Sunday or holiday, the deadlines for postmarking and receipt of the declaration shall be extended 24 hours in each instance. (c) A candidate for a statewide office or a candidate for a district-wide office shall file

either with the director or an election supervisor. If the candidate files his declaration with an election supervisor, the election supervisor shall immediately forward the declaration to the director. (d) If the declaration filed under (a) of this section is not received within seven calendar days, the candidate shall be notified of nonreceipt. The candidate shall have the opportunity to refile his declaration with proof that his previous declaration has been filed in a timely manner and in accordance with law.

(Sec. 5.04 ch 83 SLA 1960; am sec. 17 ch 125 SLA 1962; am sec. 20 ch 80 SLA 1963; am secs. 3, 4 ch 26 SLA 1966; am sec. 22 ch 136 SLA 1966; am sec. 1 ch 28 SLA 1972; am secs. 11, 12 ch 38 SLA 1974; am sec. 25 ch 197 SLA 1975; am sec. 4 ch 133 SLA 1977; am sec. 127 ch 100 SLA 1980)

Sec. 15.25.042. Eligibility of a candidate. (a) If the director receives a complaint regarding the eligibility of a candidate for a particular office, the director shall determine eligibility under regulations adopted by the director. The director shall determine the eligibility of the candidate within 30 days of the receipt of the complaint. (b) Except as provided in (c) of this section, the director shall determine the eligibility of the candidate by a preponderance of the evidence. (c) If a candidate for the legislature has been registered to vote at any time during the 12 months preceding the filing of the declaration of candidacy in a district other than the district in which the declaration of candidacy has been filed, the director may not determine that a candidate is eligible except under a standard of clear and convincing evidence. (d) A person may not be a resident of two districts at the same time.

(Sec. 24 ch 85 SLA 1986)

Sec. 15.25.043. Determination of residency of a candidate. In determining the residence within an election district of a qualified voter for the purposes of compliance with art. II, sec. 2 of the Alaska Constitution, the director shall apply the rules established in AS 15.05.020 together with the following rules: (1) a person establishes residence within an election district (A) by actual physical presence at a specific location within the district; and (B) by maintaining a habitation at the specific location; (2) a person may maintain a place of residence at a specific location within a district while away from the location for purposes of employment, education, military service, or vacation if the person does not establish residency at another location; and (3) a qualified voter loses residence by voting in another election district or in another state's elections.

(Sec. 24 ch 85 SLA 1986)

Sec. 15.25.045. Withdrawal of candidacy. Notice of withdrawal of candidacy must be in writing over the signature of the candidate.

(Sec. 23 ch 136 SLA 1966)

Sec. 15.25.050. Requirement of filing fee. (a) At the time the declaration is filed, each candidate shall pay a nonrefundable filing fee to the director. The filing fee for candidates for office of governor, lieutenant governor, United States senator, and United States representative is \$100. The filing fee for candidates for office of state senator and state representative is \$30. (b) An indigent person as defined by regulations adopted under the Administrative Procedure Act (AS 44.62) may file a statement of indigency in the form prescribed by regulation in place of the filing fee required by this section.

(Sec. 5.05 ch 83 SLA 1960; am sec. 128 ch 100 SLA 1980; am sec. 25 ch 85 SLA 1986)

Sec. 15.25.055. Removal of name from primary ballot. A candidate's name will appear on the primary election ballot unless notice of his withdrawal from the primary is received by the director at least 40 days before the date of the primary election.

(Sec. 24 ch 136 SLA 1966; am sec. 25 ch 69 SLA 1970; am sec. 129 ch 100 SLA 1980)

Sec. 15.25.056. Nomination by party petition where incumbent dies or is disqualified or incapacitated. (a) If an unopposed incumbent candidate for renomination dies, becomes disqualified from holding the office he is seeking, or is certified as being incapacitated between June 1 of the election year and that date which is 45 days before the date of the primary election, his place on the ballot may be filled by party petition. The petition shall state that the political party requests the name of the proposed candidate replace that of the incumbent on the primary election ballot and shall be accompanied by a declaration of candidacy from the person named in the petition. The petition must be received by the director no later than 14 days after the death, disqualification or certification of incapacity of the incumbent or 40 days before the primary election date, whichever time is earlier. (b) The method for certifying an incumbent candidate for nomination as being incapacitated, the method for selecting the person who is to be named in the party petition, and the method for placing the name of the person selected on the primary nomination ballot are the same as those prescribed in AS 15.25.110 and 15.25.130 relating to filling vacancies of party nominees in a general election. (c) The death, disqualification or certification of incapacity of the incumbent within 40 days before or on the primary election date does not affect the counting and review of the ballots. If the result of the counting and review discloses that the candidate, if he had lived, would have been nominated, the candidate shall be

declared nominated. The vacancy may be filled by party petition as provided in AS 15.25.110 - 15.25.130.

(Sec. 24 ch 136 SLA 1966; am secs. 26, 27 ch 69 SLA 1970; am secs. 130, 131 ch 100 SLA 1980)

Sec. 15.25.060. Preparation and distribution of ballots. The primary election ballot shall be prepared and distributed by the director in the manner prescribed for general election ballots except as specifically provided otherwise for the primary election. The director shall place the names of all candidates who have properly filed in groups according to offices filed for, without regard to party affiliation. The names for each office shall be rotated as provided for the general election ballot. No blank spaces shall be provided on the ballot for the writing or pasting in of names.

(Sec. 5.06 ch 83 SLA 1960; am sec. 4 ch 1 SLA 1967; am sec. 132 ch 100 SLA 1980)

Sec. 15.25.070. Special provisions on counting ballots. No voter may vote for a person whose name is not on the ballot. Votes cast for a person whose name is not on the ballot shall not be counted, but writing in a candidate's name does not invalidate the entire ballot.

(Sec. 5.07 ch 83 SLA 1960; am sec. 5 ch 1 SLA 1967)

Sec. 15.25.080. Declaration of party preference. Repealed by sec. 231 ch 100 SLA 1980.

Sec. 15.25.090. General procedure for conduct of primary election. Unless specifically provided otherwise, all provisions regarding the conduct of the general election shall govern the conduct of the primary election, including, but not limited to, provisions concerning voter qualification; provisions regarding the duties, powers, rights, and obligations of the director, of other election officials, and of cities and organized boroughs; provision for notification of the election; provisions regarding payment of election expenses; provisions regarding employees being allowed time from work to vote; provisions for the counting, review, and certification of returns; provisions for the determination of tie votes and of recount, contests and appeal; and provisions for absentee voting.

(Sec. 5.09 ch 83 SLA 1960; am sec. 7 ch 1 SLA 1967; am sec. 133 ch 100 SLA 1980)

Sec. 15.25.100. Placement of nominees on general election ballot. The director shall place the name of the candidate receiving the highest number of votes for an office by a political party on the general election ballot.

(Sec. 5.10 ch 83 SLA 1960; am sec. 134 ch 100 SLA 1980)

Sec. 15.25.110. Filling vacancies by party petition. If a candidate nominated at the primary election dies, withdraws, resigns, becomes disqualified from holding office for which he is nominated, or is certified as being incapacitated in the manner prescribed by this section after the primary election and 40 days or more before the general election, the vacancy may be filled by party petition. The central committee of any political party or any party district committee may certify as being incapacitated any candidate nominated by their respective party by presenting to the director a sworn statement made by a panel of three licensed physicians, not more than two of whom shall be of the same political party, that the candidate is physically or mentally incapacitated to an extent that would in his judgment prevent the candidate from active service during the term of office if elected. The director shall place the name of the person nominated by party petition on the general election ballot. The name of a candidate disqualified under this section shall not appear on the general election ballot.

(Sec. 5.11 ch 83 SLA 1960; am sec. 18 ch 125 SLA 1962; am sec. 8 ch 1 SLA 1967; am sec. 135 ch 100 SLA 1980)

Sec. 15.25.120. Requirements for party petition. Party petitions for the nomination of candidates shall state in substance that the political party desires and intends to support the named candidate for the named office and requests that the name of the proposed candidate be placed on the general election ballot. The petition may be filed no later than 40 days before the date of the general election.

(Sec. 5.12 ch 83 SLA 1960; am sec. 136 ch 100 SLA 1980)

Sec. 15.25.130. Selection of nominees for party petition. The nominees of political parties by party petition may be selected for statewide offices by the party central committee or in any other manner prescribed by the party bylaws, and the petition for statewide offices shall be signed by the chairman of the central committee or in his absence by any two members of the committee. The nominees of political parties by party petition may be selected for district-wide offices by the respective party district committee or in any other manner prescribed by the party bylaws, and the petition for district-wide offices shall be signed by the chairman of the party district committee, or in his absence by any two members of the party committee, or in any other manner prescribed by the party bylaws. The petition may be delivered in person, by mail or by telegraph.

(Sec. 5.13 ch 83 SLA 1960)

Sec. 15.25.135. Election of party committeemen and committeewomen. Repealed by sec. 21 ch 80 SLA 1963.

Sec. 15.25.140. Provision for no-party candidate nominations. Candidates not representing a political party are nominated by petition.

(Sec. 5.51 ch 83 SLA 1960)

Sec. 15.25.150. Date of filing petition. The petition is filed with the director by actual physical delivery in person at or before 5:00 p.m., prevailing time, June 1 in the year in which a general election is held for the office, or by actual physical delivery to the director by registered or certified mail return receipt requested which is postmarked at or before 5:00 p.m., prevailing time, June 1 in the year in which a general election is held for the office, and received not more than 15 days after that time. If the postmark is illegible, a dated receipt from the post office where dispatched shall be acceptable as evidence of mailing. If June 1 is a Sunday or holiday, the deadlines for postmarking and receipt of the petition shall be extended 24 hours in each instance.

(Sec. 5.52 ch 83 SLA 1960; am sec. 23 ch 228 SLA 1968; am sec. 26 ch 197 SLA 1975; am sec. 137 ch 100 SLA 1980)

Sec. 15.25.160. Required number of signatures for statewide office. Petitions for the nomination of candidates for the office of governor, lieutenant governor, United States senator and United States representative shall be signed by qualified voters of the state equal in number to at least one percent of the number of voters who cast ballots in the preceding general election. Candidates for the office of governor and lieutenant governor shall file jointly.

(Sec. 5.53 ch 83 SLA 1960; am sec. 138 ch 100 SLA 1980; am sec. 26 ch 85 SLA 1986)

Article 2. Nominations for General Election by Petition.

Sec. 15.25.170. Required number of signatures for district-wide office. Petitions for the nomination of candidates for the office of state senator or state representative shall be signed by qualified voters of the election or senate district in which the proposed nominee desires to be a candidate equal in number to at least one percent of the number of voters who cast ballots in the proposed nominee's respective election or senate district in the preceding general election. A nominating petition may not contain less than 50 signatures for any district.

(Sec. 5.54 ch 83 SLA 1960; am sec. 139 ch 100 SLA 1980; am sec. 27 ch 85 SLA 1986)

Sec. 15.25.180. Requirements for petition. The petition shall state in substance (1) the full name of the candidate, (2) the full resident address of the candidate, (3) the full mailing address of the candidate, (4) the name of the political group supporting the candidate, (5) if the candidacy is for the office of state senator or state representative, the election or senate district of which the

candidate is a resident, (6) the office for which the candidate is nominated, (7) the date of the election at which the candidate seeks election, (8) that the candidate meets, or will meet, as required by law, the specific requirements of the office for which he is a candidate, (9) that the subscribers are qualified voters of the state or election or senate district in which the candidate resides, (10) Repealed, sec. 45 ch 85 SLA 1986.b (11) that the subscribers request that they candidate's name be placed on the ballot, (12) that the proposed candidate accepts the nomination and will serve if elected, with the statement signed by the proposed candidate, (13) if the candidacy is for the office of the governor, the name of the candidate for lieutenant governor running jointly with him, (14) the name of the candidate as he wishes it to appear on the ballot, and (15) that the candidate is not a candidate for any other office to be voted on at the primary or general election and that he has not filed another nominating petition or declaration of candidacy for the office for which this petition is filed.

(Sec. 5.55 ch 83 SLA 1960; am sec. 22 ch 80 SLA 1963; am sec. 140 ch 100 SLA 1980; am sec. 45 ch 85 SLA 1986)

Sec. 15.25.190. Placement of names on general election ballot. The director shall place the names and the political group affiliation of persons who have been properly nominated by petition on the general election ballot.

(Sec. 5.56 ch 83 SLA 1960; am sec. 141 ch 100 SLA 1980)

Sec. 15.25.200. Withdrawal of candidate's name. If a candidate nominated by petition dies or withdraws after the petition has been filed and before September 1 of the election year, the director shall not place the name of the candidate on the general election ballot.

(Sec. 5.57 ch 83 SLA 1960; am sec. 142 ch 100 SLA 1980)

Article 3. Presidential Party Primary Election.

Sec. 15.25.220. Presidential party primary election. Repealed, sec. 1 ch. 2 SLA 1984.

Sec. 15.25.230. Placing recognized names on the ballot. Repealed, sec. 1 ch. 2 SLA 1984.

Sec. 15.25.240. Petition for presidential candidate. Repealed, sec. 1 ch. 2 SLA 1984.

Sec. 15.25.250. Selection of delegates. Repealed, sec. 1 ch. 2 SLA 1984.

Sec. 15.25.260. Delegates pledged. Repealed, sec. 1 ch. 2 SLA 1984.

Sec. 15.25.270. No other elections on the same date. Repealed, sec. 1 ch. 2 SLA 1984.

Sec. 15.25.280. Procedures for conduct of election.

Repealed, sec. 1 ch. 2 SLA 1984.

Chapter 30. National Elections.

Article 1. President.

Sec. 15.30.010. Provision for selection of electors. Electors of President and Vice President of the United States are selected by election at the general election in presidential election years.

(Sec. 6.01 ch 83 SLA 1960; am sec. 10 ch 71 SLA 1972)

Sec. 15.30.020. Number and manner of selecting candidates. Each political party shall select a number of candidates for electors of President and Vice President of the United States equal to the number of senators and representatives to which the state is entitled in Congress. The candidates for electors shall be selected by the state party convention or in any other manner prescribed by the bylaws of the party. The chairman and secretary of the state convention or any other party official designated by the party bylaws shall certify a list of the names of candidates for electors to the director on or before September 1 in presidential election years.

(Sec. 6.02 ch 83 SLA 1960; am sec. 143 ch 100 SLA 1980)

Sec. 15.30.025. Qualifications for limited political parties. (a) A limited political party may be organized for the purpose of selecting candidates for electors of President and Vice-President of the United States by filing with the director at least 90 days before a presidential general election a petition signed by qualified voters of the state equaling in number at least one percent of the number of voters who cast ballots for President at the last presidential election. The petition shall state that the signers intend to organize a limited political party, that they intend to select candidates for electors of President and Vice-President of the United States at the next succeeding presidential election, and the name of the limited political party. (b) A limited political party organized under this section may not assume a name which is so similar to an existing political party as to confuse or mislead the voters at an election. If the director determines that the name of the limited political party set out in a petition is confusing or misleading, he may refuse to accept the petition for filing. (c) A limited political party organized under this section ceases to be a limited political party if its presidential candidate fails to receive at least three percent of the number of voters who cast ballots for the office of President at a presidential election.

(Sec. 1 ch 160 SLA 1970; am sec. 144 ch 100 SLA 1980; am secs. 28, 29 ch 85 SLA 1986)

Sec. 15.30.030. Qualification of electors. Any qualified voter except a United States senator or representative or

person holding an office of trust or profit under the United States may be selected as a candidate for elector.

(Sec. 6.03 ch 83 SLA 1960)

Sec. 15.30.040. Requirement of party pledge. The party shall require from each candidate for elector a pledge that as an elector he will vote for the candidates nominated by the party of which he is a candidate.

(Sec. 6.04 ch 83 SLA 1960)

Sec. 15.30.050. Interpretation of votes cast for candidates for President and Vice President. In voting for presidential electors, a vote marked for the candidates for President and Vice President is considered and counted as a vote for the presidential electors of the party.

(Sec. 6.05 ch 83 SLA 1960)

Sec. 15.30.060. Notification of electors. When the results of the election of presidential electors have been determined, the director shall send a certificate of election to each elector and shall notify the electors of the time and place of their meeting and of their duties as electors.

(Sec. 6.06 ch 83 SLA 1960; am sec. 145 ch 100 SLA 1980)

Sec. 15.30.070. Place and time of meeting. The electors shall meet at the office of the director or other place designated by him at 11:00 o'clock in the morning on the first Monday after the second Wednesday in December following their election. If Congress fixes a different day for the meeting, the electors shall meet on the day designated by the Act of Congress.

(Sec. 6.07 ch 83 SLA 1960; am sec. 146 ch 100 SLA 1980)

Sec. 15.30.080. Filling of vacancies. If there is a vacancy caused by death, failure to attend, ineligibility or other cause, and if available alternates have not been designated, the electors shall fill the vacancy by plurality vote.

(Sec. 6.08 ch 83 SLA 1960; am sec. 25 ch 136 SLA 1966)

Sec. 15.30.090. Duties of electors. After any vacancies have been filled, the electors shall proceed to cast their votes for the candidates for the office of President and Vice President of the party which selected them as candidates for electors and shall perform the duties of electors as required by the constitution and laws of the United States. The director shall provide administrative services and the Department of Law shall provide legal services necessary for the electors to perform their duties.

(Sec. 6.09 ch 83 SLA 1960; am sec. 147 ch 100 SLA 1980)

Sec. 15.30.100. Compensation of electors. Each elector is entitled to receive from the state treasury the same per diem and travel expenses allowed members of the legislature.

(Sec. 6.10 ch 83 SLA 1960)

Article 2. United States Congress.

Sec. 15.30.110. Provisions for election of United States senators. A United States senator shall be elected at the general election held in the year 1960 and at the general election every sixth year thereafter. A United States senator shall be elected at the general election held in the year 1962 and at the general election every sixth year thereafter.

(Sec. 6.31 ch 83 SLA 1960)

Sec. 15.30.120. Provisions for election of United States representatives. A United States representative in Congress shall be elected from each congressional district at the general election in 1960 and at the general election every second year thereafter.

(Sec. 6.32 ch 83 SLA 1960)

Chapter 35. State Elections.

Article 1. Executive.

Sec. 15.35.010. Election of governor and lieutenant governor. A governor and lieutenant governor shall be elected at the general election in 1962 and every four years thereafter.

(Sec. 7.01 ch 83 SLA 1960)

Article 2. Legislative.

Sec. 15.35.020. Election of legislature. One-half of the members of the state senate and all members of the state house of representatives shall be elected at each general election in accordance with the apportionment articles of the state constitution.

(Sec. 7.31 ch 83 SLA 1960)

Article 3. Judiciary.

Sec. 15.35.030. Approval or rejection of supreme court justice. Each supreme court justice shall be subject to approval or rejection at the first general election held more than three years after his appointment. If approved, he shall thereafter be subject to approval or rejection in a like manner every tenth year.

(Sec. 7.51 ch 83 SLA 1960)

Sec. 15.35.040. Filing declaration by supreme court justice affective January 1, 1987. Each justice seeking retention in office shall file with the director a declaration of candidacy for retention no later than August 1 before the general election at which approval or rejection is requisite.

(Sec. 7.52 ch 83 SLA 1960; am sec. 148 ch 100 SLA 1980; am sec. 30 ch 85 SLA 1986)

Sec. 15.35.041. Requirement of filing fee for supreme court candidate. At the time the declaration is filed, each candidate for retention shall pay a filing fee to the director. The filing fee for a candidate for retention on the supreme court is \$100.

(Sec. 23 ch 80 SLA 1963; am sec. 149 ch 100 SLA 1980)

Sec. 15.35.050. Placing name of supreme court justice on ballot. The director shall place the name of a supreme court justice who has properly filed a declaration of candidacy for retention on the judicial ballot in each judicial district of the state for the general election at which approval is sought.

(Sec. 7.53 ch 83 SLA 1960; am sec. 2 ch 18 SLA 1969; am sec. 150 ch 100 SLA 1980)

Sec. 15.35.053. Approval or rejection of a judge of the court of appeals. Each judge of the court of appeals shall be subject to approval or rejection at the first general election held more than three years after his appointment. If approved, he is thereafter subject to approval or rejection in a like manner every eighth year.

(Sec. 151 ch 100 SLA 1980)

Sec. 15.35.055. Filing declaration by judge of the court of appeals. Each judge of the court of appeals seeking retention in office shall file with the director a declaration of candidacy for retention no later than August 1 before the general election at which approval or rejection is requisite.

(Sec. 151 ch 100 SLA 1980; am sec. 31 ch 85 SLA 1986)

Sec. 15.35.057. Requirement of filing fee for court of appeals. At the time the declaration is filed, each candidate for retention shall pay a filing fee to the director. The filing fee for a candidate for retention on the court of appeals is \$100.

(Sec. 151 ch 100 SLA 1980)

Sec. 15.35.059. Placing name of judge of the court of appeals on ballot. The director shall place the name of a judge of the court of appeals who has properly filed a declaration of candidacy for retention on the judicial ballot in each judicial district of the state for the general election at which approval is sought.

(Sec. 151 ch 100 SLA 1980)

Sec. 15.35.060. Approval or rejection of superior court judge. Each superior court judge shall be subject to approval or rejection at the first general election held more than three years after his appointment. If approved, he shall thereafter be subject to approval or rejection in a like manner every sixth year.

(Sec. 7.54 ch 83 SLA 1960)

Sec. 15.35.070. Filing declaration by superior court judge. Each judge seeking retention in office shall file with the director a declaration of candidacy for retention no later than August 1 before the general election at which approval or rejection is requisite.

(Sec. 7.55 ch 83 SLA 1960; am sec. 152 ch 100 SLA 1980; am sec. 32 ch 85 SLA 1986)

Sec. 15.35.071. Requirement of filing fee for superior court candidate. At the time the declaration is filed, each candidate for retention shall pay a filing fee to the director. The filing fee for a candidate for retention on the superior court is \$30.

(Sec. 24 ch 80 SLA 1963; am sec. 153 ch 100 SLA 1980)

Sec. 15.35.080. Determination of judicial district in which to seek approval. The judge shall seek approval in the judicial district to which he was originally appointed, except in case of assignments and transfers with the judge's consent, in which case he shall seek approval in the district where he has served the major portion of his term. The judge shall designate on his declaration of candidacy the judicial district to which he was appointed, except in case of assignments and transfers in which case he shall designate the district where he has served the major portion of his term.

(Sec. 7.56 ch 83 SLA 1960)

Sec. 15.35.090. Placing name of superior court judge on ballot. The director shall place the name of a superior court judge who has properly filed a declaration of candidacy for retention on the judicial ballot in the judicial district designated in his declaration of candidacy for the general election at which approval is sought.

(Sec. 7.57 ch 83 SLA 1960; am sec. 3 ch 18 SLA 1969; am sec. 154 ch 100 SLA 1980)

Sec. 15.35.100. Approval or rejection of district judge.
(a) Each district judge shall be subject to approval or rejection at the first general election held more than one year after his appointment under the provisions of AS 22.15.170. If approved, he shall thereafter be subject to approval or rejection in a like manner every fourth year.
(b) The district judge shall seek approval in the judicial

district in which he was originally appointed, or in the district where he has served the major portion of his term. The district judge shall designate on his declaration of candidacy the judicial district in which he was appointed, or the district where he has served the major portion of his term.

(Sec. 1 ch 138 SLA 1966; am sec. 1 ch 164 SLA 1968)

Sec. 15.35.110. Filing declaration by district judge. Each district judge seeking retention in office shall file with the director a declaration of candidacy for retention no later than August 1 before the general election at which approval or rejection is requisite.

(Sec. 1 ch 138 SLA 1966; am sec. 155 ch 100 SLA 1980; am sec. 33 ch 85 SLA 1986)

Sec. 15.35.120. Requirement of filing fee for district court candidate. At the time the declaration is filed, each candidate for retention on the district court shall pay a filing fee of \$30 to the director.

(Sec. 1 ch 138 SLA 1966; am sec. 156 ch 100 SLA 1980)

Sec. 15.35.130. Placing name of district judge on ballot. The director shall place the name of a district judge who has properly filed a declaration of candidacy for retention on the judicial ballot in the judicial district designated in his declaration of candidacy for the general election at which approval is sought.

(Sec. 1 ch 138 SLA 1966; am sec. 4 ch 18 SLA 1969; am sec. 157 ch 100 SLA 1980)

Sec. 15.35.140 - 15.35.170. Judges of the court of appeals: Requirements for retention in office. Repealed by sec. 231 ch 100 SLA 1980.

Chapter 40. Special Elections and Appointments.

Article 1. United States Senate.

Sec. 15.40.010. Conditions and time of filling vacancy by appointment. When a vacancy occurs in the office of United States senator, the governor, within 30 days, shall appoint a qualified person to fill the vacancy. However, if the remainder of the term of the predecessor in office will expire or if the vacancy will be filled by a special election before the senate will next meet, convene, or reconvene, the governor shall not fill the vacancy.

(Sec. 8.01 ch 83 SLA 1960)

Sec. 15.40.020. Qualification of appointee. Repealed by sec. 1 ch 139 SLA 1967.

Sec. 15.40.030. Conditions for full, unexpired term appointment. If the vacancy is for an unexpired term of two years plus five full calendar months or less, the appointment shall be for the remainder of the unexpired term.

(Sec. 8.03 ch 83 SLA 1960)

Sec. 15.40.040. Conditions for part-term appointment and special election. If the vacancy is for an unexpired term of more than two years plus five full calendar months, the governor shall call a special election by proclamation and the appointment shall expire on the date the United States senate first meets, convenes, or reconvenes, following the certification of the results of the special election by the director.

(Sec. 8.04 ch 83 SLA 1960; am sec. 158 ch 100 SLA 1980)

Sec. 15.40.050. Date of special election. The special election to fill the vacancy shall be held on the date of the first general election which is held more than three full calendar months after the vacancy occurs.

(Sec. 8.05 ch 83 SLA 1960)

Sec. 15.40.060. Proclamation of special election. The governor shall issue the proclamation calling the special election at least 80 days before the election.

(Sec. 8.06 ch 83 SLA 1960)

Sec. 15.40.070. Term of elected senator. At the special election, a United States senator shall be elected to fill the remainder of the unexpired term. The person elected shall take office on the date the United States senate first meets, convenes, or reconvenes following the certification of the results of the special election by the director.

(Sec. 8.07 ch 83 SLA 1960; am sec. 159 ch 100 SLA 1980)

Sec. 15.40.080. Selection of nominees in manner provided for general election. If the vacancy in the office of the United States senator occurs one calendar month or more before the filing date for the primary election, candidates for the special election shall be nominated in the manner provided for the nomination of candidates for general elections.

(Sec. 8.08 ch 83 SLA 1960; am sec. 28 ch 69 SLA 1970)

Sec. 15.40.090. Designation of nominees by petition. If the vacancy occurs less than one calendar month before the filing date for the primary election and more than three calendar months before the next general election, candidates shall be nominated by petition transmitted by actual delivery to the director before September 2 immediately preceding the special election.

(Sec. 8.09 ch 83 SLA 1960; am sec. 29 ch 69 SLA 1970; am sec. 160 ch 100 SLA 1980)

Sec. 15.40.100. Requirements of petition for no-party candidates. Petitions for the nomination of candidates not representing a political party shall be signed by qualified voters of the state equal in number to at least one percent of the number of voters who cast ballots in the preceding general election, and shall state in substance that which is required in petitions for nomination for general elections provided in AS 15.25.180.

(Sec. 8.10 ch 83 SLA 1960; am sec. 161 ch 100 SLA 1980; am sec. 34 ch 85 SLA 1986)

Sec. 15.40.110. Requirements of petition by political party. Petitions for the nomination of candidates of political parties shall state in substance that the political party desires and intends to support the named candidate for the office of United States senator at the special election and requests that the name of the candidate be placed on the ballot.

(Sec. 8.11 ch 83 SLA 1960)

Sec. 15.40.120. Selection of political party nominees. The nominees of political parties to be designated by special petition may be selected by the state convention or by any other manner as prescribed by the party bylaws, and the petition shall be signed by the chairman and secretary of the state convention or, if the nominee is designated by the central committee, the petition shall be signed by the chairman of the central committee or in any other manner prescribed by the party bylaws.

(Sec. 8.12 ch 83 SLA 1960)

Sec. 15.40.130. General provision for conduct of special election. Unless specifically provided otherwise, all provisions regarding the conduct of the general election shall govern the conduct of the special election of United States senators, including, but not limited to, provisions concerning voter qualifications; provisions regarding the duties, powers, rights and obligations of the director, of other election officials, and of cities and organized boroughs; provision for notification of the election; provision for payment of election expenses; provisions regarding employees being allowed time from work to vote; provisions for the counting, reviewing, and certification of returns; provisions for the determination of the votes and of recounts, contests, and appeal; and provision for absentee voting.

(Sec. 8.13 ch 83 SLA 1960; am sec. 162 ch 100 SLA 1980; am sec. 38 ch 59 SLA 1982)

Article 2. United States House of Representatives.

Sec. 15.40.140. Condition and time of calling special election. When a vacancy occurs in the office of United States representative, the governor shall, by proclamation, call a special election to be held on a date not less than 60, nor more than 90, days after the date the vacancy occurs. However, if the vacancy occurs on a date that is less than 60 days before or is on or after the date of the primary election in general election years, the governor shall not call a special election.

(Sec. 8.21 ch 83 SLA 1960; am sec. 30 ch 69 SLA 1970)

Sec. 15.40.150. Condition for holding special election with primary. If the vacancy occurs on a date not less than 60, nor more than 90, days before the date of the primary election, the governor shall, by proclamation, call the special election to be held on the date of the primary election.

(Sec. 8.22 ch 83 SLA 1960; am sec. 31 ch 69 SLA 1970)

Sec. 15.40.160. Proclamation. The governor shall issue the proclamation at least 50 days before the election.

(Sec. 8.23 ch 83 SLA 1960)

Sec. 15.40.170. Term of elected representative. At the special election, a United States representative shall be elected to fill the remainder of the unexpired term. The person elected shall take office on the date the United States house of representatives meets, convenes, or reconvenes following the certification of the results of the special election by the director.

(Sec. 8.24 ch 83 SLA 1960; am sec. 163 ch 100 SLA 1980)

Sec. 15.40.180. Date of nominations. Candidates for the special election shall be nominated by petition transmitted by (1) the actual physical delivery of the petition in person; (2) by mail postmarked not later than midnight of the filing date; or (3) by telegram of a copy in substance of the statements made in the petition to the director before the 21st day after the vacancy occurs.

(Sec. 8.25 ch 83 SLA 1960; am sec. 19 ch 125 SLA 1962; am sec. 164 ch 100 SLA 1980)

Sec. 15.40.190. Requirements of petition for no-party candidates. Petitions for the nomination of candidates not representing a political party shall be signed by qualified voters of the state equal in number to at least one percent of the number of voters who cast ballots in the preceding general election and shall state in substance that which is required for nomination petitions by AS 15.25.180.

(Sec. 8.26 ch 83 SLA 1960; am sec. 165 ch 100 SLA 1980; am sec. 35 ch 85 SLA 1986)

Sec. 15.40.200. Requirements of party petition. Petitions for the nomination of candidates of political parties shall state in substance that the party desires and intends to support the named candidate for the office of United States representative at the special election and requests that the name of the candidate nominated be placed on the ballot.

(Sec. 8.27 ch 83 SLA 1960)

Sec. 15.40.210. Selection of party nominees.

The nominees of political parties may be selected by the state convention or in any other manner prescribed by the party bylaws, and the petition shall be signed by the chairman and secretary of the state convention, or if the nominees are selected by the party central committee, the petition shall be signed by the chairman of the central committee or in any other manner prescribed by the party bylaws.

(Sec. 8.28 ch 83 SLA 1960)

Sec. 15.40.220. General provisions for conduct of special election. Unless specifically provided otherwise, all provisions regarding the conduct of the general election shall govern the conduct of the special election of the United States representative, including, but not limited to provisions specifically referred to in AS 15.40.130.

(Sec. 8.29 ch 83 SLA 1960)

Article 3. Governor and Lieutenant Governor.

Sec. 15.40.230. Condition and time of calling special election. When a person appointed to succeed to the office of lieutenant governor succeeds to the office of acting governor, the acting governor shall, by proclamation, call a special election to be held on a date not less than 60, nor more than 90, days after the date the vacancy in the office of the governor occurred. However, if the vacancy occurs on a date that is less than 60 days before or is on or after the date of the primary election in years in which a governor is regularly elected, the acting governor shall serve the remainder of the unexpired term and shall not call a special election.

(Sec. 8.31 ch 83 SLA 1960; am sec. 32 ch 69 SLA 1970)

Sec. 15.40.240. Conditions for holding special election with primary or general election. If the vacancy occurs on a date not less than 60, nor more than 90, days before the date of the primary election in years in which a governor is regularly elected or if the vacancy occurs on a date not less than 60, nor more than 90, days before the date of the primary election or general election in election years in which a governor is not regularly elected, the acting governor shall, by proclamation, call the special election to be held on the date of the primary election or general election.

(Sec. 8.32 ch 83 SLA 1960; am sec. 33 ch 69 SLA 1970)

Sec. 15.40.250. Proclamation of special election. The acting governor shall issue the proclamation at least 50 days before the election.

(Sec. 8.33 ch 83 SLA 1960)

Sec. 15.40.260. Term of elected governor and lieutenant governor. At the special election, a governor and a lieutenant governor shall be elected to fill the remainder of the unexpired terms and shall take office on the date the results of the special election are certified.

(Sec. 8.34 ch 83 SLA 1960)

Sec. 15.40.270. Date of nominations. Candidates for the special election shall be nominated by petition transmitted by (1) actual physical delivery of the petition in person; (2) by mail postmarked not later than midnight of the filing date; or (3) by telegram of a copy in substance of the statements made in the petition to the director before the 21st day after the vacancy occurs.

(Sec. 8.35 ch 83 SLA 1960; am sec. 20 ch 125 SLA 1962; am sec. 166 ch 100 SLA 1980)

Sec. 15.40.280. Requirements of petition for no-party candidates. Petitions for the nomination of candidates not representing a political party shall be signed by qualified voters of the state equal in number to at least one percent of the number of voters who cast ballots in the preceding general election, shall include nominees for the office of governor and lieutenant governor, and shall state in substance that which is required for nomination petitions by AS 15.25.180.

(Sec. 8.36 ch 83 SLA 1960; am sec. 167 ch 100 SLA 1980; am sec. 36 ch 85 SLA 1986)

Sec. 15.40.290. Requirements of party petition. Petitions for the nomination of candidates of political parties shall state in substance that the party desires and intends to support the named candidates for the offices of governor and lieutenant governor at the special election and requests that the names of the two candidates nominated be placed on the ballot.

(Sec. 8.37 ch 83 SLA 1960)

Sec. 15.40.300. Selection of party nominees. The nominees of political parties may be selected by state convention or in any other manner prescribed by the party bylaws, and the petition shall be signed by the chairman and secretary of the state convention, or if the nominees are selected by the party central committee, the petition shall be signed by the chairman of the central committee or in any other manner prescribed by the party bylaws.

(Sec. 8.38 ch 83 SLA 1960)

Sec. 15.40.310. General provisions for conduct of special election. Unless specifically provided otherwise, all provisions regarding the conduct of the general election shall govern the conduct of the special election of the governor and lieutenant governor, including, but not limited to, provisions specifically referred to in AS 15.40.130.

(Sec. 8.39 ch 83 SLA 1960)

Article 4. Legislature.

Sec. 15.40.320. Condition and time for filling vacancy by appointment. When a vacancy occurs in the state legislature, the governor, within 30 days, shall appoint a qualified person to fill the vacancy. However, if the remainder of the term of the predecessor in office will expire or if a vacancy in the state senate will be filled by a special election before the legislature will next meet, convene or reconvene, the governor shall not fill the vacancy.

(Sec. 8.51 ch 83 SLA 1960)

Sec. 15.40.330. Qualification and confirmation of appointee. (a) The appointee shall meet the qualifications of a member of the legislature as prescribed in sec. 2, art. II of the state constitution, shall be a member of the same political party as that which nominated the predecessor in office, and shall be subject to confirmation by a majority of the members of the legislature who are members of the same political party which nominated the predecessor in office and of the same house as was the predecessor in office. If the predecessor in office was not nominated by a political party or if no other member of his political party is a member of his house of the legislature, the governor may appoint any qualified person. If the appointee is not a member of a political party, the appointment is not subject to confirmation. If the appointee is a member of a political party, the appointment is subject to confirmation as provided by this section for the confirmation of political party appointees. (b) A member of a political party is a person who supports the political program of a party. The filing for office of a candidate as an independent or no-party candidate does not preclude a candidate from being a member of a political party. Recognition of an independent or no-party candidate as a member of a party caucus of members of the legislature at the legislative session following his election is recognition of his party membership at the time filings were made by party candidates for the preceding general election.

(Sec. 8.52 ch 83 SLA 1960; am sec. 168 ch 100 SLA 1980)

Sec. 15.40.340. Date of office of appointee. If the appointment is not subject to confirmation, the term of the appointee shall begin on the first day the appointee is present when the legislature meets, convenes, or reconvenes after the date of the appointment. If the appointment is

subject to confirmation, the term of the appointee shall begin on the date the appointment is confirmed.

(Sec. 8.53 ch 83 SLA 1960)

Sec. 15.40.350. Procedure upon rejection. If an appointment is rejected, the governor, within 10 days, shall appoint another qualified person as provided in AS 15.40.330, who shall also be subject to confirmation, as provided in that section.

(Sec. 8.54 ch 83 SLA 1960)

Sec. 15.40.360. Term of appointed representative. If the vacancy is in the state house of representatives, the appointment shall be for the remainder of the unexpired term.

(Sec. 8.55 ch 83 SLA 1960)

Sec. 15.40.370. Conditions for full, unexpired term senate appointment. If the vacancy is for an unexpired senate term of two years plus five full calendar months or less, the appointment shall be for the remainder of the unexpired term.

(Sec. 8.56 ch 83 SLA 1960)

Sec. 15.40.380. Conditions for part-term senate appointment and special election. If the vacancy is for an unexpired senate term of more than two years and five full calendar months, the governor shall call a special election by proclamation and the appointment shall expire on the date the state senate first convenes or reconvenes following the certification of the results of the special election by the director.

(Sec. 8.57 ch 83 SLA 1960; am sec. 169 ch 100 SLA 1980)

Sec. 15.40.390. Date of special election. The special election to fill a vacancy in the state senate shall be held on the date of the first general election held more than three full calendar months after the senate vacancy occurs.

(Sec. 8.58 ch 83 SLA 1960)

Sec. 15.40.400. Proclamation of special election. The governor shall issue the proclamation calling the special election at least 50 days before the election.

(Sec. 8.59 ch 83 SLA 1960)

Sec. 15.40.410. Term of elected senator. At the special election a state senator shall be elected to fill the remainder of the unexpired term and shall take office on the date the state senate first convenes or reconvenes following the certification of the results of the special election by the director.

(Sec. 8.60 ch 83 SLA 1960; am sec. 170 ch 100 SLA 1980)

Sec. 15.40.420. Selection of nominees in manner provided for general election. If the vacancy in the office of state senator occurs one calendar month or more before the filing date for the primary election, candidates for the special election shall be nominated in the manner provided for the nomination of candidates for general elections.

(Sec. 8.61 ch 83 SLA 1960; am sec. 34 ch 69 SLA 1970)

Sec. 15.40.430. Designation of nominees by petition. If the vacancy occurs less than one calendar month before the filing date and more than three calendar months before the next general election, candidates shall be nominated by petition transmitted by (1) the actual physical delivery of the petition in person; (2) by mail postmarked not later than midnight of the filing date; or (3) by telegram of a copy in substance of the statements made in the petition to the director before September 2 just before the special election.

(Sec. 8.62 ch 83 SLA 1960; am sec. 21 ch 125 SLA 1962; am sec. 171 ch 100 SLA 1980)

Sec. 15.40.440. Requirements of petition for no-party candidates. Petitions for the nomination of candidates not representing a political party shall be signed by qualified voters equal in number to at least one percent of the number of voters who cast ballots in the proposed nominee's respective election or senate district in the preceding general election. A nominating petition may not contain less than 50 signatures for any district, and shall state in substance that which is required in petitions for nomination for general elections provided in AS 15.25.180.

(Sec. 8.63 ch 83 SLA 1960; am sec. 172 ch 100 SLA 1980; am sec. 37 ch 85 SLA 1986)

Sec. 15.40.450. Requirements of petition by political party. Petitions for the nomination of candidates of political parties shall state in substance that the party desires and intends to support the named candidate for the office of state senator at the special election and requests that the name of the candidate be placed on the ballot.

(Sec. 8.64 ch 83 SLA 1960)

Sec. 15.40.460. Selection of political party nominees. The nominees of political parties may be selected by the respective party district committee or by any other manner as provided by the party bylaws, and the petition shall be signed by the chairman of the party district committee or by any other party official designated by the party bylaws.

(Sec. 8.65 ch 83 SLA 1960)

Sec. 15.40.470. General provision for conduct of special election. Unless specifically provided otherwise, all provisions regarding the conduct of the general election shall govern the conduct of the special election of state

senators, including, but not limited to, the provisions specifically referred to in AS 15.40.130.
(Sec. 8.66 ch 83 SLA 1960)

Chapter 45. Initiative, Referendum and Recall.

Article 1. Initiative.

Sec. 15.45.010. Provision and scope for use of the initiative. The law-making powers assigned to the legislature may be exercised by the people through the initiative. However, no initiative may be proposed to dedicate revenues, to make or repeal appropriations, to create courts, to define the jurisdiction of courts or prescribe their rules, or to enact local or special legislation.

(Sec. 9.01 ch 83 SLA 1960)

Sec. 15.45.020. Filing application.

An initiative is proposed by filing an application with the lieutenant governor. A deposit of \$100 must accompany the application. This deposit will be retained if a petition is not properly filed. If a petition is properly filed, the deposit shall be refunded.

(Sec. 9.02 ch 83 SLA 1960; am sec. 22 ch 125 SLA 1962)

Sec. 15.45.030. Form of application.

The application shall include (1) the proposed bill to be initiated, (2) a statement that the sponsors are qualified voters who signed the application with the proposed bill attached, (3) the designation of an initiative committee of three sponsors who shall represent all sponsors and subscribers in matters relating to the initiative, and (4) the signatures and addresses of not less than 100 qualified voters.

(Sec. 9.03 ch 83 SLA 1960)

Sec. 15.45.040. Form of proposed bill.

The proposed bill shall be in the following form: (1) the bill shall be confined to one subject, (2) the subject of the bill shall be expressed in the title, (3) the enacting clause of the bill shall be: "Be it enacted by the People of the State of Alaska," (4) the bill may not include subjects restricted by AS 15.45.010.

(Sec. 9.04 ch 83 SLA 1960)

Sec. 15.45.050. Manner of notice. Notice to the initiative committee on any matter pertaining to the application and petition may be served on any member of the committee in person or by mail addressed to a committee member as indicated on the application.

(Sec. 9.05 ch 83 SLA 1960)

Sec. 15.45.060. Designation of sponsors. The qualified voters who subscribe to the application are designated as sponsors. The initiative committee may designate additional sponsors by giving written notice to the lieutenant governor of the names and addresses of those so designated.
(Sec. 9.06 ch 83 SLA 1960)

Sec. 15.45.070. Review of application for certification. The lieutenant governor shall review the application and shall either certify it or notify the initiative committee of the grounds for denial.

(Sec. 9.07 ch 83 SLA 1960)

Sec. 15.45.080. Bases of denial of certification. The lieutenant governor shall deny certification if he determines, in writing, that (1) the proposed bill to be initiated is not in the required form, (2) the application is not substantially in the required form, or (3) there is an insufficient number of qualified sponsors.
(Sec. 9.08 ch 83 SLA 1960)

Sec. 15.45.090. Preparation of petition. If the application is certified, the lieutenant governor shall prescribe the form of and prepare petitions containing (1) a copy of the proposed bill, if the number of words included in both the formal and substantive provisions of the bill is 500 or less, (2) an impartial summary of the subject matter of the bill, (3) the warning prescribed in AS 15.45.100, (4) sufficient space for signature and address, and (5) other specifications prescribed by the lieutenant governor to assure proper handling and control. Petitions, for purposes of circulation, shall be prepared by the lieutenant governor in a number reasonably calculated to allow full circulation throughout the state. The lieutenant governor shall number each petition and shall keep a record of the petition delivered to each sponsor. Upon request of the committee, the lieutenant governor shall report the number of persons who voted in the preceding general election.
(Sec. 9.09 ch 83 SLA 1960)

Sec. 15.45.100. Statement of warning. Each petition shall include a statement of warning that a person who signs a name other than his own on the petition, or who knowingly signs his name more than once for the same proposition at one election, or who signs the petition knowing he is not a qualified voter, is guilty of a class B misdemeanor.

(Sec. 9.10 ch 83 SLA 1960; am sec. 173 ch 100 SLA 1980)

Sec. 15.45.110. Circulation by sponsor. The petitions may be circulated throughout the state only by a sponsor and only in person.

(Sec. 9.11 ch 83 SLA 1960)

Sec. 15.45.120. Manner of signing and withdrawing name from petition. Any qualified voter may subscribe to the petition

by signing his name and address. A person who has signed the initiative petition may withdraw his name only by giving written notice to the lieutenant governor before the date the petition is filed.

(Sec. 9.12 ch 83 SLA 1960)

Sec. 15.45.130. Certification of sponsor. Before being filed, each petition shall be certified by an affidavit by the sponsor who personally circulated the petition. The affidavit shall state in substance that (1) the person signing the affidavit is a sponsor, (2) the person is the only circulator of that petition, (3) the signatures were made in his actual presence, and (4) to the best of his knowledge, the signatures are those of the persons whose names they purport to be. In determining the sufficiency of the petition, the lieutenant governor shall not count subscriptions on petitions not properly certified.

(Sec. 9.13 ch 83 SLA 1960)

Sec. 15.45.140. Filing of petition. The sponsors must file the initiative petition within one year from the time the sponsors received notice from the lieutenant governor that the petitions were ready for delivery to them, and the petition must be signed by qualified voters equal in number to 10 per cent of those who voted in the preceding general election and resident in at least two-thirds of the election districts of the state. If the petition is not filed within the one year period provided for in this section, the petition has no force or effect.

(Sec. 9.14 ch 83 SLA 1960; am sec. 1 ch 128 SLA 1971)

Sec. 15.45.150. Review of petition. Within not more than 60 days of the date the petition was filed, the lieutenant governor shall review the petition and shall notify the initiative committee whether the petition was properly or improperly filed, and at which election the proposition shall be placed on the ballot.

(Sec. 9.15 ch 83 SLA 1960)

Sec. 15.45.160. Bases for determining the petition was improperly filed. The lieutenant governor shall notify the committee that the petition was improperly filed if he determines (1) that there is an insufficient number of qualified subscribers, or (2) that the subscribers were not resident in at least two-thirds of the election districts of the state.

(Sec. 9.16 ch 83 SLA 1960)

Sec. 15.45.170. Submission of supplementary petition. Upon receipt of notice that the filing of the petition was improper, the initiative committee may amend and correct the petition by circulating and filing a supplementary petition within 30 days of the date that notice was given.

(Sec. 9.17 ch 83 SLA 1960)

Sec. 15.45.180. Preparation of ballot title and proposition. If the petition is properly filed, the lieutenant governor, with the assistance of the attorney general, shall prepare a ballot title and proposition. The ballot title shall, in not more than six words, indicate the general subject of the proposition. The proposition shall, in not more than 100 words, give a true and impartial summary of the proposed law.

(Sec. 9.18 ch 83 SLA 1960)

Sec. 15.45.190. Placing proposition on ballot. The lieutenant governor shall direct the director to place the ballot title and proposition on the election ballot of the first statewide general, special, or primary election that is held after (1) the petition and any supplementary petition have been filed, (2) a legislative session has convened and adjourned, and (3) a period of 120 days has expired since the adjournment of the legislative session.

(Sec. 9.19 ch 83 SLA 1960; am sec. 35 ch 69 SLA 1970; am sec. 174 ch 100 SLA 1980)

Sec. 15.45.200. Display of proposed law. The director shall provide each election board with 10 copies of the proposed law being initiated, and the election board shall display three copies of the proposed law in a conspicuous place in the room where the election is held.

(Sec. 9.20 ch 83 SLA 1960; am sec. 175 ch 100 SLA 1980)

Sec. 15.45.210. Determination of void petition. If the lieutenant governor, with the formal concurrence of the attorney general, determines that an act of the legislature that is substantially the same as the proposed law was enacted after the petition had been filed, and before the date of the election, the petition is void and the lieutenant governor shall so notify the committee.

(Sec. 9.21 ch 83 SLA 1960)

Sec. 15.45.220. Adoption and effective date of proposed law. If a majority of the votes cast on the initiative proposition favor its adoption, the proposed law is enacted, and the lieutenant governor shall so certify. The act becomes effective 90 days after certification.
(Sec. 9.22 ch 83 SLA 1960)

Sec. 15.45.230. Insufficiency of application or petition. No initiative submitted to the voters shall be held void because of the insufficiency of the application or petitions by which the submission was procured.

(Sec. 9.23 ch 83 SLA 1960)

Sec. 15.45.240. Judicial review. Any person aggrieved by a determination made by the lieutenant governor under AS 15.45.010 - 15.45.230 may bring an action in the superior court to have the determination reviewed within 30 days of the date on which notice of the determination was given.

(Sec. 9.24 ch 83 SLA 1960; am sec. 176 ch 100 SLA 1980)

Sec. 15.45.245. Delegation by lieutenant governor. The lieutenant governor may delegate the duties imposed on him by AS 15.45.010 - 15.45.240 to the director.

(Sec. 177 ch 100 SLA 1980)

Article 2. Referendum.

Sec. 15.45.250. Provision and scope of use of referendum. The people may approve or reject acts of the legislature by referendum. However, no referendum may be applied to dedication of revenues, to appropriation, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health, or safety.

(Sec. 9.31 ch 83 SLA 1960)

Sec. 15.45.260. Filing application. A referendum is proposed by filing an application with the lieutenant governor. A deposit of \$100 must accompany the application. This deposit will be retained if a petition is not properly filed. If a petition is properly filed, the deposit shall be refunded.

(Sec. 9.32 ch 83 SLA 1960; am sec. 23 ch 125 SLA 1962)

Sec. 15.45.270. Form of application. The application shall include (1) the act to be referred, (2) a statement that the sponsors are qualified voters who signed the application with the proposed bill attached, (3) the designation of a referendum committee of three sponsors who shall represent all sponsors and subscribers in matters relating to the referendum, and (4) the signatures and addresses of not less than 100 qualified voters.

(Sec. 9.33 ch 83 SLA 1960)

Sec. 15.45.280. Manner of notice. Notice to the referendum committee on any matter pertaining to the application and petition may be served on any member of the committee in person or by mail addressed to a committee member as indicated on the application.

(Sec. 9.34 ch 83 SLA 1960)

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

(Sec. 9.35 ch 83 SLA 1960)

Sec. 15.45.300. Time of review of application for certification. Within seven calendar days after the date the application is received, the lieutenant governor shall review the application and shall either certify it or notify the referendum committee of the grounds for denial.

(Sec. 9.36 ch 83 SLA 1960; am sec. 178 ch 100 SLA 1980)

Sec. 15.45.310. Bases of denial of certification. The lieutenant governor shall deny certification if he determines (1) that the application is not substantially in the required form, or (2) that there is an insufficient number of qualified sponsors, or (3) that more than 90 days have expired since the adjournment of the legislative session at which the act being referred was passed.

(Sec. 9.37 ch 83 SLA 1960)

Sec. 15.45.320. Preparation of petition. If the application is certified, the lieutenant governor shall, within seven calendar days after the date of certification, prescribe the form of, and prepare, a petition containing (1) a copy of the act to be referred, if the number of words included in both the formal and substantive provisions of the bill is 500 or less, (2) an impartial summary of the subject matter of the act, (3) the warning prescribed in AS 15.45.330, (4) sufficient space for signatures and addresses, and (5) other specifications prescribed by the lieutenant governor to assure proper handling and control. Petitions, for purposes of circulation, shall be prepared by the lieutenant governor in a number reasonably calculated to allow full circulation throughout the state. The lieutenant governor shall number each petition and shall keep a record of the petitions delivered to each sponsor. Upon request of the referendum committee, the lieutenant governor shall specify the number of persons who voted in the preceding general election.

(Sec. 9.38 ch 83 SLA 1960)

Sec. 15.45.330. Statement of warning. Each petition shall include a statement of warning that a person who signs a name other than his own to the petition, or knowingly signs his name more than once for the same proposition at one election, or who signs the petition knowing he is not a qualified voter is guilty of a class B misdemeanor.

(Sec. 9.39 ch 83 SLA 1960; am sec. 179 ch 100 SLA 1980) **Sec. 15.45.340. Circulation by sponsor.** The petitions may be circulated throughout the state only by a sponsor and only in person.

(Sec. 9.40 ch 83 SLA 1960)

Sec. 15.45.350. Manner of signing and withdrawing name from petition. Any qualified voter may subscribe to the petition by signing his name and address. A person who has signed the referendum petition may withdraw his name only by giving written notice to the lieutenant governor before the date the petition is filed.

(Sec. 9.41 ch 83 SLA 1960)

Sec. 15.45.360. Certification of sponsor. Before being filed, each petition shall be certified by an affidavit by the sponsor who circulated the petition. The affidavit shall state in substance that (1) the person signing the affidavit is a sponsor, (2) the person is the only circulator of the petition, (3) the signatures were made in his actual presence, and (4) to the best of his knowledge, the signatures are the signatures of persons whose names they purport to be. In determining the sufficiency of the petition, the lieutenant governor shall not count subscriptions on petitions not properly certified.

(Sec. 9.42 ch 83 SLA 1960)

Sec. 15.45.370. Filing of petition. The sponsors may file the petition only within 90 days after the adjournment of the legislative session at which the act was passed and only if signed by qualified voters equal in number to 10 per cent of those who voted in the preceding general election and resident in at least two-thirds of the election districts of the state.

(Sec. 9.43 ch 83 SLA 1960)

Sec. 15.45.380. Review of petition. Within not more than 60 days of the date the petition was filed, the lieutenant governor shall review the petition and shall notify the committee whether the petition was properly or was improperly filed and at which election the proposition shall be placed on the ballot.

(Sec. 9.44 ch 83 SLA 1960)

Sec. 15.45.390. Bases for determining the petition was improperly filed. The lieutenant governor shall notify the committee that the petition was improperly filed if he determines that (1) there is an insufficient number of qualified subscribers, or (2) the subscribers were not resident in at least two-thirds of the election districts of the state, or (3) the petition was not filed within 90 days after the adjournment of the legislative session at which the act was passed.

(Sec. 9.45 ch 83 SLA 1960)

Sec. 15.45.400. Submission of supplementary petition. Upon receipt of notice that the filing of the petition was improper, the committee may amend and correct the petition by circulating and filing a supplementary petition within 10 days of the date that notice was given if 90 days have not expired after the adjournment of the legislative session at which the act was passed.

(Sec. 9.46 ch 83 SLA 1960)

Sec. 15.45.410. Preparation of ballot title and proposition. The lieutenant governor, with the assistance

of the attorney general, shall prepare a ballot title and proposition if he determines that the petition is properly filed. The ballot title shall, in not more than six words, indicate the general subject area of the act. The proposition shall, in not more than 100 words, give a true and impartial summary of the act being referred.

(Sec. 9.47 ch 83 SLA 1960)

Sec. 15.45.420. Placing proposition on ballot. The lieutenant governor shall direct the director to place the ballot title and proposition on the election ballot for the first statewide general, special, or primary election held more than 180 days after adjournment of the legislative session at which the act was passed.

(Sec. 9.48 ch 83 SLA 1960; am sec. 36 ch 69 SLA 1970; am sec. 180 ch 100 SLA 1980)

Sec. 15.45.430. Display of act being referred. The director shall provide each election board with 10 copies of the act being referred, and the election board shall display three copies of the act in a conspicuous place in the room where the election is held

(Sec. 9.49 ch 83 SLA 1960; am sec. 181 ch 100 SLA 1980)

Sec. 15.45.440. Rejection of act. If a majority of the votes cast on the referendum proposition favor the rejection of the act referred, the act is rejected, and the lieutenant governor shall so certify. The act rejected by referendum is void 30 days after certification.

(Sec. 9.50 ch 83 SLA 1960)

Sec. 15.45.450. Insufficiency of application or petition. No referendum submitted to the voters shall be held void because of the insufficiency of the application or petition by which the submission was procured.

(Sec. 9.51 ch 83 SLA 1960)

Sec. 15.45.460. Judicial review. Any person aggrieved by any determination made by the lieutenant governor under AS 15.45.250 - 15.45.450 may bring an action in the superior court to have the determination reviewed within 30 days of the date on which notice of the determination was given.

(Sec. 9.52 ch 83 SLA 1960; am sec. 182 ch 100 SLA 1980)

Sec. 15.45.465. Delegation by lieutenant governor. The lieutenant governor may delegate the duties imposed upon him by AS 15.45.250 - 15.45.460 to the director.

(Sec. 183 ch 100 SLA 1980)

Article 3. Recall.

Sec. 15.45.470. Provision and scope for use of recall. The governor, the lieutenant governor, and members of the state legislature are subject to recall by the voters of the state or the political subdivision from which elected.

(Sec. 9.71 ch 83 SLA 1960)

Sec. 15.45.480. Filing application. The recall of the governor, lieutenant governor, or a member of the state legislature is proposed by filing an application with the director. A deposit of \$100 must accompany the application. This deposit will be retained if a petition is not properly filed. If a petition is properly filed the deposit shall be refunded.

(Sec. 9.72 ch 83 SLA 1960; am sec. 24 ch 125 SLA 1962; am sec. 184 ch 100 SLA 1980)

Sec. 15.45.490. Time of filing application. No application may be filed during the first 120 days of the term of office of any state public official subject to recall.

(Sec. 9.73 ch 83 SLA 1960)

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

(Sec. 9.74 ch 83 SLA 1960; am sec. 185 ch 100 SLA 1980)

Sec. 15.45.510. Grounds for recall. The grounds for recall are (1) lack of fitness, (2) incompetence, (3) neglect of duties, or (4) corruption.

(Sec. 9.75 ch 83 SLA 1960)

Sec. 15.45.520. Manner of notice. Notice on all matters pertaining to the application and petition may be served on any member of the recall committee in person or by mail addressed to a committee member as indicated on the application.

(Sec. 9.76 ch 83 SLA 1960)

Sec. 15.45.530. Notice of the number of voters. The director, upon request, shall notify the recall committee of the official number of persons who voted in the preceding