

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672  
11061 HOUSE STATE AFFAIRS

1 under AS 15.45.335; [OF AS 15.05.010,] (2) the person is the only circulator of the  
 2 petition; [,] (3) the signatures were made in the circulator's actual presence; [, AND]  
 3 (4) to the best of the circulator's knowledge, the signatures are the signatures of  
 4 persons whose names they purport to be; (5) the signatures are of persons who were  
 5 qualified voters on the date of signature; (6) the circulator has not entered into an  
 6 agreement with a person or organization in violation of AS 15.45.340(b); (7) the  
 7 circulator has not violated AS 15.45.340(c) with respect to that petition; and (8)  
 8 before circulation of the petition, the circulator prominently placed, in the space  
 9 provided under AS 15.45.320(6), if the circulator has received payment or agreed  
 10 to receive payment for the collection of signatures on the petition, the name of  
 11 each person or organization that has paid or agreed to pay the circulator for  
 12 collection of signatures on the petition. In determining the sufficiency of the  
 13 petition, the lieutenant governor may not count subscriptions on petitions not properly  
 14 certified.

15 \* Sec. 32. AS 15.45.430 is amended to read:

16 **Sec. 15.45.430. Display of act being referred.** The director shall provide  
 17 each election board with five [10] copies of the act being referred, and the election  
 18 board shall display one copy [THREE COPIES] of the act in a conspicuous place in  
 19 the room where the election is held.

20 \* Sec. 33. AS 15.45.500 is amended to read:

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

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

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

25 (3) the printed name, signature, address, and date of birth of  
 26 qualified voters equal in number to 10 percent of those who voted in the  
 27 preceding general election in the state or in the senate or house district of the  
 28 official sought to be recalled; each signature page must include a statement that the  
 29 [SPONSORS ARE] qualified voters [WHO]

30 (A) will serve as sponsors; and

31 (B) signed the application with

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

and

(ii) the statement of grounds for recall attached; and

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

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

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

\* Sec. 34. AS 15.45 is amended by adding a new section to read:

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

\* Sec. 35. AS 15.45.560 is amended to read:

**Sec. 15.45.560. Preparation of petition.** If [UPON CERTIFYING] the application is certified, the director shall prescribe the form of, and prepare, a petition containing (1) the name and office of the person to be recalled; [,] (2) the statement of the grounds for recall included in the application; [,] (3) the statement of warning required in AS 15.45.570; [,] (4) sufficient space for the printed name, date of birth, signatures, and addresses; [, AND] (5) sufficient space at the bottom of each page for the information required by AS 15.45.600(8); and (6) other specifications prescribed by the director to ensure [ASSURE] proper handling and control. Petitions, for purposes of circulation, shall be prepared by the director in a number reasonably calculated to allow full circulation throughout the state or throughout the

1 senate or house district of the official sought to be recalled and shall be sequentially  
2 numbered. Upon request of the recall committee, the lieutenant governor shall  
3 report to the recall committee the number of persons who voted in the preceding  
4 general election in the state or in the district of the official sought to be recalled.

5 [THE DIRECTOR SHALL NUMBER EACH PETITION AND SHALL KEEP A  
6 RECORD OF THE PETITIONS DELIVERED TO EACH SPONSOR.]

7 \* Sec. 36. AS 15.45 is amended by adding a new section to read:

8 Sec. 15.45.575. **Qualifications of circulator.** To circulate a petition booklet,  
9 a person shall be

10 (1) a citizen of the United States;

11 (2) 18 years of age or older; and

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

13 \* Sec. 37. AS 15.45.580 is amended by adding new subsections to read:

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

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

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

23 (e) In this section,

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

25 (2) "other valuable thing" has the meaning given in AS 15.56.020;

26 (3) "person" has the meaning given in AS 11.81.900.

27 \* Sec. 38. AS 15.45.590 is amended to read:

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

29 Any qualified voter may subscribe to the petition by printing the voter's name, date  
30 of birth, and address, and by signing the voter's name [AND ADDRESS]. A person  
31 who has signed the petition may withdraw the person's name only by giving written

1 notice to the director before the date the petition is filed.

2 \* Sec. 39. AS 15.45.600 is amended to read:

3 **Sec. 15.45.600. Certification of circulator.** Before being filed, each petition  
4 shall be certified by an affidavit by the person who personally circulated the petition.  
5 The affidavit must [SHALL] state in substance that (1) the person signing the affidavit  
6 meets the residency, age, and citizenship qualifications of AS 15.45.575;  
7 [AS 15.05.010,] (2) the person is the only circulator of that petition or copy; [,] (3) the  
8 signatures were made in the circulator's actual presence; [, AND] (4) to the best of the  
9 circulator's knowledge, the signatures are those of the persons whose names they  
10 purport to be; (5) the signatures are of persons who were qualified voters on the  
11 date of signature; (6) the circulator has not entered into an agreement with a  
12 person or organization in violation of AS 15.45.580(b); (7) the circulator has not  
13 violated AS 15.45.580(c) with respect to that petition; and (8) before circulation  
14 of the petition, the circulator prominently placed, in the space provided under  
15 AS 15.45.560(5), if the circulator has received payment or agreed to receive  
16 payment for the collection of signatures on the petition, the name of each person  
17 or organization that has paid or agreed to pay the circulator for collection of  
18 signatures on the petition. In determining the sufficiency of the petition, the director  
19 may not count subscriptions on petitions not properly certified.

20 \* Sec. 40. AS 15.45.680 is amended to read:

21 **Sec. 15.45.680. Display of grounds [BASES] for and against recall.** The  
22 director shall provide each election board in the state or in the senate or house district  
23 of the person subject to recall with five [10] copies of the statement of the grounds for  
24 recall included in the application and five [10] copies of the statement of not more  
25 than 200 words made by the official subject to recall in justification of the official's  
26 conduct in office. The person subject to recall may provide the director with the  
27 statement within 10 days after the date the director gave notification that the petition  
28 was properly filed. The election board shall post one copy [THREE COPIES] of the  
29 statements for and against recall in a [THREE] conspicuous place [PLACES] in the  
30 polling place.

31 \* Sec. 41. AS 15.60 is amended by adding a new section to read:

1                   **Sec. 15.60.003. Voters unaffiliated with political parties.** The director shall  
2 consider a voter to be a voter registered as

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

5                   (2) "undeclared" if the voter

6                   (A) registers as undeclared on a voter registration form;

7                   (B) fails to declare an affiliation with a political group or  
8 political party on a voter registration form; or

9                   (C) declares an affiliation with an entity other than a political  
10 party or political group on a voter registration form; or

11                   (3) "other" if the voter declares on a voter registration form an  
12 affiliation with a political group.

13 \* **Sec. 42.** AS 15.60 is amended by adding a new section to read:

14                   **Sec. 15.60.008. Recognized political party status.** (a) A political group that  
15 the director has not recognized as a political party may obtain recognized political  
16 party status if, on or before May 31 of the first election year for which the political  
17 group seeks recognition, the political group

18                   (1) files an application with the director;

19                   (2) submits bylaws to the director and the United States Department of  
20 Justice as required of political parties in AS 15.25.014; and

21                   (3) either

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

25                   (B) has registered voters in the state equal in number to at least  
26 three percent of the total votes cast for governor at the preceding general  
27 election at which a governor was elected.

28                   (b) The director shall verify that each political group seeking recognized  
29 political party status under (a) of this section and each recognized political party

30                   (1) nominated a candidate for statewide office who received at least  
31 three percent of the total votes cast for that statewide office at the preceding general

1 election; or

2 (2) has registered voters in the state equal in number to at least three  
3 percent of the total votes cast for governor at the preceding general election at which  
4 the governor was elected.

5 (c) The director shall perform a verification described in (b) of this section at  
6 least once a month after the date of certification of the preceding general election. For  
7 purposes of (b)(2) of this section, the director shall verify that the voters who have  
8 submitted registration to the division of elections are qualified under AS 15.05.010  
9 and have declared affiliation with the political group or recognized political party for  
10 which the verification is performed.

11 (d) Except as provided in (e) of this section, within 10 days after a verification  
12 under (c) of this section, the director shall provide to

13 (1) a political group seeking recognized political party status under (a)  
14 of this section written notification when the political group has obtained recognized  
15 political party status; and

16 (2) a recognized political party that no longer qualifies under (b) of this  
17 section for recognized political party status written notification that recognized  
18 political party status has been withdrawn, and an application to obtain recognized  
19 political party status under (a) of this section; if the application is not returned in  
20 accordance with (a) of this section within 45 days after the director sends the written  
21 notification, the director shall discontinue monthly verification under (c) of this  
22 section for that political group.

23 (e) Notwithstanding (d) of this section, from June 1 of an election year  
24 through the date of the first verification under (b) of this section that occurs after  
25 certification of the results of the general election, the director may not withdraw  
26 recognized political party status.

27 \* Sec. 43. AS 15.60.010(21) is amended to read:

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

30 (A) [EITHER] nominated a candidate for governor who  
31 received at least three percent of the total votes cast for governor at the

1 preceding general election at which a governor was elected;

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

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

10 (D) has registered voters in the state equal in number to at least  
11 three percent of the total votes cast for governor at the preceding general  
12 election at which a governor was elected;

13 \* Sec. 44. AS 15.60.010 is amended by adding new paragraphs to read:

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

20 (39) "statewide office" means the office of governor, lieutenant  
21 governor, United States senator, or United States representative.

22 \* Sec. 45. AS 29.05.110(b) is amended to read:

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

26 \* Sec. 46. AS 29.05.110(c) is amended to read:

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

1           registered to vote [RESIDING] in the proposed borough but outside all cities in the  
2           proposed borough.

3           \* **Sec. 47.** AS 29.05.110 is amended by adding a new subsection to read:

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

5           \* **Sec. 48.** The uncodified law of the State of Alaska is amended by adding a new section to  
6           read:

7                       **VOTING BY MAIL AND ELECTRONICALLY.** Not later than March 1, 2005, the  
8           director of the division of elections shall provide a report to the legislature on the feasibility,  
9           costs, and benefits of authorizing a system of voting by mail and electronically.

10          \* **Sec. 49.** AS 15.10.020(b) and AS 15.20.048 are repealed.

11          \* **Sec. 50.** The uncodified law of the State of Alaska is amended by adding a new section to  
12          read:

13                       **APPLICABILITY.** The changes made by secs. 18 - 40 of this Act apply to an  
14          application for an initiative, referendum, or recall filed with the lieutenant governor on or  
15          after the effective date of this Act.

16          \* **Sec. 51.** The uncodified law of the State of Alaska is amended by adding a new section to  
17          read:

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

21          \* **Sec. 52.** The uncodified law of the State of Alaska is amended by adding a new section to  
22          read:

23                       **REVISOR'S INSTRUCTION.** The revisor of statutes is instructed to change the  
24          heading of art. 5 of AS 15.20 from "Article 5. Optically Scanned Voting" to "Article 5.  
25          Optically Scanned Voting; Voting Machine or Tally System Standards."

26          \* **Sec. 53.** This Act takes effect immediately under AS 01.10.070(c).

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Kurtz  
4/12/04

*Rep. Weir*  
*Cap. 102*

**CS FOR HOUSE BILL NO. 523(STA)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-THIRD LEGISLATURE - SECOND SESSION**

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to qualifications of voters, requirements and procedures regarding**  
2 **independent candidates for President and Vice-President of the United States, voter**  
3 **registration and voter registration records, voter residence, precinct boundary**  
4 **modification, recognized political parties, voters unaffiliated with political parties, early**  
5 **voting, absentee voting, ballot counting, voting by mail, voting machines, vote tally**  
6 **systems, initiative, referendum, recall, and definitions in the Alaska Election Code; and**  
7 **providing for an effective date."**

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

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

10 **Sec. 15.05.020. Rules for determining residence of voter. For the purpose**  
11 **of determining residence for voting, the place of residence is governed by the**  
12 **following rules:**

13 **(1) A person may not be considered to have gained a residence solely**

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1 by reason of presence nor may a person lose it solely by reason of absence while in the  
2 civil or military service of this state or of the United States or of absence because of  
3 marriage to a person engaged in the civil or military service of this state or the United  
4 States, while a student at an institution of learning, while in an institution or asylum at  
5 public expense, while confined in public prison, while engaged in the navigation of  
6 waters of this state [,] or the United States or of the high seas, while residing upon an  
7 Indian or military reservation, or while residing in the Alaska Pioneers' Home.

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

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

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

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

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

23 (7) [REPEALED

24 (8)] The term of residence is computed by including the day on which  
25 the person's residence begins and excluding the day of election.

26 ~~(8)~~ [(9) REPEALED

27 (10)] The address of a voter as it appears on the [AN] official voter  
28 registration record [CARD] is presumptive evidence of the person's voting residence.  
29 This presumption is negated only by the voter's [VOTER] notifying the director in  
30 writing of a change of voting residence.

31 \* Sec. 2. AS 15.07.060(a) is amended to read:

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

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

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

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

8 (4) the applicant's Alaska residence address, as specified in  
9 regulations adopted by the director [AND OTHER NECESSARY INFORMATION  
10 ESTABLISHING RESIDENCE, INCLUDING THE TERM OF RESIDENCE IN  
11 THE STATE AND IN THE DISTRICT, IF REQUESTED];

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

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

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

19 (8) the date of application;

20 (9) the applicant's signature or mark;

21 (10) any former name under which the applicant was registered to vote  
22 in the state;

23 (11) an attestation that the information provided by the applicant in (1)  
24 - (10) of this subsection is true; and

25 (12) a certification that the applicant understands that a false statement  
26 on the application may make the applicant subject to prosecution for a misdemeanor  
27 under this title or AS 11.

28 \* Sec. 3. AS 15.07 is amended by adding a new section to read:

29 Sec. 15.07.195. **Certain information in voter registration records**  
30 **confidential.** The following information set out in state voter registration records is  
31 confidential and is not open to public inspection:

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- 1 (1) the voter's date of birth;
- 2 (2) the voter's social security number, or any part of that number;
- 3 (3) the voter's driver's license number;
- 4 (4) the voter's telephone number, if shown in those records;
- 5 (5) the voter's voter identification number;
- 6 (6) the voter's place of birth;
- 7 (7) the voter's signature.

8 \* Sec. 4. AS 15.10.090 is amended to read:

9 **Sec. 15.10.090. Notice of precinct boundary designation and modification.**

10 The director shall give full public notice when precinct boundaries are designated and  
 11 when the boundaries of a precinct are modified or when a precinct is established or  
 12 abolished. Public notice must [SHALL] include

13 (1) [, BUT IS NOT LIMITED TO, THE] publication of notice on three  
 14 different days in a daily newspaper of general circulation, if [SUCH] a daily  
 15 newspaper of general circulation is published in the house district where the precinct  
 16 is located; however, if a daily newspaper of general circulation is not published in  
 17 the house district where the precinct is located, public notice must include [, BY]  
 18 posting written notice in a [THREE] conspicuous place [PLACES] in the designated  
 19 precinct;

20 (2) posting on the division of elections' site on the Internet; [,] and

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

22 \* Sec. 5. AS 15.15.030(7) is amended to read:

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

28 \* Sec. 6. AS 15.15.350(a) is amended to read:

29 (a) The director may adopt regulations prescribing the manner in which the  
 30 precinct ballot count is accomplished so as to ensure [ASSURE] accuracy in the count  
 31 and to expedite the process. The election board shall account for all ballots by

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1 completing a ballot statement containing (1) the number of official ballots received;  
2 (2) the number of official ballots voted; (3) the number of official ballots spoiled; (4)  
3 the number of official ballots unused and either destroyed or returned for  
4 destruction to the elections supervisor or the election supervisor's designee. The  
5 board shall count the number of questioned ballots and [ HALL] compare that  
6 number to the number of questioned voters in the register. Discrepancies shall be  
7 noted and the numbers included in the certificate prescribed by AS 15.15.370. The  
8 election board, in hand-count precincts, shall count the ballots in a manner that allows  
9 watchers to see the ballots when opened and read. A person handling the ballot after it  
10 has been taken from the ballot box and before it is placed in the envelope for mailing  
11 may not have a marking device in hand or remove a ballot from the immediate vicinity  
12 of the polls.

13 \* Sec. 7. AS 15.20.064(a) is amended to read:

14 (a) On or after the 15th day before an election up to and including  
15 election day, a [A] qualified voter who meets the requirements set out in this section  
16 may vote early in the office of an election supervisor or in other locations designated  
17 by the director [ON OR AFTER THE 15TH DAY BEFORE AN ELECTION UP TO  
18 AND INCLUDING ELECTION DAY].

19 \* Sec. 8. AS 15.20.064(b) is amended to read:

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

- 22 (1) exhibition of proof of identification as required in AS 15.15.225;  
23 (2) verification that the voter's residence address appearing on the  
24 official registration list is current [AND WITHIN THE ELECTION SUPERVISOR'S  
25 JURISDICTION]; and  
26 (3) the voter's signing the early voting register.

27 \* Sec. 9. AS 15.20.066(b) is amended to read:

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

- 30 (1) contain the following statement: "I understand that, by using  
31 electronic transmission to return my marked ballot, I am voluntarily waiving a portion

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1 of my right to a secret ballot to the extent necessary to process my ballot, but expect  
2 that my vote will be held as confidential as possible, [.]" followed by the voter's  
3 signature and date of signature; and

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

6 (A) a commissioned or noncommissioned officer of the armed  
7 forces of the United States;

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

10 (C) a [TWO] United States citizen [CITIZENS] who is [ARE]  
11 18 years of age or older.

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

13 (d) Upon receipt of an absentee ballot by mail, the voter, in the presence of a  
14 notary public, commissioned officer of the armed forces including the National Guard,  
15 district judge or magistrate, United States postal official, registration official, or other  
16 person qualified to administer oaths, may proceed to mark the ballot in secret, to place  
17 the ballot in the secrecy sleeve, to place the secrecy sleeve in the envelope provided,  
18 and to sign the voter's certificate on the envelope in the presence of an official listed in  
19 this subsection who shall sign as attesting official and shall date the signature. If none  
20 of the officials listed in this subsection is reasonably accessible, an absentee voter  
21 shall sign the voter's certificate in the presence of one person who is a United States  
22 citizen and is [TWO PERSONS OVER THE AGE OF] 18 years of age or older, who  
23 shall sign as a witness [WITNESSES] and attest to the date on which the voter signed  
24 the certificate in the person's [THEIR] presence, and, in addition, the voter shall  
25 provide the certification prescribed in AS 09.63.020.

26 \* Sec. 11. AS 15.20.081(h) is amended to read:

27 (h) Except as provided in AS 15.20.480, an absentee ballot returned by mail  
28 from outside the United States or from an overseas voter qualifying under  
29 AS 15.05.011 [A MILITARY APO OR FPO ADDRESS] that has been marked and  
30 mailed not later than election day may not be counted unless the ballot is received by  
31 the election supervisor not later than the close of business on the 15th day following

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1 the election.

2 \* Sec. 12. AS 15.20.800(b) is amended to read.

3 (b) If the director conducts an election under (a) of this section by mail, the  
4 director shall send a ballot for each election described in (a) of this section to each  
5 person whose name appears on the official registration list prepared under  
6 AS 15.07.125 for that election. The director shall send ballots by first class,  
7 nonforwardable mail. The ballot shall be sent to the address stated on the official  
8 registration list unless the

9 (1) voter has notified the director or an election supervisor of a  
10 different address to which the ballot should be sent; or

11 (2) address on the official registration list has been identified as  
12 being an undeliverable address [THE DIRECTOR SHALL SEND BALLOTS BY  
13 FIRST CLASS, NONFORWARDABLE MAIL].

14 \* Sec. 13. AS 15.20 is amended by adding a new section to article 5 to read:

15 **Sec. 15.20.910. Standards for voting machines and vote tally systems.** The  
16 director may approve a voting machine or vote tally system for use in an election in  
17 the state upon consideration of factors relevant to the administration of state elections,  
18 including whether the Federal Election Commission has certified the voting machine  
19 or vote tally system to be in compliance with the voting system standards approved by  
20 the Federal Election Commission as required by 42 U.S.C. 15481(a)(5) (Help America  
21 Vote Act of 2002).

22 \* Sec. 14. AS 15.30 is amended by adding a new section to read:

23 **Sec. 15.30.026. Qualifications for independent candidates for President of**  
24 **the United States; selection of candidate for Vice-President; selection of electors.**  
25 (a) A person who desires to be an independent candidate for President of the United  
26 States must file with the director at least 90 days before a presidential general election  
27 a petition signed by qualified voters of the state equal in number to at least one percent  
28 of the number of voters who cast ballots in an election under this chapter for President  
29 of the United States at the last presidential general election. The petition must state  
30 that the signers desire the named candidate for President of the United States to appear  
31 on the ballot as an independent candidate for president at the next succeeding

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1 presidential general election.

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

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

8 (2) the name of a candidate for Vice-President, selected by the  
9 independent candidate.

10 \* Sec. 15. AS 15.30.050 is amended to read:

11 **Sec. 15.30.050. Interpretation of votes cast for candidates for President**  
12 **and Vice-President [VICE PRESIDENT].** In voting for presidential electors, a vote  
13 marked for the candidates for President and Vice-President [VICE PRESIDENT] is  
14 considered and counted as a vote for the presidential electors of the party or for the  
15 presidential electors named under AS 15.30.026, as appropriate.

16 \* Sec. 16. AS 15.30.090 is amended to read:

17 **Sec. 15.30.090. Duties of electors.** After any vacancies have been filled, the  
18 electors shall proceed to cast their votes for the candidates for the office of President  
19 and Vice-President [VICE PRESIDENT] of the party that [WHICH] selected them as  
20 candidates for electors, or for the candidates for the office of President and Vice-  
21 President under AS 15.30.026 if the electors were named under AS 15.30.026, and  
22 shall perform the duties of electors as required by the constitution and laws of the  
23 United States. The director shall provide administrative services and the Department  
24 of Law shall provide legal services necessary for the electors to perform their duties.

25 \* Sec. 17. AS 15.45.030 is amended to read:

26 **Sec. 15.45.030. Form of application.** The application must [SHALL]  
27 include the

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

29 (2) printed name, signature, address, and date of birth of not less  
30 than 100 qualified voters who will serve as sponsors; each signature page must  
31 include a statement that the sponsors are qualified voters who signed the application

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1 with the proposed bill attached; and [.]

2 (3) [THE] designation of an initiative committee consisting of three of  
3 the sponsors who subscribed to the application and [SHALL] represent all sponsors  
4 and subscribers in matters relating to the initiative; the designation must include the  
5 name, mailing address, and signature of each committee member [, AND

6 (4) THE SIGNATURES AND ADDRESSES OF NOT LESS THAN  
7 100 QUALIFIED VOTERS].

8 \* Sec. 18. AS 15.45.060 is amended to read:

9 Sec. 15.45.060. Designation of sponsors. The qualified voters who subscribe  
10 to the application in support of the proposed bill are designated as sponsors. The  
11 initiative committee may designate additional sponsors by giving written notice to the  
12 lieutenant governor of the names and addresses of those so designated.

13 \* Sec. 19. AS 15.45.090 is amended to read:

14 Sec. 15.45.090. Preparation of petition. If the application is certified, the  
15 lieutenant governor shall prescribe the form of and prepare petitions containing (1) a  
16 copy of the proposed bill if the number of words included in both the formal and  
17 substantive provisions of the bill is 500 or less; [.] (2) an impartial summary of the  
18 subject matter of the bill; [.] (3) the warning prescribed in AS 15.45.100; [.] (4)  
19 sufficient space for the printed name, date of birth, signature, and address; [.] (5)  
20 sufficient space at the bottom of each signature page for the information required by  
21 AS 15.45.130(8); [.] and (6) other specifications prescribed by the lieutenant governor  
22 to ensure [ASSURE] proper handling and control. Petitions, for purposes of  
23 circulation, shall be prepared by the lieutenant governor in a number reasonably  
24 calculated to allow full circulation throughout the state and shall be sequentially  
25 numbered [. THE LIEUTENANT GOVERNOR SHALL NUMBER EACH  
26 PETITION AND SHALL KEEP A RECORD OF THE PETITION DELIVERED TO  
27 EACH SPONSOR]. Upon request of the initiative committee, the lieutenant governor  
28 shall report to the initiative committee the number of persons who voted in the  
29 preceding general election.

30 \* Sec. 20. AS 15.45 is amended by adding a new section to read:

31 Sec. 15.45.105. Qualifications of circulator. To circulate a petition booklet,

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1 a person shall be

2 (1) a citizen of the United States;

3 (2) 18 years of age or older; and

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

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

6 **Sec. 15.45.120. Manner of signing and withdrawing name from petition.**

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

11 \* Sec. 22. AS 15.45.130 is amended to read:

12 **Sec. 15.45.130. Certification of circulator.** Before being filed, each petition  
13 shall be certified by an affidavit by the person who personally circulated the petition.  
14 The affidavit must state in substance that (1) the person signing the affidavit meets the  
15 residency, age, and citizenship qualifications for circulating a petition under  
16 AS 15.45.105; [OF AS 15.05.010,] (2) the person is the only circulator of that  
17 petition; [,] (3) the signatures were made in the circulator's actual presence; [,] (4) to  
18 the best of the circulator's knowledge, the signatures are those of the persons whose  
19 names they purport to be; [,] (5) the signatures are of persons who were qualified  
20 voters on the date of signature; [,] (6) the circulator [PERSON] has not entered into  
21 an agreement with a person or organization in violation of AS 15.45.110(c); [,] (7) the  
22 circulator [PERSON] has not violated AS 15.45.110(d) with respect to that petition;  
23 [,] and (8) before circulation of the petition, the circulator prominently placed, in the  
24 space provided under AS 15.45.090(5) [BEFORE CIRCULATION OF THE  
25 PETITION, IN BOLD CAPITAL LETTERS, THE CIRCULATOR'S NAME AND],  
26 if the circulator has received payment or agreed to receive payment for the collection  
27 of signatures on the petition, the name of each person or organization that has paid or  
28 agreed to pay the circulator for collection of signatures on the petition. In determining  
29 the sufficiency of the petition, the lieutenant governor may not count subscriptions on  
30 petitions not properly certified.

31 \* Sec. 23. AS 15.45.200 is amended to read:

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1           **Sec. 15.45.200. Display of proposed law.** The director shall provide each  
2 election board with five [10] copies of the proposed law being initiated, and the  
3 election board shall display one copy [THREE COPIES] of the proposed law in a  
4 conspicuous place in the room where the election is held.

5 \* Sec. 24. AS 15.45.270 is amended to read:

6           **Sec. 15.45.270. Form of application.** The application must [SHALL]  
7 include

8                   (1) the act to be referred;

9                   (2) a statement of approval or rejection;

10                   (3) the printed name, signature, address, and date of birth of not  
11 less than 100 qualified voters who will serve as sponsors; each signature page  
12 must include a statement that the sponsors are qualified voters who signed the  
13 application with the act to be referred and the statement of approval or rejection  
14 [PROPOSED BILL] attached; and

15                   (4) [(3)] the designation of a referendum committee consisting of three  
16 of the sponsors who subscribed to the application and [SHALL] represent all  
17 sponsors and subscribers in matters relating to the referendum; the designation must  
18 include the name, address, and signature of each committee member [AND

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

21 \* Sec. 25. AS 15.45.290 is amended to read:

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

26 \* Sec. 26. AS 15.45.320 is amended to read:

27           **Sec. 15.45.320. Preparation of petition.** If the application is certified, the  
28 lieutenant governor shall, within seven calendar days after the date of certification,  
29 prescribe the form of, and prepare, a petition containing (1) a copy of the act to be  
30 referred, if the number of words included in both the formal and substantive  
31 provisions of the bill is 500 or less; [,] (2) the statement of approval or rejection;

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1        (3) an impartial summary of the subject matter of the act; (4) [, (3)] the warning  
 2        prescribed in AS 15.45.330; (5) [, (4)] sufficient space for the printed names, dates  
 3        of birth, signatures, and addresses; (6) sufficient space at the bottom of each page  
 4        for the information required by AS 15.45.360(8); [,] and (7) [(5)] other  
 5        specifications prescribed by the lieutenant governor to ensure [ASSURE] proper  
 6        handling and control. Petitions, for purposes of circulation, shall be prepared by the  
 7        lieutenant governor in a number reasonably calculated to allow full circulation  
 8        throughout the state and shall be sequentially numbered [. THE LIEUTENANT  
 9        GOVERNOR SHALL NUMBER EACH PETITION AND SHALL KEEP A  
 10        RECORD OF THE PETITIONS DELIVERED TO EACH SPONSOR]. Upon request  
 11        of the referendum committee, the lieutenant governor shall report to the referendum  
 12        committee [SPECIFY] the number of persons who voted in the preceding general  
 13        election.

14        \* Sec. 27. AS 15.45 is amended by adding a new section to read:

15                **Sec. 15.45.335. Qualifications of circulator.** To circulate a petition booklet,  
 16                a person shall be

- 17                        (1) a citizen of the United States;  
 18                        (2) 18 years of age or older; and  
 19                        (3) a resident of the state as determined under AS 15.05.020.

20        \* Sec. 28. AS 15.45.340 is amended by adding new subsections to read:

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

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

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

30                (e) In this section,

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

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

2 (3) "person" has the meaning given in AS 11.81.900.

3 \* Sec. 29. AS 15.45.350 is amended to read:

4 **Sec. 15.45.350. Manner of signing and withdrawing name from petition.**

5 Any qualified voter may subscribe to the petition by printing the voter's name, date  
6 of birth, and address, and by signing the voter's name [AND ADDRESS]. A person  
7 who has signed the referendum petition may withdraw the person's name only by  
8 giving written notice to the lieutenant governor before the date the petition is filed.

9 \* Sec. 30. AS 15.45.360 is amended to read:

10 **Sec. 15.45.360. Certification of circulator.** Before being filed, each petition  
11 shall be certified by an affidavit by the person who circulated the petition. The  
12 affidavit must [SHALL] state in substance that (1) the person signing the affidavit  
13 meets the residency, age, and citizenship qualifications for circulating a petition  
14 under AS 15.45.335; [OF AS 15.05.010,] (2) the person is the only circulator of the  
15 petition; [,] (3) the signatures were made in the circulator's actual presence; [, AND]  
16 (4) to the best of the circulator's knowledge, the signatures are the signatures of  
17 persons whose names they purport to be; (5) the signatures are of persons who were  
18 qualified voters on the date of signature; (6) the circulator has not entered into an  
19 agreement with a person or organization in violation of AS 15.45.340(b); (7) the  
20 circulator has not violated AS 15.45.340(c) with respect to that petition; and (8)  
21 before circulation of the petition, the circulator prominently placed, in the space  
22 provided under AS 15.45.320(6), if the circulator has received payment or agreed  
23 to receive payment for the collection of signatures on the petition, the name of  
24 each person or organization that has paid or agreed to pay the circulator for  
25 collection of signatures on the petition. In determining the sufficiency of the  
26 petition, the lieutenant governor may not count subscriptions on petitions not properly  
27 certified.

28 \* Sec. 31. AS 15.45.430 is amended to read:

29 **Sec. 15.45.430. Display of act being referred.** The director shall provide  
30 each election board with five [10] copies of the act being referred, and the election  
31 board shall display one copy [THREE COPIES] of the act in a conspicuous place in

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1 the room where the election is held.

2 \* Sec. 32. AS 15.45.500 is amended to read:

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

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

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

7 (3) the printed name, signature, address, and date of birth of  
8 sponsors equal in number to 10 percent of those who voted in the preceding  
9 general election in the state or in the senate or house district of the official sought  
10 to be recalled; each signature page must include a statement that the sponsors are  
11 qualified voters who

12 (A) will serve as sponsors; and

13 (B) signed the application with

14 (i) the name and office of the person to be recalled;

15 and

16 (ii) the statement of grounds for recall attached; and

17 (4) the designation of a recall committee consisting of three of the  
18 sponsors who subscribed to the application and shall represent all sponsors and  
19 subscribers in matters relating to the recall; the designation must include the name,  
20 mailing address, and signature of each committee member

21 [(5) THE SIGNATURES OF AT LEAST 100 QUALIFIED VOTERS  
22 WHO SUBSCRIBE TO THE APPLICATION AS SPONSORS FOR PURPOSES OF  
23 CIRCULATION; AND

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

28 \* Sec. 33. AS 15.45 is amended by adding a new section to read:

29 **Sec. 15.45.515. Designation of sponsors.** The qualified voters who subscribe  
30 to the application in support of the recall are designated as sponsors. The recall  
31 committee may designate additional sponsors by giving notice to the lieutenant

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1 governor of the names, addresses, and dates of birth of those so designated.

2 \* Sec. 34. AS 15.45.560 is amended to read:

3 Sec. 15.45.560. Preparation of petition. If [UPON CERTIFYING] the  
4 application is certified, the director shall prescribe the form of, and prepare, a petition  
5 containing (1) the name and office of the person to be recalled; [,] (2) the statement of  
6 the grounds for recall included in the application; [,] (3) the statement of warning  
7 required in AS 15.45.570; [,] (4) sufficient space for the printed name, date of birth,  
8 signatures, and addresses; [, AND] (5) sufficient space at the bottom of each page  
9 for the information required by AS 15.45.600(8); and (6) other specifications  
10 prescribed by the director to ensure [ASSURE] proper handling and control.  
11 Petitions, for purposes of circulation, shall be prepared by the director in a number  
12 reasonably calculated to allow full circulation throughout the state or throughout the  
13 senate or house district of the official sought to be recalled and shall be sequentially  
14 numbered. Upon request of the recall committee, the lieutenant governor shall  
15 report to the recall committee the number of persons who voted in the preceding  
16 general election in the state or in the district of the official sought to be recalled.  
17 [THE DIRECTOR SHALL NUMBER EACH PETITION AND SHALL KEEP A  
18 RECORD OF THE PETITIONS DELIVERED TO EACH SPONSOR.]

19 \* Sec. 35. AS 15.45 is amended by adding a new section to read:

20 Sec. 15.45.575. Qualifications of circulator. To circulate a petition booklet,  
21 a person shall be

- 22 (1) a citizen of the United States;  
23 (2) 18 years of age or older; and  
24 (3) a resident of the state as determined under AS 15.05.020.

25 \* Sec. 36. AS 15.45.580 is amended by adding new subsections to read:

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

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

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1 petition.

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

4 (e) In this section,

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

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

7 (3) "person" has the meaning given in AS 11.81.900.

8 \* Sec. 37. AS 15.45.590 is amended to read:

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

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

14 \* Sec. 38. AS 15.45.600 is amended to read:

15 **Sec. 15.45.600. Certification of circulator.** Before being filed, each petition  
16 shall be certified by an affidavit by the person who personally circulated the petition.  
17 The affidavit must [SHALL] state in substance that (1) the person signing the affidavit  
18 meets the residency, age, and citizenship qualifications of AS 15.45.575;  
19 [AS 15.05.010,] (2) the person is the only circulator of that petition or copy; [,] (3) the  
20 signatures were made in the circulator's actual presence; [, AND] (4) to the best of the  
21 circulator's knowledge, the signatures are those of the persons whose names they  
22 purport to be; (5) the signatures are of persons who were qualified voters on the  
23 date of signature; (6) the circulator has not entered into an agreement with a  
24 person or organization in violation of AS 15.45.580(b); (7) the circulator has not  
25 violated AS 15.45.580(c) with respect to that petition; and (8) before circulation  
26 of the petition, the circulator prominently placed, in the space provided under  
27 AS 15.45.560(5), if the circulator has received payment or agreed to receive  
28 payment for the collection of signatures on the petition, the name of each person  
29 or organization that has paid or agreed to pay the circulator for collection of  
30 signatures on the petition. In determining the sufficiency of the petition, the director  
31 may not count subscriptions on petitions not properly certified.

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1 \* Sec. 39. AS 15.45.680 is amended to read:

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

12 \* Sec. 10. AS 15.60 is amended by adding a new section to read:

13           **Sec. 15.60.003. Voters unaffiliated with political parties.** The director shall  
14 consider a voter to be a voter registered as

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

17                   (2) "undeclared" if the voter

18                           (A) registers as undeclared on a voter registration form;

19                           (B) fails to declare an affiliation with a political group or  
20 political party on a voter registration form; or

21                           (C) declares an affiliation with an entity other than a political  
22 party or political group on a voter registration form; or

23                   (3) "other" if the voter declares on a voter registration form an  
24 affiliation with a political group;

25 \* Sec. 41. AS 15.60 is amended by adding a new section to read:

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

30                   (1) files an application with the director;

31                   (2) submits bylaws to the director and the United States Department of

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1 Justice as required of political parties in AS 15.25.014; and

2 (3) either

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

6 (B) has registered voters in the state equal in number to at least  
7 three percent of the total votes cast for governor at the preceding general  
8 election at which a governor was elected.

9 (b) The director shall verify that each political group seeking recognized  
10 political party status under (a) of this section and each recognized political party

11 (1) nominated a candidate for statewide office who received at least  
12 three percent of the total votes cast for that statewide office at the preceding general  
13 election; or

14 (2) has registered voters in the state equal in number to at least three  
15 percent of the total votes cast for governor at the preceding general election at which  
16 the governor was elected.

17 (c) The director shall perform a verification described in (b) of this section at  
18 least once a month after the date of certification of the preceding general election. For  
19 purposes of (b)(2) of this section, the director shall verify that the voters who have  
20 submitted registration to the division of elections are qualified under AS 15.05.010  
21 and have declared affiliation with the political group or recognized political party for  
22 which the verification is performed.

23 (d) Except as provided in (e) of this section, within 10 days after a verification  
24 under (c) of this section, the director shall provide to

25 (1) a political group seeking recognized political party status under (a)  
26 of this section written notification when the political group has obtained recognized  
27 political party status; and

28 (2) a recognized political party that no longer qualifies under (b) of this  
29 section for recognized political party status written notification that recognized  
30 political party status has been withdrawn, and an application to obtain recognized  
31 political party status under (a) of this section; if the application is not returned in

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1 accordance with (a) of this section within 45 days after the director sends the written  
2 notification, the director shall discontinue monthly verification under (c) of this  
3 section for that political group.

4 (e) Notwithstanding (d) of this section, from June 1 of an election year  
5 through the date of the first verification under (b) of this section that occurs after  
6 certification of the results of the general election, the director may not withdraw  
7 recognized political party status.

8 \* Sec. 42. AS 15.60.010(21) is amended to read:

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

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

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

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

22 (D) has registered voters in the state equal in number to at least  
23 three percent of the total votes cast for governor at the preceding general  
24 election at which a governor was elected;

25 \* Sec. 43. AS 15.60.010 is amended by adding new paragraphs to read:

26 (38) "reregistration" means the submission of a registration form by a  
27 voter whose registration was inactivated on the master register maintained under  
28 AS 15.07 and the director's reactivation of that registration in accordance with that  
29 chapter; in this paragraph, "a voter whose registration was inactivated" does not  
30 include a voter whose registration was inactivated under AS 15.07.130 and whose  
31 ballot may be counted under AS 15.15.198;

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1 (39) "statewide office" means the office of governor, lieutenant  
2 governor, United States senator, or United States representative.

3 \* Sec. 44. AS 29.05.110(b) is amended to read:

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

7 \* Sec. 45. AS 29.05.110(c) is amended to read:

8 (c) Areawide borough powers included in an incorporation petition are  
9 considered to be part of the incorporation question. In an election for the incorporation  
10 of a second class borough, each nonareawide power to be exercised is placed  
11 separately on the ballot. Adoption of a nonareawide power requires a majority of the  
12 votes cast on the question, and the vote is limited to the qualified voters who are  
13 registered to vote [RESIDING] in the proposed borough but outside all cities in the  
14 proposed borough.

15 \* Sec. 46. AS 29.05.110 is amended by adding a new subsection to read:

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

17 \* Sec. 47. The uncodified law of the State of Alaska is amended by adding a new section to  
18 read:

19 APPLICABILITY. The changes made by secs. 17 - 39 of this Act apply to an  
20 application for an initiative, referendum, or recall filed with the lieutenant governor on or  
21 after the effective date of this Act.

22 \* Sec. 48. The uncodified law of the State of Alaska is amended by adding a new section to  
23 read:

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

27 \* Sec. 49. The uncodified law of the State of Alaska is amended by adding a new section to  
28 read:

29 REVISOR'S INSTRUCTION. The revisor of statutes is instructed to change the  
30 heading of art. 5 of AS 15.20 from "Article 5. Optically Scanned Voting" to "Article 5.  
31 Optically Scanned Voting; Voting Machine or Tally System Standards."

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\* Sec. 50. This Act takes effect immediately under AS 01.10.070(c).

23-GH2021\H  
Kurtz  
4/7/04

**CS FOR HOUSE BILL NO. 523(STA)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-THIRD LEGISLATURE - SECOND SESSION**

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered:**  
**Referred:**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**  
**FOR AN ACT ENTITLED**

1 **"An Act relating to qualifications of voters, requirements and procedures regarding**  
2 **independent candidates for President and Vice-President of the United States, voter**  
3 **registration and voter registration records, voter residence, precinct boundary**  
4 **modification, recognized political parties, voters unaffiliated with political parties, early**  
5 **voting, absentee voting, ballot counting, voting by mail, voting machines, vote tally**  
6 **systems, initiative, referendum, recall, and definitions in the Alaska Election Code; and**  
7 **providing for an effective date."**

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

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

10 **Sec. 15.05.020. Rules for determining residence of voter. For the purpose**  
11 **of determining residence for voting, the place of residence is governed by the**  
12 **following rules:**

13 **(1) A person may not be considered to have gained a residence solely**

1 by reason of presence nor may a person lose it solely by reason of absence while in the  
2 civil or military service of this state or of the United States or of absence because of  
3 marriage to a person engaged in the civil or military service of this state or the United  
4 States, while a student at an institution of learning, while in an institution or asylum at  
5 public expense, while confined in public prison, while engaged in the navigation of  
6 waters of this state [,] or the United States or of the high seas, while residing upon an  
7 Indian or military reservation, or while residing in the Alaska Pioneers' Home.

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

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

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

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

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

23 (7) [REPEALED

24 (8)] The term of residence is computed by including the day on which  
25 the person's residence begins and excluding the day of election.

26 (8) [(9) REPEALED

27 (10)] The address of a voter as it appears on the [AN] official voter  
28 registration record [CARD] is presumptive evidence of the person's voting residence.  
29 This presumption is negated only by the voter's [VOTER] notifying the director in  
30 writing of a change of voting residence.

31 \* Sec. 2. AS 15.07.060(a) is amended to read:

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

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

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

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

8 (4) the applicant's Alaska residence address, as specified in  
9 regulations adopted by the director [AND OTHER NECESSARY INFORMATION  
10 ESTABLISHING RESIDENCE, INCLUDING THE TERM OF RESIDENCE IN  
11 THE STATE AND IN THE DISTRICT, IF REQUESTED];

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

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

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

19 (8) the date of application;

20 (9) the applicant's signature or mark;

21 (10) any former name under which the applicant was registered to vote  
22 in the state;

23 (11) an attestation that the information provided by the applicant in (1)  
24 - (10) of this subsection is true; and

25 (12) a certification that the applicant understands that a false statement  
26 on the application may make the applicant subject to prosecution for a misdemeanor  
27 under this title or AS 11.

28 \* Sec. 3. AS 15.07 is amended by adding a new section to read:

29 Sec. 15.07.195. **Certain information in voter registration records**  
30 **confidential.** The following information set out in state voter registration records is  
31 confidential and is not open to public inspection:

- 1 (1) the voter's date of birth;
- 2 (2) the voter's social security number, or any part of that number;
- 3 (3) the voter's driver's license number;
- 4 (4) the voter's telephone number, if shown in those records;
- 5 (5) the voter's voter identification number;
- 6 (6) the voter's place of birth;
- 7 (7) the voter's signature.

8 \* Sec. 4. AS 15.10.090 is amended to read:

9 **Sec. 15.10.090. Notice of precinct boundary designation and modification.**

10 The director shall give full public notice when precinct boundaries are designated and  
11 when the boundaries of a precinct are modified or when a precinct is established or  
12 abolished. Public notice must [SHALL] include

13 (1) [, BUT IS NOT LIMITED TO, THE] publication of notice on three  
14 different days in a daily newspaper of general circulation, if [SUCH] a daily  
15 newspaper of general circulation is published in the house district where the precinct  
16 is located; however, if a daily newspaper of general circulation is not published in  
17 the house district where the precinct is located, public notice must include [, BY]  
18 posting written notice in a [THREE] conspicuous place [PLACES] in the designated  
19 precinct;

20 (2) posting on the division of elections' site on the Internet; [,] and

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

22 \* Sec. 5. AS 15.15.030(7) is amended to read:

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

28 \* Sec. 6. AS 15.15.350(a) is amended to read:

29 (a) The director may adopt regulations prescribing the manner in which the  
30 precinct ballot count is accomplished so as to ensure [ASSURE] accuracy in the count  
31 and to expedite the process. The election board shall account for all ballots by

1 completing a ballot statement containing (1) the number of official ballots received;  
2 (2) the number of official ballots voted; (3) the number of official ballots spoiled; (4)  
3 the number of official ballots unused and either destroyed or returned for  
4 destruction to the elections supervisor or the election supervisor's designee. The  
5 board shall count the number of questioned ballots and [SHALL] compare that  
6 number to the number of questioned voters in the register. Discrepancies shall be  
7 noted and the numbers included in the certificate prescribed by AS 15.15.370. The  
8 election board, in hand-count precincts, shall count the ballots in a manner that allows  
9 watchers to see the ballots when opened and read. A person handling the ballot after it  
10 has been taken from the ballot box and before it is placed in the envelope for mailing  
11 may not have a marking device in hand or remove a ballot from the immediate vicinity  
12 of the polls.

13 \* Sec. 7. AS 15.20.064(a) is amended to read:

14 (a) On or after the 15th day before an election up to and including  
15 election day, a [A] qualified voter who meets the requirements set out in this section  
16 may vote early in the office of an election supervisor or in other locations designated  
17 by the director [ON OR AFTER THE 15TH DAY BEFORE AN ELECTION UP TO  
18 AND INCLUDING ELECTION DAY].

19 \* Sec. 8. AS 15.20.064(b) is amended to read:

20 (b) The election supervisor or other election official shall issue a ballot to the  
21 voter upon  
22 (1) exhibition of proof of identification as required in AS 15.15.225;  
23 (2) verification that the voter's residence address appearing on the  
24 official registration list is current [AND WITHIN THE ELECTION SUPERVISOR'S  
25 JURISDICTION]; and  
26 (3) the voter's signing the early voting register.

27 \* Sec. 9. AS 15.20.066(b) is amended to read:

28 (b) An absentee ballot that is completed and returned by the voter by  
29 electronic transmission must  
30 (1) contain the following statement: "I understand that, by using  
31 electronic transmission to return my marked ballot, I am voluntarily waiving a portion

1 of my right to a secret ballot to the extent necessary to process my ballot, but expect  
2 that my vote will be held as confidential as possible, [.]" followed by the voter's  
3 signature and date of signature; and

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

6 (A) a commissioned or noncommissioned officer of the armed  
7 forces of the United States;

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

10 (C) a [TWO] United States citizen [CITIZENS] who is [ARE]  
11 18 years of age or older.

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

13 (d) Upon receipt of an absentee ballot by mail, the voter, in the presence of a  
14 notary public, commissioned officer of the armed forces including the National Guard,  
15 district judge or magistrate, United States postal official, registration official, or other  
16 person qualified to administer oaths, may proceed to mark the ballot in secret, to place  
17 the ballot in the secrecy sleeve, to place the secrecy sleeve in the envelope provided,  
18 and to sign the voter's certificate on the envelope in the presence of an official listed in  
19 this subsection who shall sign as attesting official and shall date the signature. If none  
20 of the officials listed in this subsection is reasonably accessible, an absentee voter  
21 shall sign the voter's certificate in the presence of one person who is a United States  
22 citizen and is [TWO PERSONS OVER THE AGE OF] 18 years of age or older, who  
23 shall sign as a witness [WITNESSES] and attest to the date on which the voter signed  
24 the certificate in the person's [THEIR] presence, and, in addition, the voter shall  
25 provide the certification prescribed in AS 09.63.020.

26 \* Sec. 11. AS 15.20.081(h) is amended to read:

27 (h) Except as provided in AS 15.20.480, an absentee ballot returned by mail  
28 from outside the United States or from an overseas voter qualifying under  
29 AS 15.05.011 [A MILITARY APO OR FPO ADDRESS] that has been marked and  
30 mailed not later than election day may not be counted unless the ballot is received by  
31 the election supervisor not later than the close of business on the 15th day following

1 the election.

2 \* **Sec. 12.** AS 15.20.800(b) is amended to read.

3 (b) If the director conducts an election under (a) of this section by mail, the  
4 director shall send a ballot for each election described in (a) of this section to each  
5 person whose name appears on the official registration list prepared under  
6 AS 15.07.125 for that election. The director shall send ballots by first class,  
7 nonforwardable mail. The ballot shall be sent to the address stated on the official  
8 registration list unless the

9 (1) voter has notified the director or an election supervisor of a  
10 different address to which the ballot should be sent; or

11 (2) address on the official registration list has been identified as  
12 being an undeliverable address [THE DIRECTOR SHALL SEND BALLOTS BY  
13 FIRST CLASS, NONFORWARDABLE MAIL].

14 \* **Sec. 13.** AS 15.20 is amended by adding a new section to article 5 to read:

15 **Sec. 15.20.910. Standards for voting machines and vote tally systems.** The  
16 director may approve a voting machine or vote tally system for use in an election in  
17 the state upon consideration of factors relevant to the administration of state elections,  
18 including whether the Federal Election Commission has certified the voting machine  
19 or vote tally system to be in compliance with the voting system standards approved by  
20 the Federal Election Commission as required by 42 U.S.C. 15481(a)(5) (Help America  
21 Vote Act of 2002).

22 \* **Sec. 14.** AS 15.30 is amended by adding a new section to read:

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

25 (a) A person who desires to be an independent candidate for President of the United  
26 States must file with the director at least 90 days before a presidential general election  
27 a petition signed by qualified voters of the state equal in number to at least one percent  
28 of the number of voters who cast ballots in an election under this chapter for President  
29 of the United States at the last presidential general election. The petition must state  
30 that the signers desire the named candidate for President of the United States to appear  
31 on the ballot as an independent candidate for president at the next succeeding

1 presidential general election.

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

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

8 (2) the name of a candidate for Vice-President, selected by the  
9 independent candidate.

10 \* Sec. 15. AS 15.30.050 is amended to read:

11 **Sec. 15.30.050. Interpretation of votes cast for candidates for President**  
12 **and Vice-President [VICE PRESIDENT].** In voting for presidential electors, a vote  
13 marked for the candidates for President and Vice-President [VICE PRESIDENT] is  
14 considered and counted as a vote for the presidential electors of the party or for the  
15 presidential electors named under AS 15.30.026, as appropriate.

16 \* Sec. 16. AS 15.30.090 is amended to read:

17 **Sec. 15.30.090. Duties of electors.** After any vacancies have been filled, the  
18 electors shall proceed to cast their votes for the candidates for the office of President  
19 and Vice-President [VICE PRESIDENT] of the party that [WHICH] selected them as  
20 candidates for electors, or for the candidates for the office of President and Vice-  
21 President under AS 15.30.026 if the electors were named under AS 15.30.026, and  
22 shall perform the duties of electors as required by the constitution and laws of the  
23 United States. The director shall provide administrative services and the Department  
24 of Law shall provide legal services necessary for the electors to perform their duties.

25 \* Sec. 17. AS 15.45.030 is amended to read:

26 **Sec. 15.45.030. Form of application.** The application must [SHALL]  
27 include the

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

29 (2) printed name, signature, address, and date of birth of not less  
30 than 100 qualified voters who will serve as sponsors; each signature page must  
31 include a statement that the sponsors are qualified voters who signed the application

1 with the proposed bill attached; and [,]

2 (3) [THE] designation of an initiative committee consisting of three of  
3 the sponsors who subscribed to the application and [SHALL] represent all sponsors  
4 and subscribers in matters relating to the initiative; the designation must include the  
5 name, mailing address, and signature of each committee member [, AND

6 (4) THE SIGNATURES AND ADDRESSES OF NOT LESS THAN  
7 100 QUALIFIED VOTERS].

8 \* Sec. 18. AS 15.45.060 is amended to read:

9 Sec. 15.45.060. **Designation of sponsors.** The qualified voters who subscribe  
10 to the application in support of the proposed bill are designated as sponsors. The  
11 initiative committee may designate additional sponsors by giving written notice to the  
12 lieutenant governor of the names and addresses of those so designated.

13 \* Sec. 19. AS 15.45.090 is amended to read:

14 Sec. 15.45.090. **Preparation of petition.** If the application is certified, the  
15 lieutenant governor shall prescribe the form of and prepare petitions containing (1) a  
16 copy of the proposed bill if the number of words included in both the formal and  
17 substantive provisions of the bill is 500 or less; [,] (2) an impartial summary of the  
18 subject matter of the bill; [,] (3) the warning prescribed in AS 15.45.100; [,] (4)  
19 sufficient space for the printed name, date of birth, signature, and address; [,] (5)  
20 sufficient space at the bottom of each signature page for the information required by  
21 AS 15.45.130(8); [,] and (6) other specifications prescribed by the lieutenant governor  
22 to ensure [ASSURE] proper handling and control. Petitions, for purposes of  
23 circulation, shall be prepared by the lieutenant governor in a number reasonably  
24 calculated to allow full circulation throughout the state and shall be sequentially  
25 numbered [. THE LIEUTENANT GOVERNOR SHALL NUMBER EACH  
26 PETITION AND SHALL KEEP A RECORD OF THE PETITION DELIVERED TO  
27 EACH SPONSOR]. Upon request of the initiative committee, the lieutenant governor  
28 shall report to the initiative committee the number of persons who voted in the  
29 preceding general election.

30 \* Sec. 20. AS 15.45 is amended by adding a new section to read:

31 Sec. 15.45.105. **Qualifications of circulator.** To circulate a petition booklet,

1 a person shall be

2 (1) a citizen of the United States;

3 (2) 18 years of age or older; and

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

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

6 **Sec. 15.45.120. Manner of signing and withdrawing name from petition.**

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

11 \* Sec. 22. AS 15.45.130 is amended to read:

12 **Sec. 15.45.130. Certification of circulator.** Before being filed, each petition  
13 shall be certified by an affidavit by the person who personally circulated the petition.  
14 The affidavit must state in substance that (1) the person signing the affidavit meets the  
15 residency, age, and citizenship qualifications for circulating a petition under  
16 AS 15.45.105; [OF AS 15.05.010,] (2) the person is the only circulator of that  
17 petition; [,] (3) the signatures were made in the circulator's actual presence; [,] (4) to  
18 the best of the circulator's knowledge, the signatures are those of the persons whose  
19 names they purport to be; [,] (5) the signatures are of persons who were qualified  
20 voters on the date of signature; [,] (6) the circulator [PERSON] has not entered into  
21 an agreement with a person or organization in violation of AS 15.45.110(c); [,] (7) the  
22 circulator [PERSON] has not violated AS 15.45.110(d) with respect to that petition;  
23 [,] and (8) before circulation of the petition, the circulator prominently placed, in the  
24 space provided under AS 15.45.090(5) [BEFORE CIRCULATION OF THE  
25 PETITION, IN BOLD CAPITAL LETTERS, THE CIRCULATOR'S NAME AND],  
26 if the circulator has received payment or agreed to receive payment for the collection  
27 of signatures on the petition, the name of each person or organization that has paid or  
28 agreed to pay the circulator for collection of signatures on the petition. In determining  
29 the sufficiency of the petition, the lieutenant governor may not count subscriptions on  
30 petitions not properly certified.

31 \* Sec. 23. AS 15.45.200 is amended to read:

1           **Sec. 15.45.200. Display of proposed law.** The director shall provide each  
2 election board with five [10] copies of the proposed law being initiated, and the  
3 election board shall display one copy [THREE COPIES] of the proposed law in a  
4 conspicuous place in the room where the election is held.

5 \* **Sec. 24.** AS 15.45.270 is amended to read:

6           **Sec. 15.45.270. Form of application.** The application must [SHALL]  
7 include

8                   (1) the act to be referred;

9                   (2) a statement of approval or rejection;

10                   (3) the printed name, signature, address, and date of birth of not  
11 less than 100 qualified voters who will serve as sponsors; each signature page  
12 must include a statement that the sponsors are qualified voters who signed the  
13 application with the act to be referred and the statement of approval or rejection  
14 [PROPOSED BILL] attached; and

15                   (4) [(3)] the designation of a referendum committee consisting of three  
16 of the sponsors who subscribed to the application and [SHALL] represent all  
17 sponsors and subscribers in matters relating to the referendum; the designation must  
18 include the name, address, and signature of each committee member [AND

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

21 \* **Sec. 25.** AS 15.45.290 is amended to read:

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

26 \* **Sec. 26.** AS 15.45.320 is amended to read:

27           **Sec. 15.45.320. Preparation of petition.** If the application is certified, the  
28 lieutenant governor shall, within seven calendar days after the date of certification,  
29 prescribe the form of, and prepare, a petition containing (1) a copy of the act to be  
30 referred, if the number of words included in both the formal and substantive  
31 provisions of the bill is 500 or less; [,] (2) the statement of approval or rejection;

1       (3) an impartial summary of the subject matter of the act; (4) [, (3)] the warning  
2       prescribed in AS 15.45.330; (5) [, (4)] sufficient space for the printed names, dates  
3       of birth, signatures, and addresses; (6) sufficient space at the bottom of each page  
4       for the information required by AS 15.45.360(8); [,] and (7) [(5)] other  
5       specifications prescribed by the lieutenant governor to ensure [ASSURE] proper  
6       handling and control. Petitions, for purposes of circulation, shall be prepared by the  
7       lieutenant governor in a number reasonably calculated to allow full circulation  
8       throughout the state and shall be sequentially numbered [. THE LIEUTENANT  
9       GOVERNOR SHALL NUMBER EACH PETITION AND SHALL KEEP A  
10       RECORD OF THE PETITIONS DELIVERED TO EACH SPONSOR]. Upon request  
11       of the referendum committee, the lieutenant governor shall report to the referendum  
12       committee [SPECIFY] the number of persons who voted in the preceding general  
13       election.

14       \* Sec. 27. AS 15.45 is amended by adding a new section to read:

15               Sec. 15.45.335. **Qualifications of circulator.** To circulate a petition booklet,  
16       a person shall be

- 17                       (1) a citizen of the United States;  
18                       (2) 18 years of age or older; and  
19                       (3) a resident of the state as determined under AS 15.05.020.

20       \* Sec. 28. AS 15.45.340 is amended by adding new subsections to read:

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

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

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

30               (e) In this section,

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

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

2 (3) "person" has the meaning given in AS 11.81.900.

3 \* Sec. 29. AS 15.45.350 is amended to read:

4 **Sec. 15.45.350. Manner of signing and withdrawing name from petition.**

5 Any qualified voter may subscribe to the petition by printing the voter's name, date  
6 of birth, and address, and by signing the voter's name [AND ADDRESS]. A person  
7 who has signed the referendum petition may withdraw the person's name only by  
8 giving written notice to the lieutenant governor before the date the petition is filed.

9 \* Sec. 30. AS 15.45.360 is amended to read:

10 **Sec. 15.45.360. Certification of circulator.** Before being filed, each petition  
11 shall be certified by an affidavit by the person who circulated the petition. The  
12 affidavit must [SHALL] state in substance that (1) the person signing the affidavit  
13 meets the residency, age, and citizenship qualifications for circulating a petition  
14 under AS 15.45.335; [OF AS 15.05.010,] (2) the person is the only circulator of the  
15 petition; [,] (3) the signatures were made in the circulator's actual presence; [, AND]  
16 (4) to the best of the circulator's knowledge, the signatures are the signatures of  
17 persons whose names they purport to be; (5) the signatures are of persons who were  
18 qualified voters on the date of signature; (6) the circulator has not entered into an  
19 agreement with a person or organization in violation of AS 15.45.340(b); (7) the  
20 circulator has not violated AS 15.45.340(c) with respect to that petition; and (8)  
21 before circulation of the petition, the circulator prominently placed, in the space  
22 provided under AS 15.45.320(6), if the circulator has received payment or agreed  
23 to receive payment for the collection of signatures on the petition, the name of  
24 each person or organization that has paid or agreed to pay the circulator for  
25 collection of signatures on the petition. In determining the sufficiency of the  
26 petition, the lieutenant governor may not count subscriptions on petitions not properly  
27 certified.

28 \* Sec. 31. AS 15.45.430 is amended to read:

29 **Sec. 15.45.430. Display of act being referred.** The director shall provide  
30 each election board with five [10] copies of the act being referred, and the election  
31 board shall display one copy [THREE COPIES] of the act in a conspicuous place in

1 the room where the election is held.

2 \* Sec. 32. AS 15.45.500 is amended to read:

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

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

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

7 (3) the printed name, signature, address, and date of birth of  
8 sponsors equal in number to 10 percent of those who voted in the preceding  
9 general election in the state or in the senate or house district of the official sought  
10 to be recalled; each signature page must include a statement that the sponsors are  
11 qualified voters who

12 (A) will serve as sponsors; and

13 (B) signed the application with

14 (i) the name and office of the person to be recalled;

15 and

16 (ii) the statement of grounds for recall attached; and

17 (4) the designation of a recall committee consisting of three of the  
18 sponsors who subscribed to the application and shall represent all sponsors and  
19 subscribers in matters relating to the recall; the designation must include the name,  
20 mailing address, and signature of each committee member

21 [(5) THE SIGNATURES OF AT LEAST 100 QUALIFIED VOTERS  
22 WHO SUBSCRIBE TO THE APPLICATION AS SPONSORS FOR PURPOSES OF  
23 CIRCULATION; AND

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

28 \* Sec. 33. AS 15.45 is amended by adding a new section to read:

29 **Sec. 15.45.515. Designation of sponsors.** The qualified voters who subscribe  
30 to the application in support of the recall are designated as sponsors. The recall  
31 committee may designate additional sponsors by giving notice to the lieutenant

1 governor of the names, addresses, and dates of birth of those so designated.

2 \* Sec. 34. AS 15.45.560 is amended to read:

3 Sec. 15.45.560. Preparation of petition. If [UPON CERTIFYING] the  
4 application is certified, the director shall prescribe the form of, and prepare, a petition  
5 containing (1) the name and office of the person to be recalled; [,] (2) the statement of  
6 the grounds for recall included in the application; [,] (3) the statement of warning  
7 required in AS 15.45.570; [,] (4) sufficient space for the printed name, date of birth,  
8 signatures, and addresses; [, AND] (5) sufficient space at the bottom of each page  
9 for the information required by AS 15.45.600(8); and (6) other specifications  
10 prescribed by the director to ensure [ASSURE] proper handling and control.  
11 Petitions, for purposes of circulation, shall be prepared by the director in a number  
12 reasonably calculated to allow full circulation throughout the state or throughout the  
13 senate or house district of the official sought to be recalled and shall be sequentially  
14 numbered. Upon request of the recall committee, the lieutenant governor shall  
15 report to the recall committee the number of persons who voted in the preceding  
16 general election in the state or in the district of the official sought to be recalled.  
17 [THE DIRECTOR SHALL NUMBER EACH PETITION AND SHALL KEEP A  
18 RECORD OF THE PETITIONS DELIVERED TO EACH SPONSOR.]

19 \* Sec. 35. AS 15.45 is amended by adding a new section to read:

20 Sec. 15.45.575. Qualifications of circulator. To circulate a petition booklet,  
21 a person shall be

- 22 (1) a citizen of the United States;  
23 (2) 18 years of age or older; and  
24 (3) a resident of the state as determined under AS 15.05.020.

25 \* Sec. 36. AS 15.45.580 is amended by adding new subsections to read:

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

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

1 petition.

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

4 (e) In this section,

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

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

7 (3) "person" has the meaning given in AS 11.81.900.

8 \* Sec. 37. AS 15.45.590 is amended to read:

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

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

14 \* Sec. 38. AS 15.45.600 is amended to read:

15 **Sec. 15.45.600. Certification of circulator.** Before being filed, each petition  
16 shall be certified by an affidavit by the person who personally circulated the petition.  
17 The affidavit must [SHALL] state in substance that (1) the person signing the affidavit  
18 meets the residency, age, and citizenship qualifications of AS 15.45.575;  
19 [AS 15.05.010,] (2) the person is the only circulator of that petition or copy; [,] (3) the  
20 signatures were made in the circulator's actual presence; [, AND] (4) to the best of the  
21 circulator's knowledge, the signatures are those of the persons whose names they  
22 purport to be; (5) the signatures are of persons who were qualified voters on the  
23 date of signature; (6) the circulator has not entered into an agreement with a  
24 person or organization in violation of AS 15.45.580(b); (7) the circulator has not  
25 violated AS 15.45.580(c) with respect to that petition; and (8) before circulation  
26 of the petition, the circulator prominently placed, in the space provided under  
27 AS 15.45.560(5), if the circulator has received payment or agreed to receive  
28 payment for the collection of signatures on the petition, the name of each person  
29 or organization that has paid or agreed to pay the circulator for collection of  
30 signatures on the petition. In determining the sufficiency of the petition, the director  
31 may not count subscriptions on petitions not properly certified.

1 \* **Sec. 39.** AS 15.45.680 is amended to read:

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

12 \* **Sec. 40.** AS 15.60 is amended by adding a new section to read:

13           **Sec. 15.60.003. Voters unaffiliated with political parties.** The director shall  
14 consider a voter to be a voter registered as

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

17                   (2) "undeclared" if the voter

18                               (A) registers as undeclared on a voter registration form;

19                               (B) fails to declare an affiliation with a political group or  
20 political party on a voter registration form; or

21                               (C) declares an affiliation with an entity other than a political  
22 party or political group on a voter registration form; or

23                   (3) "other" if the voter declares on a voter registration form an  
24 affiliation with a political group.

25 \* **Sec. 41.** AS 15.60 is amended by adding a new section to read:

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

30                   (1) files an application with the director;

31                   (2) submits bylaws to the director and the United States Department of

1 Justice as required of political parties in AS 15.25.014; and

2 (3) either

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

6 (B) has registered voters in the state equal in number to at least  
7 three percent of the total votes cast for governor at the preceding general  
8 election at which a governor was elected.

9 (b) The director shall verify that each political group seeking recognized  
10 political party status under (a) of this section and each recognized political party

11 (1) nominated a candidate for statewide office who received at least  
12 three percent of the total votes cast for that statewide office at the preceding general  
13 election; or

14 (2) has registered voters in the state equal in number to at least three  
15 percent of the total votes cast for governor at the preceding general election at which  
16 the governor was elected.

17 (c) The director shall perform a verification described in (b) of this section at  
18 least once a month after the date of certification of the preceding general election. For  
19 purposes of (b)(2) of this section, the director shall verify that the voters who have  
20 submitted registration to the division of elections are qualified under AS 15.05.010  
21 and have declared affiliation with the political group or recognized political party for  
22 which the verification is performed.

23 (d) Except as provided in (e) of this section, within 10 days after a verification  
24 under (c) of this section, the director shall provide to

25 (1) a political group seeking recognized political party status under (a)  
26 of this section written notification when the political group has obtained recognized  
27 political party status; and

28 (2) a recognized political party that no longer qualifies under (b) of this  
29 section for recognized political party status written notification that recognized  
30 political party status has been withdrawn, and an application to obtain recognized  
31 political party status under (a) of this section; if the application is not returned in

1 accordance with (a) of this section within 45 days after the director sends the written  
2 notification, the director shall discontinue monthly verification under (c) of this  
3 section for that political group.

4 (c) Notwithstanding (d) of this section, from June 1 of an election year  
5 through the date of the first verification under (b) of this section that occurs after  
6 certification of the results of the general election, the director may not withdraw  
7 recognized political party status.

8 \* Sec. 42. AS 15.60.010(21) is amended to read:

9 (21) "political party" means an organized group of voters that  
10 represents a political program and that either nominated a candidate for statewide  
11 office [GOVERNOR] who received at least three percent of the total votes cast for  
12 that office [GOVERNOR] at the preceding general election or has registered voters in  
13 the state equal in number to at least three percent of the total votes cast for governor at  
14 the preceding general election at which a governor was elected;

15 \* Sec. 43. AS 15.60.010 is amended by adding new paragraphs to read:

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

22 (39) "statewide office" means the office of governor, lieutenant  
23 governor, United States senator, or United States representative.

24 \* Sec. 44. AS 29.05.110(b) is amended to read:

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

28 \* Sec. 45. AS 29.05.110(c) is amended to read:

29 (c) Areawide borough powers included in an incorporation petition are  
30 considered to be part of the incorporation question. In an election for the incorporation  
31 of a second class borough, each nonareawide power to be exercised is placed

1 separately on the ballot. Adoption of a nonareawide power requires a majority of the  
2 votes cast on the question, and the vote is limited to the qualified voters who are  
3 registered to vote [RESIDING] in the proposed borough but outside all cities in the  
4 proposed borough.

5 \* Sec. 46. AS 29.05.110 is amended by adding a new subsection to read:

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

7 \* Sec. 47. The uncodified law of the State of Alaska is amended by adding a new section to  
8 read:

9 APPLICABILITY. The changes made by secs. 17 - 39 of this Act apply to an  
10 application for an initiative, referendum, or recall filed with the lieutenant governor on or  
11 after the effective date of this Act.

12 \* Sec. 48. The uncodified law of the State of Alaska is amended by adding a new section to  
13 read:

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

17 \* Sec. 49. The uncodified law of the State of Alaska is amended by adding a new section to  
18 read:

19 REVISOR'S INSTRUCTION. The revisor of statutes is instructed to change the  
20 heading of art. 5 of AS 15.20 from "Article 5. Optically Scanned Voting" to "Article 5.  
21 Optically Scanned Voting; Voting Machine or Tally System Standards."

22 \* Sec. 50. This Act takes effect immediately under AS 01.10.070(c).

23-GH2021\D  
Kurtz  
3/15/04

**CS FOR HOUSE BILL NO. 523(STA)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-THIRD LEGISLATURE - SECOND SESSION**

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered:**

**Referred:**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to qualifications of voters, voter registration, voter residence, precinct**  
2 **boundary modification, recognized political parties, voters unaffiliated with political**  
3 **parties, early voting, absentee voting, ballot counting, voting by mail, voting machines,**  
4 **vote tally systems, initiative, referendum, recall, and definitions in the Alaska Election**  
5 **Code; and providing for an effective date."**

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

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

8 **Sec. 15.05.020. Rules for determining residence of voter.** For the purpose  
9 of determining residence for voting, the place of residence is governed by the  
10 following rules:

11 (1) A person may not be considered to have gained a residence solely  
12 by reason of presence nor may a person lose it solely by reason of absence while in the  
13 civil or military service of this state or of the United States or of absence because of

1 marriage to a person engaged in the civil or military service of this state or the United  
2 States, while a student at an institution of learning, while in an institution or asylum at  
3 public expense, while confined in public prison, while engaged in the navigation of  
4 waters of this state, [OR] the United States, or [OF] the high seas, while residing upon  
5 an Indian or military reservation, or while residing in the Alaska Pioneers' Home.

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

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

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

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

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

21 (7) [REPEALED

22 (8)] The term of residence is computed by including the day on which  
23 the person's residence begins and excluding the day of election.

24 (8) [(9) REPEALED

25 (10)] The address of a voter as it appears on the [AN] official voter  
26 registration record [CARD] is presumptive evidence of the person's voting residence.  
27 This presumption is negated only by the voter's [VOTER] notifying the director in  
28 writing of a change of voting residence.

29 \* Sec. 2. AS 15.07.060(a) is amended to read:

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

- 1 (1) the applicant's name and sex;
- 2 (2) if issued, the applicant's State of Alaska driver's license number or  
3 State of Alaska identification card number, or the last four digits of the applicant's  
4 social security number;
- 5 (3) the applicant's date of birth;
- 6 (4) the applicant's Alaska residence address, as specified in  
7 regulations adopted by the director [AND OTHER NECESSARY INFORMATION  
8 ESTABLISHING RESIDENCE, INCLUDING THE TERM OF RESIDENCE IN  
9 THE STATE AND IN THE DISTRICT, IF REQUESTED];
- 10 (5) a statement of whether the applicant has previously been  
11 registered to vote in another jurisdiction, and, if so, the jurisdiction and the address of  
12 the previous registration;
- 13 (6) a declaration that the applicant [REGISTRANT] will be 18 years  
14 of age or older within 90 days after [OF] the date of registration;
- 15 (7) a declaration that the applicant [REGISTRANT] is a citizen of the  
16 United States;
- 17 (8) the date of application;
- 18 (9) the applicant's signature or mark;
- 19 (10) any former name under which the applicant was registered to vote  
20 in the state;
- 21 (11) an attestation that the information provided by the applicant in (1)  
22 - (10) of this subsection is true; and
- 23 (12) a certification that the applicant understands that a false statement  
24 on the application may make the applicant subject to prosecution for a misdemeanor  
25 under this title or AS 11.

26 \* Sec. 3. AS 15.10.090 is amended to read:

27 **Sec. 15.10.090. Notice of precinct boundary designation and modification.**

28 The director shall give full public notice when precinct boundaries are designated and  
29 when the boundaries of a precinct are modified or when a precinct is established or  
30 abolished. Public notice must [SHALL] include

- 31 (1) [, BUT IS NOT LIMITED TO, THE] publication of notice on three

1 different days in a daily newspaper of general circulation, if [SUCH] a daily  
2 newspaper of general circulation is published in the house district where the precinct  
3 is located; however, if a daily newspaper of general circulation is not published in  
4 the house district where the precinct is located, public notice must include [, BY]  
5 posting written notice in a [THREE] conspicuous place [PLACES] in the designated  
6 precinct;

7 (2) posting on the division of elections' site on the Internet; [,] and

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

9 \* Sec. 4. AS 15.15.350(a) is amended to read:

10 (a) The director may adopt regulations prescribing the manner in which the  
11 precinct ballot count is accomplished so as to ensure [ASSURE] accuracy in the count  
12 and to expedite the process. The election board shall account for all ballots by  
13 completing a ballot statement containing (1) the number of official ballots received;  
14 (2) the number of official ballots voted; (3) the number of official ballots spoiled; (4)  
15 the number of official ballots unused and destroyed or returned for destruction to  
16 the elections supervisor or the election supervisor's designee. The board shall  
17 count the number of questioned ballots and [SHALL] compare that number to the  
18 number of questioned voters in the register. Discrepancies shall be noted and the  
19 numbers included in the certificate prescribed by AS 15.15.370. The election board,  
20 in hand-count precincts, shall count the ballots in a manner that allows watchers to see  
21 the ballots when opened and read. A person handling the ballot after it has been taken  
22 from the ballot box and before it is placed in the envelope for mailing may not have a  
23 marking device in hand or remove a ballot from the immediate vicinity of the polls.

24 \* Sec. 5. AS 15.20.064(a) is amended to read:

25 (a) On or after the 15th day before an election up to and including  
26 election day, a [A] qualified voter who meets the requirements set out in this section  
27 may vote early in the office of an election supervisor or in other locations designated  
28 by the director [ON OR AFTER THE 15TH DAY BEFORE AN ELECTION UP TO  
29 AND INCLUDING ELECTION DAY].

30 \* Sec. 6. AS 15.20.064(b) is amended to read:

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

1 voter upon

2 (1) exhibition of proof of identification as required in AS 15.15.225;

3 (2) verification that the voter's residence address appearing on the  
4 official registration list is current [AND WITHIN THE ELECTION SUPERVISOR'S  
5 JURISDICTION]; and

6 (3) the voter's signing the early voting register.

7 \* Sec. 7. AS 15.20.066(b) is amended to read:

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

10 (1) contain the following statement: "I understand that, by using  
11 electronic transmission to return my marked ballot, I am voluntarily waiving a portion  
12 of my right to a secret ballot to the extent necessary to process my ballot, but expect  
13 that my vote will be held as confidential as possible, [.]" followed by the voter's  
14 signature and date of signature; and

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

17 (A) a commissioned or noncommissioned officer of the armed  
18 forces of the United States;

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

21 (C) a [TWO] United States citizen [CITIZENS] who is [ARE]  
22 18 years of age or older.

23 \* Sec. 8. AS 15.20.081(d) is amended to read:

24 (d) Upon receipt of an absentee ballot by mail, the voter, in the presence of a  
25 notary public, commissioned officer of the armed forces including the National Guard,  
26 district judge or magistrate, United States postal official, registration official, or other  
27 person qualified to administer oaths, may proceed to mark the ballot in secret, to place  
28 the ballot in the secrecy sleeve, to place the secrecy sleeve in the envelope provided,  
29 and to sign the voter's certificate on the envelope in the presence of an official listed in  
30 this subsection who shall sign as attesting official and shall date the signature. If none  
31 of the officials listed in this subsection is reasonably accessible, an absentee voter

1 shall sign the voter's certificate in the presence of one person who is a United States  
2 citizen and is [TWO PERSONS OVER THE AGE OF] 18 years of age or older, who  
3 shall sign as a witness [WITNESSES] and attest to the date on which the voter signed  
4 the certificate in the person's [THEIR] presence, and, in addition, the voter shall  
5 provide the certification prescribed in AS 09.63.020.

6 \* Sec. 9. AS 15.20.081(h) is amended to read:

7 (h) Except as provided in AS 15.20.480, an absentee ballot returned by mail  
8 from outside the United States or from an overseas voter qualifying under  
9 AS 15.05.011 [A MILITARY APO OR FPO ADDRESS] that has been marked and  
10 mailed not later than election day may not be counted unless the ballot is received by  
11 the election supervisor not later than the close of business on the 15th day following  
12 the election.

13 \* Sec. 10. AS 15.20.800(b) is amended to read.

14 (b) If the director conducts an election under (a) of this section by mail, the  
15 director shall send a ballot for each election described in (a) of this section to each  
16 person whose name appears on the official registration list prepared under  
17 AS 15.07.125 for that election. The director shall send ballots by first class,  
18 nonforwardable mail. The ballot shall be sent to the address stated on the official  
19 registration list unless the

20 (1) voter has notified the director or an election supervisor of a  
21 different address to which the ballot should be sent; or

22 (2) address on the official registration list has been identified as  
23 being an undeliverable address [THE DIRECTOR SHALL SEND BALLOTS BY  
24 FIRST CLASS, NONFORWARDABLE MAIL].

25 \* Sec. 11. AS 15.20 is amended by adding a new section to article 5 to read:

26 Sec. 15.20.910. **Standards for voting machines and vote tally systems.** The  
27 director may approve a voting machine or vote tally system for use in an election in  
28 the state upon consideration of factors relevant to the administration of state elections,  
29 including whether the Federal Election Commission has certified the voting machine  
30 or vote tally system to be in compliance with the voting system standards approved by  
31 the Federal Election Commission as required by 42 U.S.C. 15481(a)(5) (Help America

1 Vote Act of 2002).

2 \* **Sec. 12.** AS 15.45.030 is amended to read:

3 **Sec. 15.45.030. Form of application.** The application must [SHALL]  
4 include the

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

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

10 (3) [THE] designation of an initiative committee consisting of three of  
11 the sponsors who subscribed to the application and [SHALL] represent all sponsors  
12 and subscribers in matters relating to the initiative; the designation must include the  
13 name, mailing address, and signature of each committee member [, AND

14 (4) THE SIGNATURES AND ADDRESSES OF NOT LESS THAN  
15 100 QUALIFIED VOTERS].

16 \* **Sec. 13.** AS 15.45.060 is amended to read:

17 **Sec. 15.45.060. Designation of sponsors.** The qualified voters who subscribe  
18 to the application in support of the proposed bill are designated as sponsors. The  
19 initiative committee may designate additional sponsors by giving written notice to the  
20 lieutenant governor of the names and addresses of those so designated.

21 \* **Sec. 14.** AS 15.45.090 is amended to read:

22 **Sec. 15.45.090. Preparation of petition.** If the application is certified, the  
23 lieutenant governor shall prescribe the form of and prepare petitions containing (1) a  
24 copy of the proposed bill if the number of words included in both the formal and  
25 substantive provisions of the bill is 500 or less; [,] (2) an impartial summary of the  
26 subject matter of the bill; [,] (3) the warning prescribed in AS 15.45.100; [,] (4)  
27 sufficient space for the printed name, date of birth, signature, and address; [,] (5)  
28 sufficient space at the bottom of each signature page for the information required by  
29 AS 15.45.130(8); [,] and (6) other specifications prescribed by the lieutenant governor  
30 to ensure [ASSURE] proper handling and control. Petitions, for purposes of  
31 circulation, shall be prepared by the lieutenant governor in a number reasonably

1 calculated to allow full circulation throughout the state and shall be sequentially  
2 numbered [. THE LIEUTENANT GOVERNOR SHALL NUMBER EACH  
3 PETITION AND SHALL KEEP A RECORD OF THE PETITION DELIVERED TO  
4 EACH SPONSOR]. Upon request of the initiative committee, the lieutenant governor  
5 shall report to the initiative committee the number of persons who voted in the  
6 preceding general election.

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

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

10 (1) 18 years of age or older; and

11 (2) a resident of the state as determined under AS 15.05.020.

12 \* **Sec. 16.** AS 15.45.120 is amended to read:

13 **Sec. 15.45.120. Manner of signing and withdrawing name from petition.**

14 Any qualified voter may subscribe to the petition by printing the voter's name, date  
15 of birth, and address, and by signing the voter's name [AND ADDRESS]. A person  
16 who has signed the initiative petition may withdraw the person's name only by giving  
17 written notice to the lieutenant governor before the date the petition is filed.

18 \* **Sec. 17.** AS 15.45.130 is amended to read:

19 **Sec. 15.45.130. Certification of circulator.** Before being filed, each petition  
20 shall be certified by an affidavit by the person who personally circulated the petition.  
21 The affidavit must state in substance that (1) the person signing the affidavit meets the  
22 residency and [,] age [, AND CITIZENSHIP] qualifications for circulating a petition  
23 under AS 15.45.105; [OF AS 15.05.010,] (2) the person is the only circulator of that  
24 petition; [,] (3) the signatures were made in the circulator's actual presence; [,] (4) to  
25 the best of the circulator's knowledge, the signatures are those of the persons whose  
26 names they purport to be; [,] (5) the signatures are of persons who were qualified  
27 voters on the date of signature; [,] (6) the circulator [PERSON] has not entered into  
28 an agreement with a person or organization in violation of AS 15.45.110(c); [,] (7) the  
29 circulator [PERSON] has not violated AS 15.45.110(d) with respect to that petition;  
30 [,] and (8) before circulation of the petition, the circulator prominently placed, in the  
31 space provided under AS 15.45.090(5) [BEFORE CIRCULATION OF THE

1 PETITION, IN BOLD CAPITAL LETTERS], the circulator's name and, if the  
2 circulator has received payment or agreed to receive payment for the collection of  
3 signatures on the petition, the name of each person or organization that has paid or  
4 agreed to pay the circulator for collection of signatures on the petition. In determining  
5 the sufficiency of the petition, the lieutenant governor may not count subscriptions on  
6 petitions not properly certified.

7 \* Sec. 18. AS 15.45.200 is amended to read:

8 **Sec. 15.45.200. Display of proposed law.** The director shall provide each  
9 election board with five [10] copies of the proposed law being initiated, and the  
10 election board shall display one copy [THREE COPIES] of the proposed law in a  
11 conspicuous place in the room where the election is held.

12 \* Sec. 19. AS 15.45.270 is amended to read:

13 **Sec. 15.45.270. Form of application.** The application must [SHALL]  
14 include

15 (1) the act to be referred;

16 (2) a statement of approval or rejection;

17 (3) the printed name, signature, address, and date of birth of not  
18 less than 100 qualified voters who will serve as sponsors; each signature page  
19 must include a statement that the sponsors are qualified voters who signed the  
20 application with the act to be referred and the statement of approval or rejection  
21 [PROPOSED BILL] attached; and

22 (4) [(3)] the designation of a referendum committee consisting of three  
23 of the sponsors who subscribed to the application and [SHALL] represent all  
24 sponsors and subscribers in matters relating to the referendum: the designation must  
25 include the name, address, and signature of each committee member [AND

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

28 \* Sec. 20. AS 15.45.290 is amended to read:

29 **Sec. 15.45.290. Designation of sponsors.** The qualified voters who subscribe  
30 to the application in support of the referendum are designated as sponsors. The  
31 referendum committee may designate additional sponsors by giving notice to the

1 lieutenant governor of the names and addresses of those so designated.

2 \* Sec. 21. AS 15.45.320 is amended to read:

3 **Sec. 15.45.320. Preparation of petition.** If the application is certified, the  
4 lieutenant governor shall, within seven calendar days after the date of certification,  
5 prescribe the form of, and prepare, a petition containing (1) a copy of the act to be  
6 referred, if the number of words included in both the formal and substantive  
7 provisions of the bill is 500 or less; [,] (2) the statement of approval or rejection;  
8 (3) an impartial summary of the subject matter of the act; (4) [, (3)] the warning  
9 prescribed in AS 15.45.330; (5) [, (4)] sufficient space for the printed names, dates  
10 of birth, signatures, and addresses; (6) sufficient space at the bottom of each page  
11 for the information required by AS 15.45.360(8); [,] and (7) [(5)] other  
12 specifications prescribed by the lieutenant governor to ensure [ASSURE] proper  
13 handling and control. Petitions, for purposes of circulation, shall be prepared by the  
14 lieutenant governor in a number reasonably calculated to allow full circulation  
15 throughout the state and shall be sequentially numbered [ THE LIEUTENANT  
16 GOVERNOR SHALL NUMBER EACH PETITION AND SHALL KEEP A  
17 RECORD OF THE PETITIONS DELIVERED TO EACH SPONSOR]. Upon request  
18 of the referendum committee, the lieutenant governor shall report to the referendum  
19 committee [SPECIFY] the number of persons who voted in the preceding general  
20 election.

21 \* Sec. 22. AS 15.45 is amended by adding a new section to read:

22 **Sec. 15.45.335. Qualifications of circulator.** To circulate a petition booklet,  
23 a person shall be

24 (1) 18 years of age or older; and

25 (2) a resident of the state as determined under AS 15.05.020.

26 \* Sec. 23. AS 15.45.340 is amended by adding new subsections to read:

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

31 (c) A person or organization may not knowingly pay, offer to pay, or cause to

1 be paid money or other valuable thing to a person to sign or refrain from signing a  
2 petition.

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

5 (e) In this section,

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

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

8 (3) "person" has the meaning given in AS 11.81.900.

9 \* Sec. 24. AS 15.45.350 is amended to read:

10 **Sec. 15.45.350. Manner of signing and withdrawing name from petition.**

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

15 \* Sec. 25. AS 15.45.360 is amended to read:

16 **Sec. 15.45.360. Certification of circulator.** Before being filed, each petition  
17 shall be certified by an affidavit by the person who circulated the petition. The  
18 affidavit must [SHALL] state in substance that (1) the person signing the affidavit  
19 meets the residency and [,] age [, AND CITIZENSHIP] qualifications for circulating  
20 a petition under AS 15.45.335; [OF AS 15.05.010,] (2) the person is the only  
21 circulator of the petition; [,] (3) the signatures were made in the circulator's actual  
22 presence; [, AND] (4) to the best of the circulator's knowledge, the signatures are the  
23 signatures of persons whose names they purport to be; (5) the signatures are of  
24 persons who were qualified voters on the date of signature; (6) the circulator has  
25 not entered into an agreement with a person or organization in violation of  
26 AS 15.45.340(b); (7) the circulator has not violated AS 15.45.340(c) with respect  
27 to that petition; and (8) before circulation of the petition, the circulator  
28 prominently placed, in the space provided under AS 15.45.320(6), the circulator's  
29 name and, if the circulator has received payment or agreed to receive payment  
30 for the collection of signatures on the petition, the name of each person or  
31 organization that has paid or agreed to pay the circulator for collection of

1        signatures on the petition. In determining the sufficiency of the petition, the  
2        lieutenant governor may not count subscriptions on petitions not properly certified.

3        \* Sec. 26. AS 15.45.430 is amended to read:

4                **Sec. 15.45.430. Display of act being referred.** The director shall provide  
5        each election board with five [10] copies of the act being referred, and the election  
6        board shall display one copy [THREE COPIES] of the act in a conspicuous place in  
7        the room where the election is held.

8        \* Sec. 27. AS 15.45.500 is amended to read:

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

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

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

13                    (3) the printed name, signature, address, and date of birth of  
14        sponsors equal in number to 10 percent of those who voted in the preceding  
15        general election in the state or in the senate or house district of the official sought  
16        to be recalled; each signature page must include a statement that the sponsors are  
17        qualified voters who signed the application with

18                                (A) the name and office of the person to be recalled; and

19                                (B) the statement of grounds for recall attached; and

20                    (4) the designation of a recall committee consisting of three of the  
21        sponsors who subscribed to the application and [SHALL] represent all sponsors and  
22        subscribers in matters relating to the recall; the designation must include the name,  
23        mailing address, and signature of each committee member

24                                [(5) THE SIGNATURES OF AT LEAST 100 QUALIFIED VOTERS  
25        WHO SUBSCRIBE TO THE APPLICATION AS SPONSORS FOR PURPOSES OF  
26        CIRCULATION; AND

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

31        \* Sec. 28. AS 15.45 is amended by adding a new section to read:

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

5 \* **Sec. 29.** AS 15.45.560 is amended to read:

6           **Sec. 15.45.560. Preparation of petition.** If [UPON CERTIFYING] the  
 7 application is certified, the director shall prescribe the form of, and prepare, a petition  
 8 containing (1) the name and office of the person to be recalled; [,] (2) the statement of  
 9 the grounds for recall included in the application; [,] (3) the statement of warning  
 10 required in AS 15.45.570; [,] (4) sufficient space for the printed name, date of birth,  
 11 signatures, and addresses; [, AND] (5) sufficient space at the bottom of each page  
 12 for the information required by AS 15.45.600(8); and (6) other specifications  
 13 prescribed by the director to ensure [ASSURE] proper handling and control.  
 14 Petitions, for purposes of circulation, shall be prepared by the director in a number  
 15 reasonably calculated to allow full circulation throughout the state or throughout the  
 16 senate or house district of the official sought to be recalled and shall be sequentially  
 17 numbered. Upon request of the recall committee, the lieutenant governor shall  
 18 report to the recall committee the number of persons who voted in the preceding  
 19 general election in the state or in the district of the official sought to be recalled.  
 20 [THE DIRECTOR SHALL NUMBER EACH PETITION AND SHALL KEEP A  
 21 RECORD OF THE PETITIONS DELIVERED TO EACH SPONSOR.]

22 \* **Sec. 30.** AS 15.45 is amended by adding a new section to read:

23           **Sec. 15.45.575. Qualifications of circulator.** To circulate a petition booklet,  
 24 a person shall be

25                   (1) 18 years of age or older; and

26                   (2) a resident of the state as determined under AS 15.05.020.

27 \* **Sec. 31.** AS 15.45.580 is amended by adding new subsections to read:

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

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

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

6 (e) In this section,

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

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

9 (3) "person" has the meaning given in AS 11.81.900.

10 \* **Sec. 32.** AS 15.45.590 is amended to read:

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

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

16 \* **Sec. 33.** AS 15.45.600 is amended to read:

17 **Sec. 15.45.600. Certification of circulator.** Before being filed, each petition  
18 shall be certified by an affidavit by the person who personally circulated the petition.  
19 The affidavit must [SHALL] state in substance that (1) the person signing the affidavit  
20 meets the residency and [,] age [, AND CITIZENSHIP] qualifications of  
21 AS 15.45.575; [AS 15.05.010,] (2) the person is the only circulator of that petition or  
22 copy; [,] (3) the signatures were made in the circulator's actual presence; [, AND] (4)  
23 to the best of the circulator's knowledge, the signatures are those of the persons whose  
24 names they purport to be; (5) the signatures are of persons who were qualified  
25 voters on the date of signature; (6) the circulator has not entered into an  
26 agreement with a person or organization in violation of AS 15.45.580(b); (7) the  
27 circulator has not violated AS 15.45.580(c) with respect to that petition; and (8)  
28 before circulation of the petition, the circulator prominently placed, in the space  
29 provided under AS 15.45.560(5), the circulator's name and, if the circulator has  
30 received payment or agreed to receive payment for the collection of signatures on  
31 the petition, the name of each person or organization that has paid or agreed to

1        pay the circulator for collection of signatures on the petition. In determining the  
2        sufficiency of the petition, the director may not count subscriptions on petitions not  
3        properly certified.

4        \* **Sec. 34.** AS 15.45.680 is amended to read:

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

15       \* **Sec. 35.** AS 15.60 is amended by adding a new section to read:

16                **Sec. 15.60.003. Voters unaffiliated with political parties.** The director shall  
17        consider a voter to be a voter registered as

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

20                    (2) "undeclared" if the voter

21                            (A) registers as undeclared on a voter registration form;

22                            (B) fails to declare an affiliation with a political group or  
23        political party on a voter registration form; or

24                            (C) declares an affiliation with an entity other than a political  
25        party or political group on a voter registration form; or

26                    (3) "other" if the voter declares on a voter registration form an  
27        affiliation with a political group.

28       \* **Sec. 36.** AS 15.60 is amended by adding a new section to read:

29                **Sec. 15.60.008. Recognized political party status.** (a) A political group that  
30        the director has not recognized as a political party may obtain recognized political  
31        party status if, on or before May 31 of the first election year for which the political

1 group seeks recognition, the political group

2 (1) files an application with the director;

3 (2) submits bylaws to the director and the United States Department of  
4 Justice as required of political parties in AS 15.25.014; and

5 (3) either

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

9 (B) has registered voters in the state equal in number to at least  
10 three percent of the total votes cast for governor at the preceding general  
11 election at which a governor was elected.

12 (b) The director shall verify that each political group seeking recognized  
13 political party status under (a) of this section and each recognized political party

14 (1) nominated a candidate for statewide office who received at least  
15 three percent of the total votes cast for that statewide office at the preceding general  
16 election; or

17 (2) has registered voters in the state equal in number to at least three  
18 percent of the total votes cast for governor at the preceding general election at which  
19 the governor was elected.

20 (c) The director shall perform a verification described in (b) of this section at  
21 least once a month after the date of certification of the preceding general election. For  
22 purposes of (b)(2) of this section, the director shall verify that the voters who have  
23 submitted registration to the division of elections are qualified under AS 15.05.010  
24 and have declared affiliation with the political group or recognized political party for  
25 which the verification is performed.

26 (d) Except as provided in (e) of this section, within 10 days after a verification  
27 under (c) of this section, the director shall provide to

28 (1) a political group seeking recognized political party status under (a)  
29 of this section written notification when the political group has obtained recognized  
30 political party status; and

31 (2) a recognized political party that no longer qualifies under (b) of this

1 section for recognized political party status written notification that recognized  
2 political party status has been withdrawn, and an application to obtain recognized  
3 political party status under (a) of this section; if the application is not returned in  
4 accordance with (a) of this section within 45 days after the director sends the written  
5 notification, the director shall discontinue monthly verification under (c) of this  
6 section for that political group.

7 (e) Notwithstanding (d) of this section, from June 1 of an election year  
8 through the date of the first verification under (b) of this section that occurs after  
9 certification of the results of the general election, the director may not withdraw  
10 recognized political party status.

11 \* Sec. 37. AS 15.60.010(21) is amended to read:

12 (21) "political party" means an organized group of voters that  
13 represents a political program and that either nominated a candidate for statewide  
14 office [GOVERNOR] who received at least three percent of the total votes cast for  
15 that office [GOVERNOR] at the preceding general election or has registered voters in  
16 the state equal in number to at least three percent of the total votes cast for governor at  
17 the preceding general election at which a governor was elected;

18 \* Sec. 38. AS 15.60.010 is amended by adding new paragraphs to read:

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

25 (39) "statewide office" means the office of governor, lieutenant  
26 governor, United States senator, or United States representative.

27 \* Sec. 39. The uncodified law of the State of Alaska is amended by adding a new section to  
28 read:

29 APPLICABILITY. The changes made by secs. 12 - 34 of this Act apply to an  
30 application for an initiative, referendum, or recall filed with the lieutenant governor on or  
31 after the effective date of this Act.

1 \* **Sec. 40.** The uncodified law of the State of Alaska is amended by adding a new section to  
2 read:

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

6 \* **Sec. 41.** The uncodified law of the State of Alaska is amended by adding a new section to  
7 read:

8       REVISOR'S INSTRUCTION. The revisor of statutes is instructed to change the  
9 heading of art. 5 of AS 15.20 from "Article 5. Optically Scanned Voting" to "Article 5.  
10 Optically Scanned Voting; Voting Machine or Tally System Standards."

11 \* **Sec. 42.** This Act takes effect immediately under AS 01.01.070(c).

# FISCAL NOTE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: HB 523  
(H) Publish Date: 2/26/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: LAW  
Title "An Act relating to qualifications of voters, voter registration, voter residence, precinct boundary...." RDU CIVIL  
Component Labor & State Affairs  
Sponsor Rules Committee  
Requester Governor Component No. \_\_\_\_\_

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

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill updates Title 15, the elections statutes, to reflect the current practices of the division of elections and to bring the statutes into compliance with recent court decisions and federal law.

Passage of this legislation will have no foreseeable impact on the Department of Law.

Prepared by: Kathryn A. Daughetee, Director Phone 465-3673  
Division Administrative Services Date/Time 2/12/04 2:36 PM  
Approved by: Kathryn Daughetee for Gregg D. Renkes, Attorney General Date 2/12/2004  
Agency Department of Law

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: HB 523  
 (H) Publish Date: 2/26/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: GOV  
 Title An Act relating to qualifications of voters, RDU Elections  
voter registration and residence, precinct boundary mod... Component Elections  
 Sponsor Rules Committee  
 Requester Governor Component No. 21

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

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	14.1		14.1		14.1	
Travel						
Contractual	13.9		13.9		13.9	
Supplies						
Equipment	53.5		5.0		5.0	
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>81.5</b>	<b>0.0</b>	<b>33.0</b>	<b>0.0</b>	<b>33.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF			33.0		33.0	
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (HAVA Election Fund)	81.5					
<b>TOTAL</b>	<b>81.5</b>	<b>0.0</b>	<b>33.0</b>	<b>0.0</b>	<b>33.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*  
 The Division of Elections anticipates the cost for expanding early voting to statewide locations will be approximately \$81.5. The initial cost of \$81.5 to expand Early Voting will be funded from federal dollars from the Help America Vote Act of 2002. In future years, the Division will need an increase from GF appropriations of \$33.0 to maintain the level of service for expanding Early Voting during an on Election year. This incremental increase is needed to support future personnel, contractual and equipment services under the Division's primary and general budget.

Prepared by: Leonard G. Jones Phone 465-3051  
 Division: Division of Elections Date/Time 2/23/04 3:30 PM  
 Approved by: Laura A. Glaiser, Director Date 2/23/2004  
 Agency: Office of the Lt. Governor, Division of Elections

"Dear Speaker Kott:

Under the authority of article III, section 18, of the Alaska Constitution, I am transmitting a bill relating to the state's elections statutes.

This bill would update statutes on qualifications of voters, voter registration, voter residence, precinct boundary modification, recognized political parties, voters unaffiliated with political parties, early and absentee voting, ballot counting, voting by mail, initiatives, referendums, recalls, and definitions.

The updates are necessary to reflect current practices of the Division of Elections and to bring the statutes into compliance with recent court decisions and federal law.

Section 1 of the bill would amend two provisions in AS 15.05.020 on rules for determining the residence of a voter. It would amend AS 15.05.020(2) to clarify that "temporary work sites" do not constitute a dwelling place; this provision formerly referenced "construction camps." Section 1 also would amend AS 15.05.020(10) to reference the official voter registration "record," rather than "card."

Section 2 of the bill would amend AS 15.07.060(a)(4) on required registration information, to specify that the applicant must provide the applicant's Alaska residence address.

Section 3 of the bill would amend AS 15.10.090 on notice of precinct boundary designation and modification, to require that notice be published on the Division of Elections' Internet web site, to provide that written notice need not be posted in a physical place if notice is published in a newspaper, and to reduce the number of places where notice is posted from three places to one place.

Section 4 of the bill would amend AS 15.15.350(a), on the general procedure for a ballot count, to require that the accounting for all ballots prepared by the election board include the number of ballots returned to the elections supervisor for destruction.

Sections 5 and 6 of the bill would amend AS 15.20.064 on early voting, to allow the director of elections to designate other locations, in addition to election supervisor offices, for early voting.

Section 7 of the bill would amend AS 15.20.066(b) on absentee voting by electronic transmission, to lower the number of witnesses required from two to one.

Sections 8 and 9 of the bill would amend AS 15.20.081(d) on absentee voting by mail or electronic transmission, to lower the number of witnesses required from two to one, and AS 15.20.081(h) to change the reference to military addresses from "APO or FPO address" to an "overseas voter qualifying under AS 15.05.011."

Section 10 of the bill would amend AS 15.20.800 on voting by mail to specify that a ballot will not be sent to a voter whose address has been identified as undeliverable.

Section 11 of the bill would add a proposed new section, AS 15.20.910, on voting system standards, incorporating recent federal requirements under the Help America Vote Act.

Section 12 of the bill would amend AS 15.45.030 on the form of the application for an initiative petition, to require additional information from the sponsors.

Section 13 of the bill would amend AS 15.45.060 on designation of sponsors for an initiative, to specify that sponsors support the bill proposed by the initiative application.

Section 14 of the bill would amend AS 15.45.090 on preparation of petitions, to require the printed name and date of birth of those signing an initiative petition. This section also would require that initiative petitions be sequentially numbered, and removes the requirement that the lieutenant governor keep a record of petitions delivered to sponsors. These amendments are proposed to comply with the state Superior Court's decision in the case of *Hinterberger v. State*, 3AN-03-4092 CI (October 21, 2003).

Section 15 of the bill would add a proposed new section, AS 15.45.105, to specify the qualifications of an initiative petition circulator.

Section 16 of the bill would amend AS 15.45.120 on the manner of signing and withdrawing a name from an initiative petition, to require additional information from initiative petition signers.

Section 17 of the bill would amend AS 15.45.130 on the certification of circulators for an initiative petition, to reference the proposed new section on qualifications of an initiative petition circulator, and to delete the requirement that the circulator's name be prominently displayed on the petition. This latter requirement has not been enforced for some time in order to comply with the United States Supreme Court opinion in *Buckley v. American Constitutional Law Foundation*, 525 U.S. 182 (1999), under advice from a formal opinion of the state attorney general's office, 2000 Op. Att'y Gen. No. 3 (September 22).

Section 18 of the bill would amend AS 15.45.200 on display of the proposed law, to reduce the number of copies of a law proposed by an initiative displayed in the polling place from three to one.

Section 19 of the bill would amend AS 15.45.270 on the form of the application, to conform the requirements for a referendum application to those required for an initiative application.

Section 20 of the bill would amend AS 15.45.290 on designation of sponsors, to conform the requirements for a referendum sponsor to those required for an initiative sponsor.

Section 21 of the bill would amend AS 15.45.320 on preparation of a petition, to conform the requirements for a referendum petition to those required for an initiative petition.

Section 22 of the bill would add a proposed new section, AS 15.45.335, to set out the qualifications for a circulator of a referendum petition.

Section 23 of the bill would amend AS 15.45.340 on circulation, to incorporate the prohibitions and penalties applicable to initiative petitions and apply these to circulation of referendum petitions.

Section 24 of the bill would amend AS 15.45.350 on the manner of signing and withdrawing a name from a petition, to require additional information for signing a referendum petition.

Section 25 of the bill would amend AS 15.45.360 on the certification of circulators, to conform the requirements for circulation of a referendum petition to those required for circulation of an initiative petition.

Section 26 of the bill would amend AS 15.45.430 on display of the act being referred to in the referendum, to reduce the number of copies of the act displayed in the polling place from three to one.

Section 27 of the bill would amend AS 15.45.500 on the form of the application, to specify similar requirements for a recall application to those required for an initiative application, including deleting the requirement that recall petition circulators be registered voters.

Section 28 of the bill would add a proposed new section, AS 15.45.515, on the designation of sponsors for a recall application using language similar to the statute on initiative petition sponsors.

Section 29 of the bill would amend AS 15.45.560 on preparation of the recall petition, to impose requirements similar to the requirements for an initiative petition.

Section 30 of the bill would add a proposed new section, AS 15.45.575, on qualifications of circulators to set out the qualifications for circulation of a recall petition.

Section 31 of the bill would amend AS 15.45.580 on circulation, to add requirements on circulation of a recall petition similar to those for circulation of initiative petitions.

Section 32 of the bill would amend AS 15.45.590 on the manner of signing and withdrawing a name from a petition, to require additional information from recall petition signers.

Section 33 of the bill would amend AS 15.45.600 on certification of circulators for a recall petition, to add similar requirements to those for circulation of an initiative petition.

Section 34 of the bill would amend AS 15.45.680 on display of grounds for and against recall, to reduce the number of copies displayed in the polling place from three to one.

Section 35 of the bill would add a proposed new section, AS 15.60.003, to set up categories for voters who are unaffiliated with political parties.

Section 36 of the bill would add a proposed new section, AS

15.60.008, to set out the requirements for recognized political party status.

Section 37 of the bill would amend the definition of "political party" in AS 15.60.010(21) to use the election for any statewide office, rather than solely the Office of Governor, as the benchmark for attaining the voter support necessary for political party status.

Section 38 of the bill would amend AS 15.60.010 by adding new definitions of "re-registration" and "statewide office" for the purposes of AS 15 on elections.

Section 39 of the bill would provide that the changes made by sections 12 - 34 of the bill apply to an application for an initiative, referendum, or recall that is filed with the lieutenant governor on or after the effective date of the bill.

Section 40 of the bill would provide that the elections statutes, as they existed before the amendments made by sections 12 - 34 of this bill, would apply to an initiative, referendum, or recall for which the application was filed before the effective date of the bill.

Section 41 of the bill sets out a revisor's instruction related to the addition of proposed AS 15.20.910 in section 11 of the bill.

Section 42 of the bill would establish an immediate effective date for the bill.

I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski  
Governor"

**Subject: Fw: hb523/Hearing Today**

**Date:** Wed, 21 Apr 2004 07:59:13 -0800

**From:** Jim Sykes <jsykes@ak.net>

**To:** terry.harvey@legis.state.ak.us

----- Original Message -----

From: Jim Sykes

To: [Representative Bruce Weyhrauch@legis.state.ak.us](mailto:Representative_Bruce_Weyhrauch@legis.state.ak.us)

Sent: Wednesday, April 21, 2004 7:48 AM

Subject: hb523/Hearing Today

DT: 4/21/2004

TO: Rep. Bruce Weyhrauch, Chair  
House State Affairs Committee

FR: Jim Sykes

RE: HB 523

Hello Chairman Weyhrauch,

I will be online again today to speak to a couple of items on HB 523 near the end of the bill on political party status to which I invite your further consideration. Please distribute copies to all other committee members.

Pages 19 and 20, Section 43. The intent is to provide political party recognition for four years after a 3% statewide vote. It only provides two years if the 3% is gained during a non-Governor election year. It would simplify Division of elections tracking to simply provide 4 years for whichever statewide race qualified for 3%. The state has historically recognized party status for 4 years. The Libertarians got 6 years from 1982 until 1988, as I recall.

It would be logical to assume someone would go to court and argue that getting ballot status on a US House race in a non-Governor year should not be less valuable than obtaining ballot status in a Governor year election. It would be both more simple and straightforward to recognize ballot status for 4 years whenever more than 3% is obtained in a statewide race for Governor, US House or US Senate.

Secondly, Page 18, Sec 42 15.60.008 (3) (B) and the same provision on Page 20, Sec 43 AS15.60.01(21) (D) Both sections require a 3% registration test which is equal in number for a voter test, also 3%.

It is well recognized that it is many times more difficult to register people to a particular political party than it is to attract people to a candidate at the polls. Only 5 states have requirements that speak to both ballot test and registration test, but in no case is the registration test anywhere near the level of the ballot

test. I hope you received a statistical summary of ballot access requirements across the 50 states that I faxed last week.

States with ballot test AND registration test requirements

State	Vote Req	Registration Req.	% of Registration to vote test. to vote req.
AK	3%	3%	100.00
AZ	5%	2/3 of 1%	13.33
CO	1%	1000 reg. Voters	approx 1/10 of 1%
MA	3%	1%	33.33
NM	5%	plus 0.3% regis.	6.00

For quite a long time a majority of Alaskans have registered to no political party. Across the nation independent registrations are on the rise. There is no doubt that registering people to a specific political party is much more difficult to do than attract voters to a candidate in an election. For example Green Party statewide races have attracted as high of a percentage as 12.5% of the statewide vote, and yet registered voters are about 1% of the total.

Courts across the country have increasingly recognized the right for people to have fewer restrictions when it comes to ballot access rather than more restrictions.

I believe the committee is on the right track to guarantee Alaskans have reasonable access to the ballot. A small political party can be active without doing a statewide race every year. A more reasonable registration test would allow more stability and probably mean less work for the division of elections, in terms of tracking the recognition of political parties. Having the 1% registration test is not likely to invite more political parties than we already have, since it still requires a significant effort to register thousands of voters. It is worth noting that Colorado, with a considerably higher population, only requires 1,000 registered voters to qualify a party.

Your work in this area is very important, and thank you for your full consideration to these principles. If you have any questions I will endeavor to answer them as best I can. Thank you.

Sincerely,

Jim Sykes

Fw: hb523/Hearing Today

745-6962

## THE EFFECTS OF BALLOT POSITION ON ELECTION OUTCOMES

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\*Note: This project originated as research in support of the plaintiff in *Koppell v. New York State Board of Elections* (97 F. Supp. 2d 477). G. Oliver Koppell, father of one co-author and father-in-law of the other, challenged New York State's practice of awarding by lottery the top ballot position in primary election contests. The authors are proud to have collaborated with Dr. Henry Bain, the godfather of ballot rotation research, on earlier iterations of this research that served as the basis of Dr. Bain's expert testimony on behalf of plaintiff Koppell. The court ruled that the state's assignment of the top ballot position to a single, randomly selected candidate did not violate the U.S. Constitution.

### Abstract

This paper presents evidence of name-order effects in balloting from a study of the 1998 Democratic primary in New York City, in which the order of candidates' names was rotated by precinct. In 71 of 79 individual nominating contests, candidates received a greater proportion of the vote when listed first than when listed in any other position. In seven of those 71 contests the advantage to first position exceeded the winner's margin of victory, suggesting that ballot position determined the election outcomes.

The 2000 presidential election shined a spotlight on a rarely-contemplated aspect of the American political system: ballot design. The format of the ballot in Palm Beach County, Florida appears to have influenced the outcome of the 2000 presidential election, in violation of (at least) two fundamental principles of democracy. First, democracy requires a “level playing field” on which no candidate holds an *a priori* advantage over others, particularly one conferred by the state. In the words of Wand, Herron and Brady, “Under any reasonable standard of fairness, ballot format should not determine the outcome of an election” (2000, G3). Second, the candidate preferred by the most people should win an election. It is troubling when a candidate who is favored by a plurality of voters loses an election because the ballot format steers indifferent or confused voters in a particular direction.

These principles have been discussed *ad nauseum* in relation to the infamous “butterfly ballot” and the 2000 presidential election tally in Florida (e.g., Brady et al. 2001; Wand et al. 2001). They are equally relevant to another aspect of ballot format, the order in which candidates’ names are listed. Political professionals have long taken for granted that the top spot on the ballot provides an advantage to the candidate whose name occupies it. In several instances, candidates have brought lawsuits to prevent their incumbent opponents from enjoying this advantage.<sup>1</sup> Still, most states assign one candidate in every primary election the top spot instead of rotating the order of candidates’ names.<sup>2</sup> If the conventional wisdom of the politerati is correct, this practice creates an obvious inequity in many American elections.

In this paper we test the notion that election results are influenced by the order in which candidates’ names appear on the ballot. Specifically, we consider whether occupying the first position on a vertical primary ballot adds to candidates’ vote tallies. We do this through a quantitative analysis of election results from the 1998 Democratic primary in New York City – a

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<sup>1</sup> *Holtzman v. Power*, 62 Misc. 2d 1020; *Gould v. Grubb*, 14 Cal. 3d 661; *Clough v. Guzzi*, 416 F. Supp. at 1059.

<sup>2</sup> Only fourteen states rotate candidate name order in statewide primary elections; two more (New York and Kentucky) use rotation in some jurisdictions but not others. In the remaining 36 states, the order of candidates’ names is uniform on all ballots, determined either by alphabetic ordering or lottery. A complete list of ballot placement methods, with references to the relevant sections of state election codes, is available at <http://www2.bc.edu/~steenje/ballot.htm>, or from the authors upon request.

jurisdiction that rotates precinct-by-precinct the order in which candidates' names are listed on the primary ballots.

Our findings differ from the most recent and widely cited article on name-order effects. We strongly disagree with Miller and Krosnick's conclusion that the magnitude of name-order effects are not substantively significant (1998, 291-92). We argue that Miller and Krosnick overstate the implications of their study, which only considers general elections. We find that the effect of name-order on primary election outcomes is significantly larger than Miller and Krosnick's estimate for general elections; furthermore, the magnitude of name-order effects is large enough to turn the outcome in some races. This phenomenon may not adversely affect any particular class of citizens, but it undermines equality among individual candidates. This is no less offensive to the democratic principle of fair play than, say, a state program that would provide a single candidate in each election contest – determined by lottery – with a cash grant.

#### **Previous Studies of Name-Order Effects**

The study of name-order effects predates Miller and Krosnick's coining of the term, but most of the earlier studies are methodologically flawed (for a detailed critique of the literature, see Miller and Krosnick 1998, 295-97). Furthermore, the literature is contradictory, with no clear patterns in the findings across studies. The existing works consider a wide variety of electoral contexts, including primaries for several offices in Michigan (Bain and Hecock 1957), Democratic and Republican county central committees in California (Byrne and Pueschel 1974), elections up and down the ballot in two Colorado counties (Darcy 1986), primary contests for local office in Oregon (Elverum 1983), all offices in contention in the 1992 general election in Ohio (Miller and Krosnick 1998), Los Angeles Junior College Board (Mueller 1970), Ohio state senate primaries (White 1950), and, perhaps least significant but most amusing, the election of officers of the American Anthropological Association in 1951 (Gold 1952). (A survey of the ballot position literature, including studies of voting in international settings, is presented in Darcy and McAllister 1990).

Miller and Krosnick offer the most recent addition to the name-order effects literature with their 1998 article on the 1992 general election in Ohio. They outline a compelling theory of name-order effects and find evidence of widespread position effect in the 1992 Ohio general election.

We embrace the theory of name-order effects developed by Jon Krosnick and his collaborators (see Krosnick and Alwin 1987; Miller and Krosnick 1998) that draws upon Herbert Simon's (1957) "satisficing" principle and treats voting as a cognitive task. According to the theory, actors faced with a choice among alternatives will conserve resources and select the most accessible satisfactory option presented, even if it is not optimal. If choices are presented orally, as in a telephone interview, the last option presented is most accessible and a "recency effect" is expected; if choices are presented visually, as in an election ballot, the first option presented is most accessible and a "primacy effect" is expected. As Miller and Krosnick note, "if a citizen feels compelled to vote in races regarding which he or she has no substantive bases for choice at all, he or she may simply settle for the first name listed, because no reason is apparent suggesting that the candidate is unacceptable" (1998, 294-95). Thus they predict that the magnitude of position bias depends on how many voters do not have substantive bases for choice.

We see one important shortcoming in Miller and Krosnick's study, their interpretation of their own findings.<sup>3</sup> Miller and Krosnick find that name-order effects are statistically significant, but substantively insignificant. They conclude, "the magnitude of name-order effects observed here suggests that they have probably done little to undermine the democratic process in contemporary America" (1998, 291-92). We believe that this optimistic conclusion is premature.

Even as they dismiss the potential mischief of name-order effects, Miller and Krosnick point out that name-order effects are stronger in non-partisan elections: "these effects were smaller when a cue was available to help people cast substantively meaningful votes" (1998, 312). Yet their study

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<sup>3</sup> Miller and Krosnick also make one methodological error: in their statistical analysis they fail to weight each observation by the size of the precinct. This may not be a serious flaw if the precincts studied were of roughly uniform size, but we cannot judge that since Miller and Krosnick do not report any information about the number of voters represented in their study.

does not reveal anything about the magnitude of name-order effects in a large, important class of elections in which partisan cues are unavailable to voters, partisan primaries.

The importance of primary elections for democracy should not be minimized. In many jurisdictions one major party enjoys a clear advantage over the other, so the only potential venue for meaningful competition is the dominant party's primary (Herrnson 2000, 24; Jacobson 2001, 16). Perhaps more significantly, primaries shape the alternatives that will ultimately be presented to the voters in elections for major offices, including, for example, U.S. Senate and Governor in the nation's third most populous state (as in this study). Consequently, one cannot judge the extent to which assigning the top slot to a single candidate undermines the democratic process without determining how ballot position affects outcomes in primary elections.

#### Data and Method

For this study we analyzed precinct-level election results from the 1998 Democratic primary in New York City.<sup>4</sup> While candidate name-order is uniform across most of New York State, in New York City the names of candidates are rotated by precinct.<sup>5</sup> That is, each candidate for each office is listed first in a nearly equal number of small precincts. This procedure produces observational data that is as close to experimental as one can get without actually randomizing the assignment of ballot formats, thereby providing an exceptional opportunity to examine the electoral consequences of ballot position.

In 1998, there were 79 contested Democratic primary elections in the City of New York. The contested offices included Governor, Lieutenant Governor, Attorney General, U.S. Senator, U.S. Representative (three districts), New York State Senator (5 districts), New York State Assembly (21 districts) and Civil Court Judge (four contests). There were also four Democratic Party offices

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<sup>4</sup> The basic unit of election administration is called an "election district" in New York City, but to avoid confusion with legislative districts we refer to them here as "precincts."

<sup>5</sup> The peculiar dual system resulted from a political compromise that stemmed out a court decision invalidating a 1970 statute that had granted the first ballot position to incumbent office holders (*Holtzman v. Power*, Court of Appeals of New York, 27 N.Y.2d 628; 261 N.E.2d 666; 1970). In its place, the state legislature imposed the rotation system. But since the "incumbent-first" rule applied only in New York City, the change to the rotation system was applied only in New York City. As a result, all primary elections conducted in New York City – even those for statewide office – rotate the order in which candidates' names are listed.

in contention: Male District Leader (16 districts), Female District Leader (12 districts), State Committeeman (eight districts) and State Committeewoman (six districts).

Election administration is organized around State Assembly districts, each of which is divided into precincts.<sup>6</sup> New York City has, in total, 5,616 precincts distributed across 58 Assembly Districts (ADs). The average number of precincts per Assembly District is 92 and the average number of voters per precinct is about 83.<sup>7</sup>

The assignment of precincts to ballot formats is not strictly random. Each Assembly District is divided into geographically contiguous, sequentially numbered precincts. However, it would be bizarre indeed if the characteristics of a precinct were related to that precinct's number. Precincts reported an average of 81.4 votes in 1998, thus neighborhoods in which voters shared characteristics (e.g., race, ethnicity) were never presented a single ballot format. Furthermore, if some characteristic is shared by the population of, say, every third precinct in a given Assembly district, that characteristic would only confound results for races with three candidates. Only the rotation of candidates in a three-person race would align with the mysterious characteristic associated with every third precinct.<sup>8</sup>

Our statistical analysis is very simple, but somewhat unconventional. It is customary to consider individual candidates as the recipients of votes; instead, we considered ballot positions as recipients of votes, regardless of whose name appears in them. When candidate names are rotated, each slot on the ballot (the first, second, third or fourth position) is occupied by each candidate in the same number of precincts. Each slot should therefore receive one  $n$ th of the votes in an  $n$ -candidate primary if ballot placement exerts no effect on candidate performance. For example, in a four-person contest, such as the race for Attorney General, each position should receive 25% of the

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<sup>6</sup> Each of the five boroughs of New York City (Queens, Brooklyn, Staten Island, Manhattan and the Bronx) is a distinct county; the Assembly Districts do not cross county lines.

<sup>7</sup> Our data includes neither total registered voters nor total ballots cast in each ED, so we approximate the number of "voters" as the maximum number of individual ballots cast for any single office. For 70% of precincts, that office is U.S. Senate.

<sup>8</sup> It would be desirable to use demographic variables to test for qualitative differences among the groups of precincts sharing ballot formats. Unfortunately, the only level for which we have demographic data is congressional district, and there is insufficient covariation between congressional district and ballot format to use census variables to evaluate differences between formats.

vote in the absence of position effect.<sup>9</sup> The sampling distribution of the vote under the null hypothesis is therefore very straightforward: the expected vote percent for first position (or any other),  $\pi$ , is  $1/n$  and the standard error is  $\sqrt{\frac{\pi(1-\pi)}{P}}$ , where  $P$  is the number of observed precincts.<sup>10</sup> Using these parameters we conducted standard Z-tests on the observed percentages for first position.

### Findings

We found compelling evidence that ballot position affects candidates' vote tallies. Our findings also confirm that several variables contribute to the magnitude of position effect.

Table 1 presents the tallies for each statewide office by ballot position. For all three statewide races with four candidates, the first position received significantly more than 25% of the votes. In the Governor's race, the first position took 27.3% of the vote. In the Attorney General's race, the first position received 27.2%, and in the U.S. Senate campaign the first position received 26.8%. In the Lieutenant Governor's race, with only three candidates, the first position took 34.9% of the vote. In all four primaries, the vote for candidates in the first position significantly exceeded the position-neutral expectation of  $1/n$ , with p-values less than .001 in two cases (Governor and Attorney General) and less than .01 in two (Lieutenant Governor and U.S. Senator).

[Table 1 ABOUT HERE]

The results of our analysis leave no room for doubt regarding the existence of position effect. In all four of the statewide contests, the first position fared better than the other ballot positions. We can very confidently reject the null hypothesis of no position bias in primaries for statewide office.

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<sup>9</sup> There are slight variations in the proportion of precincts with each ballot format when one ballot format appeared in extra precincts, as when the number of precincts is not a whole multiple of the number of candidates or when a district lies in two counties. There are also slight variations in the proportion of total voters with each format, since the number of voters per precinct is not uniform. However, when we accounted for these variations our results were nearly identical to those presented here.

<sup>10</sup> Since precincts contain varying numbers of voters (the mean is 76 and standard deviation is 54), we weighted each observation by the number of total votes cast in the precinct.

In elections for local office, including Congress, state legislature, judgeships and four party positions, the primacy effect is substantively larger, although in many cases not statistically significant.<sup>11</sup> Table 2 lists the vote percentage by position for the 75 contested primary elections at the local level. In 67 of the 75, the first position received more than its expected percentage of the vote. The median advantage to first position in down-ballot elections was 3.6%; the first-position effect ranged from -10.6% to 11.4%. Despite the high threshold for statistical significance, we found that in 17 of the 75 local races the first position vote was significantly higher than the expectation.

[Table 2 ABOUT HERE]

These observations are not mutually independent because there are many instances of overlapping districts. We only have one unique observation per precinct, but, for example, in the 54th Assembly district, precincts 30 and 31 contributed to the tallies in the contest primaries for two judgeships, U.S. House (10th CD), State Senate (17th SD), Assembly, Male District Leader and Female District Leader (all AD 54). To evaluate the joint significance of these findings, we created four precinct-level variables, votes for all down-ballot candidates in first position, votes for all such candidates in second position, votes for candidates in third position and votes for candidates in fourth position. We then created four more variables, the expected votes for each position given no positional effect. For each ballot position, this benchmark was calculated as:

$$\text{Expected vote} = \sum_i \frac{\text{Total votes cast for all candidates in contest } i}{\text{Number of candidates in contest } i}$$

Using these computed figures, we were able to calculate both an observed and an expected vote percent, assume a sampling distribution for each ballot slot, and test whether the observed percent were significantly greater than the expected percent. The benchmark expectation is that 45.4% of all

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<sup>11</sup> Because there are fewer observations per contest in local nominations the sampling distribution of the position vote is “flatter” – that is to say, it has a larger standard error. The statistical test for local offices is considerably more powerful, so one would not expect the results to be as dramatic, in terms of p-values, as those in the statewide contests, even if the magnitude of effect is the same or greater.