

WENT TO THE STORES, 2007-2009

11649 HOUSE STAIRS

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 94(STA). Draft Version "G"

1 Page 8, following line 12:

2 Insert a new bill section to read:

3 **\*\* Sec. 15.** AS 15.20.450 is amended to read:

4 **Sec. 15.20.450. Requirements of deposit and recount cost.** The application  
5 must include a deposit in cash, by certified check, or by bond with a surety approved  
6 by the director. The amount of the deposit is \$2,500 [\$300] for each precinct, \$10,000  
7 [\$750] for each house district, and \$50,000 [\$10,000] for the entire state. If the  
8 recount includes an office for which candidates received a tie vote, or the difference  
9 between the number of votes cast was 20 or less or was less than .5 percent of the total  
10 number of votes cast for the two candidates for the contested office, or a question or  
11 proposition for which there was a tie vote on the issue, or the difference between the  
12 number of votes cast in favor of or opposed to the issue was 20 or less or was less than  
13 .5 percent of the total votes cast in favor of or opposed to the issue, the application  
14 need not include a deposit, and the state shall bear the cost of the recount. If, on the  
15 recount, a candidate other than the candidate who received the original election  
16 certificate is declared elected, or if the vote on recount is determined to be four percent  
17 or more in excess of the vote reported by the state review for the candidate applying  
18 for the recount or in favor of or opposed to the question or proposition as stated in the  
19 application, the entire deposit shall be refunded. If the entire deposit is not refunded,  
20 the director shall refund any money remaining after the cost of the recount has been  
21 paid from the deposit. **If the cost of the recount exceeds the amount of the deposit,**  
22 **the recount applicant shall pay the remainder upon notification by the state of**  
23 **the amount due.**

- 1
- 2 Renumber the following bill sections accordingly.
- 3
- 4 Page 21, line 4:
  - 5 Delete "secs. 20 - 43"
  - 6 Insert "secs. 21 - 44"

24-GH1048\G

Kurtz

1/31/05

**CS FOR HOUSE BILL NO. 94(STA)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-FOURTH LEGISLATURE - FIRST 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 registration through a power of  
4 attorney, voter registration using scanned documents, voter residence, precinct  
5 boundary and polling place designation and modification, recognized political parties,  
6 voters unaffiliated with a political party, early voting, absentee voting, application for  
7 absentee ballots through a power of attorney or by scanned documents, ballot design,  
8 ballot counting, voting by mail, voting machines, vote tally systems, initiative,  
9 referendum, recall, and definitions in the Alaska Election Code; relating to  
10 incorporation elections; and providing for an effective date."

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

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

1           **Sec. 15.05.020. Rules for determining residence of voter.** For the purpose  
2 of determining residence for voting, the place of residence is governed by the  
3 following rules:

4           (1) A person may not be considered to have gained a residence solely  
5 by reason of presence nor may a person lose it solely by reason of absence while in the  
6 civil or military service of this state or of the United States or of absence because of  
7 marriage to a person engaged in the civil or military service of this state or the United  
8 States, while a student at an institution of learning, while in an institution or asylum at  
9 public expense, while confined in public prison, while engaged in the navigation of  
10 waters of this state or the United States or of the high seas, while residing upon an  
11 Indian or military reservation, or while residing in the Alaska Pioneers' Home or the  
12 Alaska Veterans' Home.

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

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

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

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

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

28           (7) The term of residence is computed by including the day on which  
29 the person's residence begins and excluding the day of election

30           (8) The address of a voter as it appears on the [AN] official voter  
31 registration record [CARD] is presumptive evidence of the person's voting residence.

1 This presumption is negated only if the voter notifies the director in writing of a  
2 change of voting residence.

3 \* Sec. 2. AS 15.07.050 is amended to read:

4 **Sec. 15.07.050. Manner of registration.** Registration may be made

5 (1) in person before a registration official or through a voter  
6 registration agency;

7 (2) by another individual on behalf of the voter if the voter has  
8 executed a written power of attorney specifically authorizing that other  
9 individual to register the voter;

10 (3) by mail; or

11 (4) [(3)] by facsimile transmission, scanning, or another method of  
12 electronic transmission that the director approves.

13 \* Sec. 3. AS 15.07.060(a) is amended to read:

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

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

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

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

21 (4) the applicant's Alaska residence address [AND OTHER  
22 NECESSARY INFORMATION ESTABLISHING RESIDENCE, INCLUDING THE  
23 TERM OF RESIDENCE IN THE STATE AND IN THE DISTRICT, IF  
24 REQUESTED];

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

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

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

- 1 (8) ~~the~~ date of application;
- 2 (9) the applicant's signature or mark;
- 3 (10) any former name under which the applicant was registered to vote
- 4 in the state;
- 5 (11) an oath [ATTESTATION] that the information provided by the
- 6 applicant in (1) - (10) of this subsection is true; and
- 7 (12) a certification that the applicant understands that a false statement
- 8 on the application may make the applicant subject to prosecution for a misdemeanor
- 9 under this title or AS 11.

10 \* Sec. 4. AS 15.07.070(b) is amended to read:

11 (b) To register by mail or by facsimile, scanning, or other electronic

12 transmission approved by the director under AS 15.07.050, the director, the area

13 election supervisor, or a voter registration agency shall furnish, at no cost to the voter,

14 forms prepared by the director on which the registration information required under

15 AS 15.07.060 shall be inserted by the voter, by a person on behalf of the voter if

16 that person is designated to act on behalf of the voter in a power of attorney as

17 set out in AS 15.07.050, or by a person on behalf of the voter if the voter is physically

18 incapacitated. The director may require proof of identification of the applicant as

19 required by regulations adopted by the director under AS 44.62 (Administrative

20 Procedure Act). Upon receipt and approval of the completed registration forms, the

21 director or the election supervisor shall forward to the voter an acknowledgment, and

22 the voter's name shall immediately be placed on the master register. If the registration

23 is denied, the voter shall immediately be informed in writing that registration was

24 denied and the reason for denial. When identifying information has been provided by

25 the voter as required by this chapter, the election supervisor shall forward to the voter

26 a registration card.

27 \* Sec. 5. AS 15.07 is amended by adding a new section to read:

28 **Sec. 15.07.075. Voters unaffiliated with a political party.** The director shall

29 consider a voter to be a voter registered as

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

1 (2) "undeclared" if the voter

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

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

5 (C) declares an affiliation with an entity other than a political  
6 party or political group on a voter registration form, or

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

9 \* Sec. 6. AS 15.07.127 is amended to read:

10 **Sec. 15.07.127. Preparation of master register.** The director shall prepare  
11 both a statewide list and a list by precinct of the names and addresses of all persons  
12 whose names appear on the master register and their political party affiliation.  
13 **Subject to the limitations of 15.07.195, any** [ANY] person may obtain a copy of the  
14 list, or a part of the list, or an electronic format containing both residence and mailing  
15 addresses of voters, by applying to the director and paying to the state treasury a fee as  
16 determined by the director.

17 \* Sec. 7. AS 15.10.090 is amended to read:

18 **Sec. 15.10.090. Notice of precinct boundary designation and modification.**  
19 The director shall give full public notice when precinct boundaries are designated and  
20 when the boundaries of a precinct are modified or when a precinct is established or  
21 abolished. Public notice **must** [SHALL] include

22 (1) [, BUT IS NOT LIMITED TO,] the publication **of notice** on three  
23 different days in a daily newspaper of general circulation; [,] if **possible, the**  
24 **newspaper shall be one that is available generally in the house district** [SUCH A  
25 NEWSPAPER IS PUBLISHED IN THE HOUSE DISTRICT] where the precinct is  
26 located; **however, if a daily newspaper of general circulation is not generally**  
27 **available in that house district, public notice must include** [, BY] posting written  
28 notice in **a** [THREE] conspicuous **place** [PLACES] in the designated precinct;

29 (2) **posting on the division of elections' Internet website;** [,] and

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

31 \* Sec. 8. AS 15.15.030(7) is amended to read:

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

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

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

22 \* Sec. 10. AS 15.20.064 is amended by adding a new subsection to read:

23 (d) The director shall designate locations for early voting by January 1 of an  
24 election year.

25 \* Sec. 11. AS 15.20.066(b) is amended to read:

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

28 (1) contain the following statement: "I understand that, by using  
29 electronic transmission to return my marked ballot, I am voluntarily waiving a portion  
30 of my right to a secret ballot to the extent necessary to process my ballot, but expect  
31 that my vote will be held as confidential as possible, [.] " followed by the voter's

signature and date of signature; and

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

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

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

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

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

(a) A qualified voter may apply by mail or by facsimile, scanning, or other electronic transmission to the director for an absentee ballot. Another person may apply for an absentee ballot on behalf of a qualified voter if that person is designated to act on behalf of the voter in a written power of attorney that specifically authorizes the other person to apply for an absentee ballot on behalf of the voter. The application must include the address or, if the application requests delivery of an absentee ballot by electronic transmission, the telephone electronic transmission number, to which the absentee ballot is to be returned, the applicant's full Alaska residence address, and the applicant's signature. However, a person residing outside the United States and applying to vote absentee in federal elections in accordance with AS 15.05.011 need not include an Alaska residence address in the application.

\* Sec. 13. AS 15.20.081(d) is amended to read:

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

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 at least 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. 14. 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. 15. 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

20 (1) the 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. 16. 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. 17. AS 15.30 is amended by adding a new section to read:

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

5 (a) A person who desires to be an independent candidate for President of the United  
6 States must file with the director not earlier than January 1 of a presidential election  
7 year and not later than the 90th day before a presidential general election a petition  
8 signed by qualified voters of the state equal in number to at least one percent of the  
9 number of voters who cast ballots in an election under this chapter for President of the  
10 United States at the last presidential general election. The petition must state that the  
11 signers desire the named candidate for President of the United States to appear on the  
12 ballot as an independent candidate for president at the next succeeding presidential  
13 general election.

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

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

20 (2) the name of a candidate for Vice-President, selected by the  
21 independent candidate; and

22 (3) the name, Alaska mailing address, and signature of the candidate's  
23 state campaign chair, who must be an Alaska resident.

24 \* Sec. 18. AS 15.30.050 is amended to read:

25 **Sec. 15.30.050. Interpretation of votes cast for candidates for President**  
26 **and Vice-President [VICE PRESIDENT].** In voting for presidential electors, a vote  
27 marked for the candidates for President and **Vice-President** [VICE PRESIDENT] is  
28 considered and counted as a vote for the presidential electors of the party **or for the**  
29 **presidential electors named under AS 15.30.026, as appropriate.**

30 \* Sec. 19. AS 15.30.090 is amended to read:

31 **Sec. 15.30.090. Duties of electors.** After any vacancies have been filled, the

1 electors shall proceed to cast their votes for the candidates for the office of President  
2 and Vice-President [VICE PRESIDENT] of the party that [WHICH] selected them as  
3 candidates for electors, or for the candidates for the office of President and Vice-  
4 President under AS 15.30.026 if the electors were named under AS 15.30.026, and  
5 shall perform the duties of electors as required by the constitution and laws of the  
6 United States. The director shall provide administrative services and the Department  
7 of Law shall provide legal services necessary for the electors to perform their duties.

8 \* Sec. 20. AS 15.45.030 is amended to read:

9 **Sec. 15.45.030. Form of application.** The application must [SHALL]  
10 include the

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

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

16 (3) [THE] designation of an initiative committee consisting of three of  
17 the sponsors who subscribed to the application and [SHALL] represent all sponsors  
18 and subscribers in matters relating to the initiative; the designation must include the  
19 name, mailing address, and signature of each committee member [, AND (4)  
20 THE SIGNATURES AND ADDRESSES OF NOT LESS THAN 100 QUALIFIED  
21 VOTERS].

22 \* Sec. 21. AS 15.45.060 is amended to read:

23 **Sec. 15.45.060. Designation of sponsors.** The qualified voters who subscribe  
24 to the application in support of the proposed bill are designated as sponsors. The  
25 initiative committee may designate additional sponsors by giving written notice to the  
26 lieutenant governor of the names, [AND] addresses, and dates of birth of those so  
27 designated.

28 \* Sec. 22. AS 15.45.090 is repealed and reenacted to read:

29 **Sec. 15.45.090. Preparation of petition.** (a) The lieutenant governor shall  
30 prepare a sufficient number of sequentially numbered petitions to allow full circulation  
31 throughout the state. Each petition must contain

1 (1) a copy of the proposed bill if the number of words included in both  
2 the formal and substantive provisions of the bill is 500 or less;

3 (2) an impartial summary of the subject matter of the bill;

4 (3) the statement of warning prescribed in AS 15.45.100;

5 (4) sufficient space for the printed name, date of birth, signature, and  
6 address of each person signing the petition;

7 (5) sufficient space at the bottom of each signature page for the  
8 information required by AS 15.45.130(8); and

9 (6) other specifications prescribed by the lieutenant governor to ensure  
10 proper handling and control.

11 (b) Upon request of the initiative committee, the lieutenant governor shall  
12 report to the committee the number of persons who voted in the preceding general  
13 election.

14 \* Sec. 23. AS 15.45 is amended by adding a new section to read:

15 **Sec. 15.45.105. 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. 24. AS 15.45.120 is amended to read:

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

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

26 \* Sec. 25. AS 15.45.130 is repealed and reenacted to read:

27 **Sec. 15.45.130. Certification of circulator.** Before being filed, each petition  
28 shall be certified by an affidavit by the person who personally circulated the petition.  
29 In determining the sufficiency of the petition, the lieutenant governor may not count  
30 subscriptions on petitions not properly certified at the time of filing or corrected before  
31 the subscriptions are counted. The affidavit must state in substance that

1 (1) the person signing the affidavit meets the residency, age, and  
2 citizenship qualifications for circulating a petition under AS 15.45.105;

3 (2) the person is the only circulator of that petition;

4 (3) the signatures were made in the circulator's actual presence;

5 (4) to the best of the circulator's knowledge, the signatures are the  
6 signatures of the persons whose names they purport to be;

7 (5) the signatures are of persons who were qualified voters on the date  
8 of signature;

9 (6) the circulator has not entered into an agreement with a person or  
10 organization in violation of AS 15.45.110(c);

11 (7) the circulator has not violated AS 15.45.110(d) with respect to that  
12 petition; and

13 (8) if the circulator has received payment or agreed to receive payment  
14 for the collection of signatures on the petition, the circulator, before circulating the  
15 petition, prominently placed in the space provided under AS 15.45.090(a)(5) the name  
16 of each person or organization that has paid or agreed to pay the circulator for  
17 collection of signatures on the petition.

18 \* Sec. 26. AS 15.45.200 is amended to read:

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

23 \* Sec. 27. AS 15.45.270 is amended to read:

24 **Sec. 15.45.270. Form of application.** The application must [SHALL]  
25 include

26 (1) the act to be referred,

27 (2) a statement of approval or rejection;

28 (3) the printed name, signature, address, and date of birth of not  
29 less than 100 qualified voters who will serve as sponsors; each signature page  
30 must include a statement that the sponsors are qualified voters who signed the  
31 application with the act to be referred and the statement of approval or rejection

1 [PROPOSED BILL] attached; and

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

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

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

10 Sec. 15.45.290. **Designation of sponsors.** The qualified voters who subscribe  
11 to the application in support of the referendum are designated as sponsors. The  
12 referendum committee may designate additional sponsors by giving notice to the  
13 lieutenant governor of the names, [AND] addresses, and dates of birth of those so  
14 designated.

15 \* Sec. 29. AS 15.45.320 is repealed and reenacted to read:

16 Sec. 15.45.320. **Preparation of petition.** (a) The lieutenant governor shall  
17 prepare a sufficient number of sequentially numbered petitions to allow full circulation  
18 throughout the state. Each petition must contain

19 (1) a copy of the act to be referred if the number of words included in  
20 both the formal and substantive provisions of the act is 500 or less;

21 (2) the statement of approval or rejection;

22 (3) an impartial summary of the subject matter of the act;

23 (4) the statement of warning prescribed in AS 15.45.330;

24 (5) sufficient space for the printed name, date of birth, signature, and  
25 address of each person signing the petition;

26 (6) sufficient space at the bottom of each signature page for the  
27 information required by AS 15.45.360(8); and

28 (7) other specifications prescribed by the lieutenant governor to ensure  
29 proper handling and control.

30 (b) Upon request of the referendum committee, the lieutenant governor shall  
31 report to the committee the number of persons who voted in the preceding general

1 election.

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

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

5 (1) a citizen of the United States;

6 (2) 18 years of age or older; and

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

8 \* **Sec. 31.** AS 15.45.340 is amended by adding new subsections to read:

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

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

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

18 (e) In this section,

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

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

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

22 \* **Sec. 32.** AS 15.45.350 is amended to read:

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

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

28 \* **Sec. 33.** AS 15.45.360 is repealed and reenacted to read:

29 **Sec. 15.45.360. Certification of circulator.** Before being filed, each petition  
30 shall be certified by an affidavit by the person who personally circulated the petition.  
31 In determining the sufficiency of the petition, the lieutenant governor may not count

1 subscriptions on petitions not properly certified at the time of filing or corrected before  
2 the subscriptions are counted. The affidavit must state in substance that

3 (1) the person signing the affidavit meets the residency, age, and  
4 citizenship qualifications for circulating a petition under AS 15.45.335;

5 (2) the person is the only circulator of that petition;

6 (3) the signatures were made in the circulator's actual presence;

7 (4) to the best of the circulator's knowledge, the signatures are the  
8 signatures of the persons whose names they purport to be;

9 (5) the signatures are of persons who were qualified voters on the date  
10 of signature;

11 (6) the circulator has not entered into an agreement with a person or  
12 organization in violation of AS 15.45.340(b);

13 (7) the circulator has not violated AS 15.45.340(c) with respect to that  
14 petition; and

15 (8) if the circulator has received payment or agreed to receive payment  
16 for the collection of signatures on the petition, the circulator, before circulating of the  
17 petition, prominently placed in the space provided under AS 15.45.320(a)(6) the name  
18 of each person or organization that has paid or agreed to pay the circulator for  
19 collection of signatures on the petition.

20 \* Sec. 34. AS 15.45.430 is amended to read:

21 **Sec. 15.45.430. Display of act being referred.** The director shall provide  
22 each election board with <sup>at least</sup> five [10] copies of the act being referred, and the election  
23 board shall display at least one copy [THREE COPIES] of the act in a conspicuous  
24 place in the room where the election is held.

25 \* Sec. 35. AS 15.45.500 is amended to read:

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

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

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

30 (3) the printed name, signature, address, and date of birth of  
31 qualified voters equal in number to 10 percent of those who voted in the

*Amend #1  
24  
43.*

1 preceding general election in the state or in the senate or house district of the  
 2 official sought to be recalled; each signature page must include a statement that the  
 3 [SPONSORS ARE] qualified voters

4 (A) will serve as sponsors; and

5 (B) [WHO] signed the application with the name and office of  
 6 the person to be recalled and the statement of grounds for recall attached;  
 7 and

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

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

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

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

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

25 \* **Sec. 37.** AS 15.45.560 is repealed and reenacted to read:

26 **Sec. 15.45.560. Preparation of petition.** (a) The director shall prepare a  
 27 sufficient number of sequentially numbered petitions to allow full circulation  
 28 throughout the state. Each petition must contain

- 29 (1) the name and office of the person to be recalled;  
 30 (2) the statement of the grounds for recall included in the application;  
 31 (3) the statement of warning required in AS 15.45.570;

1 (1) sufficient space for the printed name, date of birth, signature, and  
2 address of each person signing the petition;

3 (5) sufficient space at the bottom of each signature page for the  
4 information required by AS 15.45.600(b); and

5 (6) other specifications prescribed by the director to ensure proper  
6 handling and control.

7 (b) Upon request of the recall committee, the lieutenant governor shall report  
8 to the committee the number of persons who voted in the preceding general election,  
9 in the state or in the district of the official sought to be recalled by the recall  
10 committee.

11 \* Sec. 38. AS 15.45.570 is amended to read:

12 **Sec. 15.45.570. Statement of warning.** Each petition must [AND  
13 DUPLICATE COPY SHALL] include a statement of warning that a person who signs  
14 a name other than the person's own to the petition, or who knowingly signs more than  
15 once for the same proposition at one election, or who signs the petition while  
16 knowingly not a qualified voter, is guilty of a class B misdemeanor.

17 \* Sec. 39. AS 15.45 is amended by adding a new section to read:

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

20 (1) a citizen of the United States;

21 (2) 18 years of age or older; and

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

23 \* Sec. 40. AS 15.45.580 is amended by adding new subsections to read:

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

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

31 (d) A person or organization that violates (b) or (c) of this section is guilty of a

1 class B misdemeanor.

2 (e) In this section,

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

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

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

6 \* Sec. 41. AS 15.45.590 is amended to read:

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

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

12 \* Sec. 42. AS 15.45.600 is repealed and reenacted to read:

13 **Sec. 15.45.600. Certification of circulator.** Before being filed, each petition  
14 shall be certified by an affidavit by the person who personally circulated the petition.  
15 In determining the sufficiency of the petition, the lieutenant governor may not count  
16 subscriptions on petitions not properly certified at the time of filing or corrected before  
17 the subscriptions are counted. The affidavit must state in substance that

18 (1) the person signing the affidavit meets the residency, age, and  
19 citizenship qualifications for circulating a petition under AS 15.45.575;

20 (2) the person is the only circulator of that petition;

21 (3) the signatures were made in the circulator's actual presence;

22 (4) to the best of the circulator's knowledge, the signatures are the  
23 signatures of the persons whose names they purport to be;

24 (5) the signatures are of persons who were qualified voters on the date  
25 of signature;

26 (6) the circulator has not entered into an agreement with a person or  
27 organization in violation of AS 15.45.580(b);

28 (7) the circulator has not violated AS 15.45.580(c) with respect to that  
29 petition; and

30 (8) if the circulator has received payment or agreed to receive payment  
31 for the collection of signatures on the petition, the circulator, before circulating of the

1 petition, prominently placed in the space provided under AS 15.45.560(a)(5) the name  
 2 of each person or organization that has paid or agreed to pay the circulator for  
 3 collection of signatures on the petition.

4 \* Sec. 43. 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 at least one copy [THREE COPIES]  
 13 of the statements for and against recall in a [THREE] conspicuous place [PLACES] in  
 14 the polling place.

15 \* Sec. 44. AS 15.60 is amended by adding a new section to read:

16 **Sec. 15.60.068. Recognized political party status.** (a) A political group that  
 17 the director has not recognized as a political party may obtain recognized political  
 18 party status if, on or before May 31 of the first election year for which the political  
 19 group seeks recognition, the political group

20 (1) files an application with the director;

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

23 (3) meets the definition of a political party in AS 15.60.010.

24 (b) The director shall verify that each political group seeking recognized  
 25 political party status under (a) of this section and each recognized political party meets  
 26 the definition of a political party in AS 15.60.010.

27 (c) The director shall perform a verification described in (b) of this section at  
 28 least once a month after the date of certification of the preceding general election. For  
 29 purposes of (b) of this section, the director shall verify that the voters who have  
 30 submitted registration to the division of elections are qualified under AS 15.05.010  
 31 and have declared affiliation with the political group or recognized political party for

1 which the verification is performed.

2 (d) Within 10 days after a verification under (c) of this section, the director  
3 shall provide to a political group seeking recognized political party status under (a) of  
4 this section written notification when the political group has obtained recognized  
5 political party status.

6 (e) The director may not withdraw recognized political party status from a  
7 political group that no longer meets the definition of political party except following  
8 the verification immediately after a general election at which a governor was elected.  
9 The director shall notify the political group in writing of the withdrawal of  
10 recognition.

11 \* Sec. 45. AS 15.60.010 is amended by adding a new paragraph to read:

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

18 \* Sec. 46. AS 29.05.110(b) is amended to read:

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

22 \* Sec. 47. AS 29.05.110(c) is amended to read:

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

30 \* Sec. 48. AS 29.05.110 is amended by adding a new subsection to read:

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

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

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

4 APPLICABILITY. The changes made by secs. 20 - 43 of this Act apply to an  
5 application for an initiative, referendum, or recall filed with the lieutenant governor on or  
6 after the effective date of this Act.

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

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

12 \* Sec. 52. This Act takes effect immediately under AS 01.10.070(c).

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

April 21, 2005

**SUBJECT:** Differences between CSHB 94(JUD) and CSHB 94(FIN)  
(Work Order No. 24-GH1048\X and \P)

**TO:** Representative Max Gruenberg

**FROM:** Kathryn L. Kurtz *KLK*  
Legislative Counsel

Your staff requested a description of the changes between the bill versions noted above.

The finance version of the bill includes the following changes (section numbers refer to the finance version):

- \* **Sec. 13.** AS 15.15.430: rewrites subsection (b) and adds new subsections (c) and (d). ✓
- \* **Sec. 21.** AS 15.20.800(b)(2): adds "the" before "address" on page 14, line 7. ✓
- \* **Sec. 31.** AS 15.45.090: deletes paragraph (7), relating to leaving space at the bottom of each initiative petition signature page for the information required by AS 15.45.130(8) (the requirements of which are changed by sec. 34 of the bill). ✓
- \* **Sec. 38.** AS 15.45.320: deletes paragraph (8) (see above).
- \* **Sec. 46.** AS 15.45.560: deletes paragraph (7) (see above).
- \* **Sec. 54.** AS 15.45.030(e): At the end of the first sentence, adds "at which a governor was elected", page 31, line 20.
- \* **Sec. 55.** AS 15.60.010(23). Page 31, line 30, removes "or"; page 32, line 9, repeats "or".

KLK:jad  
05-225.jad

*29*

*8*

# LEGAL SERVICES

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## MEMORANDUM

April 11, 2005

**SUBJECT:** CSHB 94(JUD)  
(Work Order No. 24-GH1048/L)

**TO:** Representative Lesil McGuire  
Attn: Vanessa Tondini

**FROM:** Kathryn L. Kurtz *KL*  
Legislative Counsel

Enclosed is the final committee version you requested.

The amendments made by the committee raised a number of drafting issues. Note that amendments 2, 3, and 4 were not drafted by our office (although they had my name on them, perhaps in an effort to identify the bill version they were amending). Please ask the drafter of those amendments not to draft their own amendments in a manner that suggests they came from us.

Please review the language implementing conceptual amendments 1 and 15 (both amending AS 15.20.081(d)). I do not see any legal effect of adding the words "under penalty of perjury," since that language is part of the certification already required under AS 09.63.020, referred to in the existing AS 15.20.081(d). However, I have reworded the last sentence in the subsection to make this more obvious. I have also inserted a new section into the bill amending AS 15.20.030 to require the notice necessary to make a false statement by a witness punishable as unsworn falsification under AS 11.56.210. This section also makes a conforming change, from "witnesses" to "witness."

Amendment 2 changed AS 15.45.130(8) and the corresponding sections relating to referenda and recalls to remove the requirement that petition circulators attest that they have listed the name of each person or organization paying the circulator to circulate the petition on the petition, and to require disclosure of that information in the circulator's affidavit only. The requirement in AS 15.45.090(a)(5) and the corresponding sections that the lieutenant governor provide sufficient space on each petition signature page for this information should be repealed as well, unless there is some aesthetic desire for additional white space, or a spiritual need for a koan in the statutes. Please pass this on to your colleagues in the Finance Committee.

Amendment 4 added "or" in AS 15.60.010(23). This draft incorporates that change, but please note that it is directly contrary to the drafting manual, which states: "[a]fter

Representative Lesil McGuire  
April 11, 2005  
Page 2

deciding whether 'and' or 'or' is appropriate in a listing of several items, include the 'and' or 'or' only between the last two items in the list, not between each of the items." Manual of Legislative Drafting at 57. This is a stylistic choice that is applied throughout the Alaska Statutes; including the extra "or" is not necessary and could undermine other statutes by opening the door to the argument that the list should be read as "and, and, or." Please help us maintain the stylistic continuity that is one of the great virtues of the statutes in our state by alerting your colleagues in Finance so this can be fixed in that committee. Note that the Manual is subject to approval of the Legislative Council; if the committee feels strongly that the and/or list question has been resolved incorrectly in the current drafting manual, the solution is to change the manual, and all existing statutes where the form is used, rather than taking a piecemeal approach.

Please review the implementation of the conceptual amendment 2 to amendment 11, amending AS 15.15.430 to ensure that it captures the committee's intent.

KLK:med  
05-245.med

Enclosure

Explanation of Amendments 1-4 by Kurtz dated 4/4/05  
For CS HB 94 (STA) (24-GH1048V)

**Amendment 1: (A)**

(beginning at Page 18)

Incorporates an amendment by Rep. Gruenberg to ensure that the Division accepts for signers of petitions/referendums and recalls as a voter identifier the voter's:

- Date of birth
- Last four digits of social security number
- Alaska driver's license number, or Identification card number, or
- Voter identification number

Beginning at Page 19, Section 30: Makes clear that when signing a petition, referendum or recall – the voter must:

- Print the voter's name, numerical identifier (see above), and address
- Sign and date the voter's signature

Beginning at Page 20, removes language that is unconstitutional and makes plain that only circulators who receive payment or agree to receive payment must disclose that fact, and those who do not receive payment are not required to state so.

**Amendment 2:**

(beginning at Page 12)

Increases the amount of deposit, check or bond required for recounts outside of the races that tie or the difference between votes cast was 20 or less or was less than .5 percent of the total votes.

Documentation of previous action by legislators is attached. It is clear this section, at least since 1986 (the only minutes available) was meant to help recoup costs the State Division of Elections incurs for recounts initiated under AS 15.20.430.

**Amendment 3:**

(beginning at Page 29)

Clarifies that the director of Elections reviews political party status following a general election (every two years).

Political party definition is clarified to reflect that parties have the opportunity each general election to nominate a candidate who:

- Received at least 3% of the votes for governor, or U.S. Senator or U.S. Representative at the previous general election; or

The group has registered 2% of the total number of voters registered in the State when the director performs verification of party status.

**Amendment 4:**

Technical amendment beginning at Page 18, Line 24 to correct mistakes in drafting.

Conceptual Amendment #1 - PASSED

to CSHB 94 (SPA)  
version "I"

by Rep. Gruenberg

Page 11., Lines 16-29

Amend AS 15.20.081 (d) to require it to be  
signed under oath, under penalty of perjury.

AMENDMENT #1(A)

OFFERED IN THE HOUSE JUDICIARY BY \_\_\_\_\_

COMMITTEE

TO: CSHB 94(STA), (24-GH1048V)

Page 18, line 7:

Delete "date of birth"

Insert "a numerical identifier"

Page 18, line 21:

Delete "dates of birth"

Insert "numerical identifiers"

Page 18, line 31:

Delete "date of birth"

Insert "numerical identifier"

Following "signature"

Insert "date of signature"

Page 19, lines 17 – 18:

Delete "date of birth"

Insert "a numerical identifier"

Page 19, line 18:

Following "and address"

Delete "and"

Following "the voter's name"

Insert "and dating the signature"

Page 19, line 26:

Following "substance":

Delete "that"

Page 19, line 27:

Following "(1)":

Insert: "that"

Page 19, line 29:

Following "(2)":

Insert: "that"

Page 19, line 30:

Following "(3)":

Insert "that"

Page 19, line 31:

Following "(4)":

Insert "that"

Page 20, line 2:

Following "(5)":

Insert "that"

Page 20, line 4:

Following **“(6)”**:

Insert **“that”**

Page 20, line 6:

Following **“(7)”**:

Insert **“that”**

Page 20, lines 8 – 12:

Delete all material and insert:

**“(8) whether the circulator has received payment or agreed to receive payment for the collection of signatures on the petition, and if so, the name of each person or organization that has paid or agreed to pay the circulator for collection of signatures on the petition.**

Page 20, line 23:

Delete **“date of birth”**

Insert **“a numerical identifier”**

Page 21, line 8:

Delete **“dates of birth”**

Insert **“numerical identifiers”**

Page 21, line 19:

Delete **“date of birth”**

Insert **“ a numerical identifier”**

Following **“signature”**

Insert **“date of signature”**

Page 22, lines 19 –20:

Delete “date of birth”

Insert “numerical identifier”

Page 22, line 20:

Following “**and address**”

Delete “**and**”

Following “the voter’s name”

Insert “**and dating the signature**”

Page 22, line 28:

Following “**substance**”

Delete “**that**”

Page 22, line 29:

Following “(1)”:

Insert: “**that**”

Page 22, line 31:

Following “(2)”:

Insert: “**that**”

Page 23, line 1:

Following “(3)”:

Insert “**that**”

Page 23, line 2:

Following “(4)”:

Insert **“that”**

Page 23, line 4:

Following **“(5)”**:

Insert **“that”**

Page 23, line 6:

Following **“(6)”**:

Insert **“that”**

Page 23, line 8:

Following **“(7)”**:

Insert **“that”**

Page 23, lines 10 – 14:

Delete all material and insert:

**“(8) whether the circulator has received payment or agreed to receive payment for the collection of signatures on the petition, and if so, the name of each person or organization that has paid or agreed to pay the circulator for collection of signatures on the petition.**

Page 23, line 25:

Delete **“date of birth”**

Insert **“a numerical identifier”**

Page 24, line 19:

Delete **“dates of birth”**

Insert **“numerical identifiers”**

Page 24, line 27:

Delete "date of birth"

Insert "a numerical identifier"

Following "signature"

Insert "date of signature"

Page 26, lines 3 – 4:

Delete "date of birth"

Insert "numerical identifier"

Page 26, line 4:

Following "and address"

Delete "and"

Following "the voter's name"

Insert "and dating the signature"

Page 26, line 12:

Following "substance":

Delete "that"

Page 26, line 13:

Following "(1)":

Insert "that"

Page 26, line 15:

Following "(2)":

Insert "that"

Page 26, line 16:

Following "(3)":

Insert "that"

Page 26, line 17:

Following "(4)":

Insert "that"

Page 26, line 19:

Following "(5)":

Insert "that"

Page 26, line 21:

Following "(6)":

Insert "that"

Page 26, line 23:

Following "(7)":

Insert "that"

Page 26, lines 25 – 29:

Delete all material and insert:

"(8) whether the circulator has received payment or agreed to receive payment for the collection of signatures on the petition, and if so, the name of each person or organization that has paid or agreed to pay the circulator for collection of signatures on the petition.

Page 30, line 14:

Delete "a new paragraph"

Insert "new paragraphs"

Page 30, line 15. following "(40)":

Insert "numerical identifier means a voter's date of birth, the last four digits of a voter's social security number, a voter's Alaska driver's license number, or a voter's Alaska identification card number or voter identification number;

(41)"

A M E N D M E N T # 2

OFFERED IN THE HOUSE JUDICIARY BY \_\_\_\_\_

COMMITTEE

TO: CSHB 94(STA), (24-GH1048I)

Page 12, following line 5:

Insert a new bill section to read:

**\*\*Sec. 18.** AS 15.20.450 is amended to read:

**Sec. 15.20.450. Requirements of deposit and recount cost.** The application must include a deposit in cash, by certified check, or by bond with a surety approved by the director. The amount of the deposit is \$2,500 [\$300] for each precinct, \$10,000 [\$750] for each house district, and \$50,000 [\$10,000] for the entire state. If the recount includes an office for which candidates received a tie vote, or the difference between the number of votes cast was 20 or less or was less than .5 percent of the total number of votes cast for the two candidates for the contested office, or a question or proposition for which there was a tie vote on the issue, or the difference between the number of votes cast in favor of or opposed to the issue was 20 or less or was less than .5 percent of the total votes cast in favor of or opposed to the issue, the application need not include a deposit, and the state shall bear the cost of the recount. If, on the recount, a candidate other than the candidate who received the original election certificate is declared elected, or if

the vote on recount is determined to be four percent or more in excess of the vote reported by the state review for the candidate applying for the recount or in favor of or opposed to the question or proposition as stated in the application, the entire deposit shall be refunded. If the entire deposit is not refunded, the director shall refund any money remaining after the cost of the recount has been paid from the deposit.”

Renumber the following bill sections accordingly.

\* Sec. 18. AS 15.20.205(c) is amended to read:

(c) The district questioned ballot counting board shall certify the questioned ballot totals as soon as the count is completed but not later than the 10th [EIGHTH] day following the election.

\* Sec. 19. AS 15.20.207(b) is amended to read:

(b) A questioned ballot may not be counted if

(1) the voter has failed to properly execute the certificate, or

(2) an official or the witnesses authorized by law to attest the voter's certificate fail to execute the certificate [or

(3) THE VOTER DID NOT ENCLOSE THE MARKED BALLOT INSIDE A SMALL ENVELOPE].

\* Sec. 20. AS 15.20.440(a) is amended to read:

(a) The application shall state in substance the basis of belief that a mistake has been made, the particular election precinct or election district for which the recount is to be held, the particular office, proposition, or question for which the recount is to be held, and that the person making the application is a candidate or that the 10 persons making the application are qualified voters. The candidate or persons making the application shall designate by name and mailing address two persons who shall represent the applicant and be present and assist during the recount. Any person may be designated as representative, including the candidate [HIMSELF] or any person making the application [, AND THE REPRESENTATIVES SHALL BE PAID IN THE SAME AMOUNT AND MANNER AS ELECTION JUDGES]. Applications by qualified voters shall also include the designation of one of the persons as chair [CHAIRMAN]. The candidate or persons making the application shall sign the application and shall print or type their full name and mailing address.

\* Sec. 21. AS 15.20.450 is amended to read:

Sec. 15.20.450. REQUIREMENT OF DEPOSIT. The application shall include a deposit in cash, by certified check, or by bond with a surety approved by the director. The amount of the deposit is \$300, ~~[\$500]~~ for each precinct, ~~[\$750]~~ ~~[\$2500]~~ for each election district, and ~~[\$10000]~~ ~~[\$25000]~~ for the entire state. If [HOWEVER, IF] the recount includes an office for which candidates received a tie vote, or the difference between the number of votes cast was 20 [10] or less or was less than .5 percent of the total number of votes cast for the two candidates for the contested office, or a question or proposition for which there was a tie vote on the issue, or the difference between the number of votes cast in favor of or opposed to the issue was 20 [10] or less or was less than .5 percent of the total votes cast in favor of or opposed to the issue, the application need not include a deposit and the state shall bear the cost of the recount. If, on the recount, a candidate other than the candidate who received the original election certificate is declared elected, or if the vote on recount is determined to be four percent or more in excess of the vote reported by the state review for the candidate applying for the recount or in favor or opposed to the question or proposition as stated in the application, the entire deposit shall be refunded. If the entire deposit is not refunded, the director shall refund any money remaining after the cost of the recount has been paid from the deposit.

\* Sec. 22. AS 15.20.480 is amended to read:

Sec. 15.20.480. PROCEDURE FOR RECOUNT. In conducting the recount, the director [OR HIS APPOINTED REPRESENTATIVE] shall review all ballots whether the ballots were counted at the precinct or by computer or by the district absentee counting board or the questioned ballot counting board to determine which ballots, or part of ballots, were

Number 178 Ms. Edgeworth responds ~~that the sponsor of the bill saw fit to increase the fee for candidates seeking recounts within their districts.~~ Right now the statutes request a \$250 fee to be paid to the Division of Elections and the cost for running a recount is approximately \$1700 per district. There are provisions for those races that are close enough to be recounted free.

Representative Clocksin asks if the \$1700 is for a single seat district. Ms. Edgeworth responds that it is for a single district.

Representative Clocksin asks if anyone ever requests recounts for a precinct. Ms. Edgeworth responds not recently.

Number 213 Representative Pettyjohn asks if he can request a precinct recount. Ms. Edgeworth responds that she believes it to be \$300 per precinct or \$1500 per district. He asks what if it is a senate district which comprises two House districts.

The response is that if it is a Senate district it is one district.

Number 123

Chairman Abood read a letter from Patty Ann Polley, former Director of the Division of Elections regarding recounts.

The letter reads as follows:

To: Sandra J. Stout, Director, Division of Elections.

I am responding to your inquiry regarding the outcome of recounts resulting from elections in which the vote difference between the candidates exceeded the number for which a recount was completed free of charge. During my tenure with the Division of Elections from 1968 to 1982, I call recall no election being overturned by such a recount for which a deposit was required. Nor can I recall any recount during which the applicant received a sufficient increase in the number of votes to warrant a refund of the required deposit. I hope this information is helpful.

Signed, Patty Ann Polley.

Number 141

Senator Ray questioned what the deposit was for. Ms. Edgeworth told the committee that the intention of the deposit was to offset the cost to the state for recounts.

Senator DeVries added that this was not the full cost of the recount and that the State still contributed to cost of the recount.

Representative Clocksin suggested the deletion of a fee provision for recount of a precinct only, at page 3, line 17. Members discussed the suggestion. Representative Gruenberg felt such deletion would make it too expensive for a loser to insure the validity of an election since an entire district recount would be done, instead of a few key precincts. He suggested a rollback of the fee for a district recount and striking the fee for a precinct recount. Representative Clocksin wondered about senators - would they be charged twice as much, since their districts are about twice as large as a representative?

Number 546

The committee was unanimous in approving the deletion of a fee for a precinct recount.

Number 549

Representative Gruenberg moved ~~for a district recount to \$250~~ for a district recount to \$250. Members felt that was too little. He changed the amount to \$750 and there was no objection.

Number 560

Representative Clocksin again raised the issue of fees for a Senator's recount. He felt it should be twice as much except where the district is pro terminus with the representative's. Ms. Edgeworth stated that under reapportionment, the base for senators was the same as for representatives. The fee was for the number of people being represented. Chairman Miller stated Representative Clocksin's suggestion would never pass the Senate and so he dropped it.



# LAWS OF ALASKA

1976

Source

HB 483 am S

Chapter No.

77

## AN ACT

Relating to election recounts.

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

\* Section 1. AS 15.20.450 is amended to read:

Sec. 15.20.450. REQUIREMENT OF DEPOSIT. The application shall include a deposit in cash, by certified check, or by bond with a surety approved by the lieutenant governor. The amount of the deposit is \$500 for each precinct, \$250 for each election district, and \$100 for the entire state. However, if the recount includes an office for which candidates received a tie vote, or the difference between the number of votes cast was 10 or less or was less than .5 per cent of the total number of votes cast for the two candidates for the contested office, or a question or proposition for which there was a tie vote on the issue, or the difference between the number of votes cast in favor of or opposed to the issue was 10 or less or was less than .5 per cent of the total votes cast in favor of or opposed to the issue, the application need not include a deposit and the state shall bear the cost of the recount. If, on the recount, a candidate other than the candidate who received the original election certificate is declared elected, or if the vote on recount is determined to be four per cent or more in excess of the vote reported by the state canvass for the candidate applying for the recount or in favor or opposed to the question or proposition as stated in the application, the entire deposit shall be refunded. If the entire deposit is not refunded, the lieutenant governor shall refund any money remaining after the cost of the recount has been paid from the deposit.

Approved by governor: May 20, 1976  
Actual effective date: August 18, 1976

an application rather than the date of mailing or transmission determines whether the application is filed within the time allowed under (a) of this section. If the actual physical delivery by telegram of a copy in substance of the statements made in the application for recount is received in the office of the secretary of state at or before 5:00 p.m. Alaska Standard Time, on the due date the application will be accepted; providing the original signed application is post-marked at or before 5:00 p.m. Alaska Standard Time of the same day.

• Sec. 21. AS 15.20.450 is amended to read:

Sec. 15.20.450. REQUIREMENT OF DEPOSIT. The application shall include a deposit in cash, by certified check, or by bond with a surety approved by the secretary of state. The amount of the deposit is \$50 for each precinct, \$250 for each election district, and \$2,000 for the entire state. However, if the recount includes an office for which candidates received a tie vote, or the difference between the number of votes cast was 10 or less or was less than .5 per cent of the total number of votes cast for the two candidates for the contested office, or a question or proposition for which there was a tie vote on the issue, the application need not include a deposit. If, on the recount, a candidate other than the candidate who received the original election certificate is declared elected, or if the vote on recount is determined to be four per cent or more in excess of the vote reported by the state canvass for the candidate applying for the recount or in favor or opposed to the question or proposition as stated in the application, the entire deposit

shall be refunded. If the entire deposit is not returned, the secretary of state shall refund any money remaining after the cost of the recount has been paid from the deposit.

• Sec. 22. AS 15.25.040(c) is amended to read:

(c) A candidate for state-wide offices shall file with the secretary of state. A candidate for district-wide offices shall file either with a clerk of the superior court or the secretary of state. A candidate for district-wide offices shall file either with a clerk of the superior court or the secretary of state. If a candidate for district-wide offices files a declaration with the secretary of state, the secretary of state shall immediately, by telegram followed by letter, notify the appropriate clerk of the superior court of the filing. If the candidate files a declaration with the clerk of the superior court, the clerk shall immediately forward the declaration to the secretary of state.

• Sec. 23. AS 15.25 is amended by adding a new section:

Sec. 15.25.045. WITHDRAWAL OF CANDIDACY. Notice of withdrawal of candidacy must be in writing over the signature of the candidate.

• Sec. 24. AS 15.25 is amended by adding new sections:

Sec. 15.25.055. REMOVAL OF NAME FROM PRIMARY NOMINATION. A candidate's name will appear on the primary nomination ballot unless notice of his withdrawal from the primary is received by the secretary of state at least 40 days before the date of the party primary nomination.

Sec. 15.25.056. NOMINATION BY PARTY PETITION. A candidate who is an INCUMBENT DIES OR IS DISQUALIFIED OR INCAPACITATED

1966 22HC55B 4 am

has been received from any precinct, the secretary of state may secure from the election supervisors and may count a certified copy of the duplicate election certificate of the precinct. If no election poll books have been received but an authorized election certificate has been received by telegram or radio, the secretary of state shall count the election certificate so received. If the secretary has reason to believe that a missing precinct certificate if received would affect the result of the election, the secretary of state shall await the receipt of the certificate until four o'clock in the afternoon of the 15th day after the date of election. Any certificate not actually delivered to the secretary of state by four o'clock on the 15th day after the election shall not be counted at the canvass.

Sec. 14. Sec. 3.47, Ch. 83, SLA 1960, is amended to read:

Sec. 3.47. **Preservation of Election Ballots, Papers, and Materials.** The secretary of state shall preserve all precinct election certificates, tallies, and registers for four years after the election. All ballots and stubs may be destroyed 30 days after the certification of state canvass unless an application for recount has been filed and not completed, or unless their destruction is stayed by an order of the court. The secretary of state may permit the inspection of election materials upon call by Congress, the state legislature, or a court of competent jurisdiction.

Sec. 15. Sec. 4.73, Ch. 83, SLA 1960, is amended to read:

Sec. 4.73. **Requirement of Deposit.** The application shall include a deposit in cash, by certified check, or by bond with a surety approved by the secretary of state. The amount of the deposit is \$50 for each precinct, \$250 for each election district, \$500 for each major senate district, and \$2,000 for the entire state. However, if the recount includes an office for which candidates received a tie vote, or the difference between the number of votes cast for the two candidates receiving the largest number of votes was 10 or less or was less than .5 percent of the total number of votes cast for the two candidates for the contested office, or a question or proposition for which there was a tie vote on the

any deposit. If, on the recount, a candidate other than the candidate who received the original election certificate is declared elected, or if the vote or recount is determined to be four percent or more in excess of the vote reported by the state canvass for the candidate applying for the recount or in favor or opposed to the question or proposition as stated in the application, the entire deposit shall be refunded. If the entire deposit is not refunded, the secretary of state shall refund any monies remaining after the cost of the recount has been paid from the deposit.

Sec. 16. Sec. 5.03, Ch. 83, SLA 1960, is amended to read:

Sec. 5.03. **Requirements of Declaration of Party Candidacy.** Any member of a political party who seeks to become a candidate of the party in the primary nomination shall execute and file a declaration of candidacy. The declaration shall be executed under oath before an officer authorized to take acknowledgments and shall state in substance: (1) the full name of the candidate and the manner in which he wishes his name to appear on the ballot; (2) the full resident address of the candidate; (3) the full mailing address of the candidate; (4) if the candidacy is for the office of state senator or state representative, the election or senate district of which the candidate is a resident; (5) the office for which the candidate seeks nomination; (6) the name of the political party of which he is a candidate for nomination; (7) the date of the primary nomination at which the candidate declares himself to be a candidate; (8) that the candidate meets the specific residency requirements of the office for which he is a candidate; (9) that the candidate will meet the specific citizenship requirements of the office for which he is a candidate; (10) that the candidate is a qualified voter as required by law; (11) that the candidate will meet the specific age requirements of the office for which he is a candidate; (12) that the candidate if nominated and elected will support the principles of the party he seeks to represent; (13) that the candidate requests that his name be placed on the party primary nomination ballot; and (14) that the required fee accompanies

Sec. 17. Sec. 5.04, Ch. 83, SLA 1960, is amended to read:

Sec. 5.04. **Manner and Date of Filing Declaration.** The declaration is filed by either (1) the actual physical delivery of the declaration by mail or in person on or before 5:00 p.m. Alaska Standard time on the first day of May of the year in which a general election is held for the office, or (2) the actual physical delivery by telegram of a copy in substance of the statements made in the declaration on or before 5:00 p.m. Alaska Standard time on the first day of May of the year in which a general election is held for the office, and also the actual physical delivery of the original declaration postmarked on or before 5:00 p.m. Alaska Standard time on or before the first day of May of the year in which a general election is held for the office. Candidates for state-wide offices shall file with the secretary of state. Candidates for district-wide offices shall file with any clerk of the superior court in the major senate district of which the candidate is a resident. The clerk of the superior court shall immediately forward the declaration to the secretary of state. If the first day of May is a Sunday or holiday, declaration may be filed no later than 5:00 p.m. Alaska Standard time on the following day.

Sec. 18. Sec. 5.11, Ch. 83, SLA 1960, is amended to read:

Sec. 5.11. **Filling Vacancies by Party Petition.** If any candidate nominated at the party primary nomination dies, withdraws, resigns, becomes disqualified from holding office for which he is nominated, or is certified as being incapacitated in the manner prescribed by this section after the primary nomination and 10 days or more before the general election, the vacancy may be filled by party petition. The central committee of any political party or any party district committee may certify as being incapacitated any candidate nominated by their respective party by presenting to the secretary of state a sworn statement made by a panel of three licensed physicians, not more than two of whom shall be of the same political party, that the candidate is physically or mentally incapacitated to an extent that would in his judgment prevent the candidate

office if elected. The secretary shall place the name of the petitioner by party petition on the election ballot or, if the general ballot has been prepared, the secretary of state or the election official by the secretary of state shall print, and distribute a sufficiency of gummed labels or stickers bearing the name of the candidate to fill the name of the candidate to fill the ballot to each voting precinct with the name of the candidate to fill the ballot that the election judges shall of the stickers or labels on appropriate place on each ballot ballot is handed to the voter. of any candidate disqualified provisions of this section shall appear on the general election ballot.

Sec. 19. Sec. 8.25, Ch. 83, SLA 1960, is amended to read:

Sec. 8.25. **Date of Nomination.** Candidates for the special election nominated by petition transmit either (1) the actual physical copy of the petition in person, (2) postmarked not later than midnight of the filing date, or (3) by telegram copy in substance of the statements made in the petition to the secretary of state on or before the 20th day after the vacancy occurs.

Sec. 20. Sec. 8.35, Ch. 83, SLA 1960, is amended to read:

Sec. 8.35. **Date of Nomination.** Candidates for the special election nominated by petition transmit either (1) the actual physical copy of the petition in person, (2) by telegram copy in substance of the statements made in the petition to the secretary of state on or before the 20th day after the vacancy occurs.

Sec. 21. Sec. 8.62, Ch. 83, SLA 1960, is amended to read:

Sec. 8.62. **Designation of Nomination.** If the vacancy occurs one calendar month before the date and more than three months before the next general election candidates shall be nominated by petition transmitted by either (1) physical delivery of the petition to the secretary of state on or before the 20th day after the vacancy occurs, (2) by mail postmarked

6. **Counting of Votes Cast.** When the polls are closed, the election clerk shall lock the operating mechanism of the machine. The board, in the presence of the watchers, shall proceed to register the counters, read the figures on the write-in ballots, and determine the total. In computing the total, the clerk may not count any write-in name for any person for any office whose name appears on the machine for that office. If two machines, or if a machine and a ballot were both used in the precinct, the board shall compute the sum of the votes from each.

**Procedure Upon Completing the Count.** When the count is completed, the clerk shall make a certificate of the count and duplicate. The certificate shall show the number of votes cast for each office and for and against each proposition or no on each question and shall contain information in the manner prescribed by the secretary of state. The clerk shall then send one copy of the certificate, all write-in ballots, the original oaths and affidavits, and the envelope to the secretary of state.

**Disposition of Voting Machine and Supplies.** The election board shall lock the voting machine and the duplicate certificate and the city or borough clerk. The secretary of state shall prescribe the manner in which the registers and other materials are preserved, transmitted, and destroyed. The voting machine shall remain locked against use for at least 30 days and as much longer as may be necessary or advisable. No existing or threatened litigation, except that any voting machine may be opened and all data and materials examined upon order of a court having jurisdiction.

**Local Canvass by City and Borough Clerks.** The city and borough clerk shall canvass the vote by checking the figures on the counting device and the duplicate certificate. If a mistake has been made, the clerk shall recall the election board and shall issue a corrected certificate. If no mistake has been made, the clerk shall certify to the elec-

tion supervisor the correct figures verifying the election board's certificate of results.

**Sec. 4.60. Procedure for State Canvass.** The state canvass of votes cast by voting machines shall include only a comparison of the election certificates furnished by the election boards with the certifications from the city and borough clerks.

### Part 3. Election Recounts

**Sec. 4.71. Authorization of Recount Application.** Any defeated candidate or any 10 qualified voters who believe there has been a mistake made by an election official or by the canvassing board in counting the votes in any election, may file an application within five days after the completion of the state canvass to the secretary of state for a recount of the votes from any particular precinct or any election district and for any particular office, proposition, or question. However, the application may be filed only within three days after the completion of the state canvass after the general election for a recount of votes cast for the office of governor and secretary of state. If there is a tie vote as provided in Sec. 3.46 of this code, the secretary of state shall initiate the recount and give notice to the interested parties as provided in Sec. 4.75 of this code.

**Sec. 4.72. Form of Application.** The application shall state in substance the basis of the belief that a mistake has been made, the particular election precinct or election district for which the recount is to be held, the particular office, proposition, or question for which the recount is to be held, and that the person making the application is a candidate or that the 10 persons making the application are qualified voters. The candidate or persons making the application shall designate by full name and mailing address two persons who shall represent the applicant and be present and assist during the recount. Any person may be named representative, including the candidate himself or any person signing the application, and the representatives shall be paid in the same amount and manner as election judges. Applications by 10 qualified voters shall also include the designation of one of the number as chairman. The candidate or

CS HB 252 (1960)

persons making the application shall sign the application and shall print or type their full name and mailing address.

**Sec. 4.73. Requirement of Deposit.** The application shall include a deposit in cash, by certified check or by bond with a surety approved by the secretary of state. The amount of the deposit is \$50.00 for each precinct; or if more than 10 precincts in any election district are included in the recount, the amount of deposit is \$500.00 for each election district. However, if the recount includes an office for which candidates received a tie vote, or a question or proposition for which there was a tie vote on the issue, the application need not include any deposit. If on the recount a candidate other than the candidate who had received the original election certificate is declared elected, or if the vote on recount is determined to be four per cent or more in excess of the vote reported by the state canvass for the candidate applying for the recount, or in favor or opposed to the question or proposition as stated in the application, the deposit shall be refunded.

**Sec. 4.74. Determination of Date of Recount.** If the secretary of state determines the application is substantially in the required form, he shall fix the date of the recount to be held within three days after the receipt of an application requesting a recount of the general election votes cast for the office of governor and secretary of state and within five days after the receipt of an application requesting a recount for any other office, question, or proposition.

**Sec. 4.75. Requirement of Notice.** The secretary of state shall give the candidate or designated chairman signing the application, the two persons appointed to represent the applicant during the recount, and other directly interested parties, notice of the time and place of the recount by certified mail, by telegraph, or by telephone.

**Sec. 4.76. Procedure for Recount.** In conducting the recount, the secretary of state, or his appointed representative, shall review all paper, absentee, and machine ballots whether or not the ballots were counted at the precinct or by the district absentee canvassing board to determine which ballots, or parts of bal-

lots, were properly marked and which ballots are to be counted in the recount, and may check the accuracy of the original count, the precinct certificate and the canvass. For administrative purposes, the secretary of state may join and include two or more applications in a single review and count of votes. The rule governing the counting of marked ballots by the election board shall be followed in the recount. The ballots and other election material shall remain in the custody of the secretary of state during the recount and the highest degree of care shall be exercised to protect the ballots against alteration or mutilation. The recount shall be completed within five days. The secretary of state may employ any additional personnel necessary to assist in the recount.

**Sec. 4.77. Certification of Results.** If it is determined by recount that the plurality of votes were cast for a candidate, the secretary of state shall issue a certificate of election or nomination to the elected or nominated candidate as determined by the recount. If it is determined by the recount that a proposition or question should be certified as having received the required vote, the secretary of state shall so certify.

**Sec. 4.78. Authorization for Expanding Recount.** If upon recount the deposit is refunded, the applicants shall have one additional week from the date the recount is completed to apply for recount of other election precincts or districts in the manner provided by this article.

**Sec. 4.79. Provision for Appeal to Courts.** Any candidate or persons who requested a recount who have reason to believe an error has been made in the recount (1) involving any question or proposition, may appeal to the superior court in accordance with applicable court rules governing appeals in civil matters, and (2) involving candidates for the office of governor and secretary of state, may appeal to the supreme court in accordance with rules as may be promulgated by the court. Appeal shall be filed within five days of the completion of the recount. Upon order of the court, the secretary of state shall furnish the record of the recount taken including all ballots, registers, and other election material and papers pertaining to the election contest. The appeal shall be

AMENDMENT #3

OFFERED IN THE HOUSE JUDICIARY BY \_\_\_\_\_

COMMITTEE

TO: CSHB 94(STA), (24-GH1048I)

Page 29, line 12:

Following "after a general election"

Delete "at which a governor was elected"

Page 29, line 20:

Following "general election"

Delete "at which a governor was elected"

Page 29, line 23:

Following "GENERAL ELECTION];"

Insert "or"

Page 29, lines 29 – 30:

Following "general election:

Delete "or at the most recent general election at which a governor was  
elected"

Page 30, line 2:

Following [SENATOR AT THAT GENERAL ELECTION;OR]

Insert "or"

Page 30, following line 7:

Delete **“or at the most recent general election at which a governor was elected”**

Page 30, line 11:

Following **“registered in the state”**

Delete **“on March 31 of the most recent election year”**

Insert **“in the month that the director performs verification of party status as set out in AS 15.60.008(c)”**

24-GH1048\I  
Kurtz  
4/05/05

A M E N D M E N T #4

OFFERED IN THE HOUSE JUDICIARY BY \_\_\_\_\_

COMMITTEE

TO: CSHB 94(STA), (24-GH1048\I)

Page 18, line 24:

Following "**Preparation of petition. (a)**"

Insert "If the application is certified, the [THE]"

Page 24, line 23:

Following "throughout the state"

Insert "or throughout the senate or house district of the official sought to be recalled."

AMENDMENT #5

OFFERED IN THE HOUSE  
TO: CSHB 94(STA)

BY REPRESENTATIVE MCGUIRE

1 Page 18, following line 29:

2 Insert new paragraphs to read.

3 "(3) a statement of costs to the state associated with certification of the  
4 initiative application and review of the initiative petition;

5 (4) an estimate of the cost to the state of implementing the proposed law;"

6

7 Renumber the following paragraphs accordingly.

8

9 Page 20, line 10:

10 Delete "AS 15.45.090(a)(5)"

11 Insert "AS 15.45.090(a)(7)"

12

13 Page 21, following line 16:

14 Insert new paragraphs to read:

15 "(3) a statement of costs to the state associated with certification of the  
16 referendum application and review of the referendum petition;

17 (4) an estimate of the cost to the state of voter approval or rejection of the  
18 act;"

19

20 Renumber the following paragraphs accordingly.

21

22 Page 23, line 12:

23 Delete "AS 15.45.320(a)(6)"

1           Insert "AS 15.45.320(a)(8)"

2   Page 27, following line 24:

3           Insert a new subparagraph to read:

4                               "(C) a statement of the costs to the state of implementing the law  
5                               proposed in an initiative, or of voter approval or rejection of the act that is the  
6                               subject of a referendum;"

7

8   Reletter the following subparagraphs accordingly.

AMENDMENT #6

OFFERED IN THE HOUSE  
TO: CSHB 94(STA)

BY REPRESENTATIVE GRUENBERG

1 Page 9, following line 29:

2 Insert a new bill section to read:

3 **\*\* Sec. 12.** AS 15.15.032 is amended by adding a new subsection to read:

4 (d) If the director provides for voting by use of electronically generated  
5 ballots, the director shall provide ballots in English and may provide ballots in one or  
6 more languages other than English."

7

8 Renumber the following bill sections accordingly.

9

10 Page 31, line 7:

11 Delete "secs. 26 - 49"

12 Insert "secs. 27 - 50"

AMENDMENT #7

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 94(STA)

1 Page 10, following line 14:

2 Insert a new bill section to read:

3 **\* Sec. 13. AS 15.20.030 is amended to read:**

4 **Sec. 15.20.030. Preparation of ballots, envelopes, and other material.** The  
5 director shall provide ballots for use as absentee ballots in all districts. The director  
6 shall provide a secrecy sleeve in which the voter shall initially place the marked ballot,  
7 and shall provide an envelope with the prescribed voter's certificate on it, in which the  
8 secrecy sleeve with ballot enclosed shall be placed. The director shall prescribe the  
9 form of and prepare the voter's certificate, envelopes, and other material used in  
10 absentee voting. **If more than one first class mail stamp is required, the director**  
11 **shall ensure that the ballot and return envelope state, in bold type, the amount of**  
12 **postage required to return the ballot by first class United States mail.** The voter's  
13 certificate shall include a declaration, for use when required, that the voter is a  
14 qualified voter in all respects, a blank for the voter's signature, a certification that the  
15 affiant properly executed the marking of the ballot and gave the voter's identity, blanks  
16 for the attesting official or witnesses, and a place for recording the date the envelope  
17 was sealed and witnessed."

18

19 Renumber the following bill sections accordingly.

20

21 Page 31, line 7:

22 Delete "secs. 26 - 49"

23 Insert "secs. 27 - 50"

**AMENDMENT #8**

OFFERED IN THE HOUSE

BY: REPRESENTATIVE GARA

TO: CSHB 94 (STA)

Page 12, line 5

Insert a new bill section to read:

“\* Sec. 17. AS 15.20.081 is amended by adding a new subsection to read:

(j) No person other than the absentee ballot applicant may mark the applicant's choice of party affiliation on an application, or highlight or otherwise mark the ballot in a way that suggests choice of one party over another, except as follows:

(1) party affiliation choices may be listed in an application as authorized by the Division, and

(2) the applicant may expressly, either in writing or by other communication, authorize another person to assist them by marking this portion of the application.”

Remember the following bill sections accordingly.

**CONCEPTUAL AMENDMENT #9**

OFFERED IN THE HOUSE

BY: REPRESENTATIVE GARA

TO: CSHB 94(STA)

1 Page 10, following line 14

2 Insert new bill sections to read:

3 \*\*\*Sec. 13. AS 15.15.420 is amended to read:

4 **Sec. 15.15.420. Duty to review the ballot counting.** The director shall  
5 review the counting of the ballots with the assistance of and in the presence of the  
6 **state ballot counting review board** [APPOINTED REPRESENTATIVES  
7 FROM THE POLITICAL PARTIES].

8 \*Sec. 14. AS 15.15.430 is amended to read:

9 **Sec. 15.15.430. Scope of the review of ballot counting.** (a) The review 10  
of ballot counting by the director shall include only [A REVIEW OF]

11 (1) **a review of** the precinct registers, tallies, and ballots case; [AND]

12 (2) **a review of** absentee and questioned ballots as prescribed by law;

13 **and**

14 (3) **a hand count of ballots from one or more randomly selected precincts**  
15 **in each election district that accounts for at least five percent of the ballots cast**  
16 **in that district.**

17 (b) If, following the ballot review set out in (a) of this section, the director  
18 finds an unexplained discrepancy in the ballot count in any precinct, the director 19  
may count the ballots from that precinct. **If there is a discrepancy of more than**  
20 **one percent between the results of the hand count under (a)(3) of this section**  
21 **and the count certified by the election board, the director shall conduct a**

1 **hand count of the ballots from that district.** The director shall certify in  
2 writing to the state ballot counting review board **and publish on the division's**  
3 **Internet website** any changes resulting from a [THE] count **performed under**  
4 **this subsection.**"

5

6 Instructions to Legislative Legal:

7 Make corresponding amendments and renumber accordingly.

AMENDMENT # 10

OFFERED IN THE HOUSE

BY: REPRESENTATIVE GARA

TO: CSHB 94 (STA)

Page 19, line 15

Insert a new bill section to read:

**\*\* Sec. 30. AS 15.45.110(c) is amended to read:**

(c) A circulator may not receive payment or agree to receive payment that is greater than \$1 a signature, and a person or an organization may not pay or agree to pay an amount that is greater than \$1 a signature, for the collection of signatures on a petition. **The Division of Elections shall update this amount at least once every two years to the extent of increases during the second preceding calendar year in the Consumer Price Index for all urban consumers for the Anchorage Metropolitan Area compiled by the Bureau of Labor Statistics, United States Department of Labor.**

Renumber sections accordingly.

Page 22, line 7

Following "petition." Insert, **"The Division of Elections shall update this amount at least once every two years to the extent of increases during the second preceding calendar year in the Consumer Price Index for all urban consumers for the Anchorage Metropolitan Area compiled by the Bureau of Labor Statistics, United States Department of Labor."**

Page 25, line 22

Following "petition." Insert, **"The Division of Elections shall update this amount at least once every two years to the extent of increases during the second preceding calendar year in the Consumer Price Index for all urban consumers for the Anchorage Metropolitan Area compiled by the Bureau of Labor Statistics, United States Department of Labor."**

**AMENDMENT #11**

**OFFERED IN THE HOUSE**

**BY: REPRESENTATIVE GARA**

**TO: CSHB 94 (STA)**

**Page 20, lines 2-3**

**Delete "(5) the signatures are of persons who were qualified voters on the date of signature;"**

**Page 23, lines 4-5**

**Delete "(5) the signatures are of persons who were qualified voters on the date of signature;"**

**Page 26, lines 19-20**

**Delete "(5) the signatures are of persons who were qualified voters on the date of signature;"**

AMENDMENT #12

OFFERED IN THE HOUSE

BY: REPRESENTATIVE GARA

TO: CSHB 94 (STA)

Page 23, line 28

Following "recalled" insert ", 100 of whom will serve as sponsors"

Page 23, line 30

Delete "(A) will serve as sponsors; and"

Reletter the following bill sections accordingly.

# ALASKA STATE LEGISLATURE

*Chair*  
STATE AFFAIRS

*Member*  
RESOURCES

*Member*  
HEALTH, EDUCATION AND SOCIAL SERVICES

*Member*  
WAYS AND MEANS



**REPRESENTATIVE PAUL SEATON**  
House District 35

*Session:*  
State Capitol Building  
Juneau, Alaska 99801  
Phone 907-465-2689  
Fax 907-465-3472  
1-800-665-2689  
Rep.Paul.Seaton@legis.state.ak.us

*Interim:*  
345 W. Sterling Highway  
Suite 102B  
Homer, Alaska 99603  
Phone 907-235-2921  
Fax 907-235-4008

House Finance Committee

April 18, 2005

Dear Sirs:

Re: HB 94 Elections

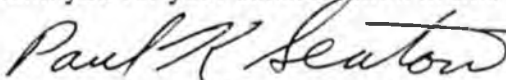
Amendment to page 31, line 19 section 52 (33) (A) after "general election" insert  
"at which a governor was elected"

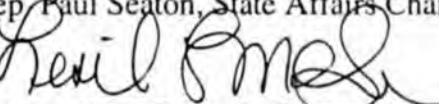
As the Chair of the State Affairs Committee I ask you to consider the minor but important amendment to HB 94(JUD).

The State Affairs committee worked hard to rewrite the "political party" section of the bill to accomplish a fair process that would prevent cross party tampering with party status. A multiple section technical amendment was offered in the Judiciary Committee. The Judiciary committee agreed to the language proposed by State Affairs but an amendment to the amendment unintentionally changed the application of the section.

This is a request of the State Affairs Chair, Judiciary Chair, and the maker of the amendment (and the amendment to the amendment) to reinsert the above language.

Thank you for your consideration in this matter.

  
Rep. Paul Seaton, State Affairs Chair

  
Rep. Lesil McGuire, Judiciary Chair

  
Rep. Max Gruenberg, Amønder



Adopted

24-GH1048L

4/12/05

AMENDMENT 1

Meyer

OFFERED IN THE HOUSE FINANCE BY \_\_\_\_\_  
COMMITTEE

TO: CSHB 94(JUD), (24-GH1048\L)

Page 10, lines 21 – 28:

Delete all material and insert:

“(b) If, following the ballot review set out in (a) of this section, the director finds there is a discrepancy of more than one percent between the results of the hand count of ballots under (a)(3) of this section and the count certified by the election board, the director shall conduct a hand count of the ballots from that district.

(c) If the director finds an unexplained discrepancy in the ballot count in any precinct, the director may count the ballots from that precinct.

(d) The director shall certify in writing to the state ballot counting review board and publish on the division’s Internet website any changes resulting from a [THE] count performed under (b) or (c) this section.”

Finance

*Adopted  
w/minutes  
amended*

24-GH1048C
Kurtz
4/18/05

CS FOR HOUSE BILL NO. 94( )

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY

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, voter residence, precinct boundary and polling place designation and  
 4 modification, political parties, voters unaffiliated with a political party, early voting,  
 5 absentee voting, ballot design, ballot counting, voting by mail, voting machines, vote  
 6 tally systems, qualifications for elected office, initiative, referendum, recall, and  
 7 definitions in the Alaska Election Code; and relating to incorporation elections."

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

9 \* Section 1. AS 13.26.332 is amended to read:

10           Sec. 13.26.332. Statutory form power of attorney. A person who wishes to  
 11 designate another as attorney-in-fact or agent by a power of attorney may execute a  
 12 statutory power of attorney set out in substantially the following form:

GENERAL POWER OF ATTORNEY

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THE POWERS GRANTED FROM THE PRINCIPAL TO THE AGENT OR AGENTS IN THE FOLLOWING DOCUMENT ARE VERY BROAD. THEY MAY INCLUDE THE POWER TO DISPOSE, SELL, CONVEY, AND ENCUMBER YOUR REAL AND PERSONAL PROPERTY, AND THE POWER TO MAKE YOUR HEALTH CARE DECISIONS. ACCORDINGLY, THE FOLLOWING DOCUMENT SHOULD ONLY BE USED AFTER CAREFUL CONSIDERATION. IF YOU HAVE ANY QUESTIONS ABOUT THIS DOCUMENT, YOU SHOULD SEEK COMPETENT ADVICE.

YOU MAY REVOKE THIS POWER OF ATTORNEY AT ANY TIME.

Pursuant to AS 13.26.338 - 13.26.353, I, (Name of principal), of (Address of principal), do hereby appoint (Name and address of agent or agents), my attorney(s)-in-fact to act as I have checked below in my name, place, and stead in any way which I myself could do, if I were personally present, with respect to the following matters, as each of them is defined in AS 13.26.344, to the full extent that I am permitted by law to act through an agent:

THE AGENT OR AGENTS YOU HAVE APPOINTED WILL HAVE ALL THE POWERS LISTED BELOW UNLESS YOU DRAW A LINE THROUGH A CATEGORY; AND INITIAL THE BOX OPPOSITE THAT CATEGORY

- (A) real estate transactions ( )
- (B) transactions involving tangible personal property, chattels, and goods ( )
- (C) bonds, shares, and commodities transactions ( )
- (D) banking transactions ( )
- (E) business operating transactions ( )
- (F) insurance transactions ( )
- (G) estate transactions ( )

- 1 (H) gift transactions ( )
- 2 (I) claims and litigation ( )
- 3 (J) personal relationships and affairs ( )
- 4 (K) benefits from government programs and military service ( )
- 5 (L) records, reports, and statements ( )
- 6 (M) delegation ( )
- 7 (N) voter registration and absentee ballot requests ( )
- 8 (O) all other matters, including those specified as follows: ( )
- 9 \_\_\_\_\_
- 10 \_\_\_\_\_
- 11 \_\_\_\_\_

12 IF YOU HAVE APPOINTED MORE THAN ONE AGENT,  
 13 CHECK ONE OF THE FOLLOWING:

- 14 ( ) Each agent may exercise the powers conferred separately, without  
 15 the consent of any other agent.
- 16 ( ) All agents shall exercise the powers conferred jointly, with the  
 17 consent of all other agents.

18 TO INDICATE WHEN THIS DOCUMENT SHALL  
 19 BECOME EFFECTIVE, CHECK ONE OF THE FOLLOWING:

- 20 ( ) This document shall become effective upon the date of my  
 21 signature.
- 22 ( ) This document shall become effective upon the date of my  
 23 disability and shall not otherwise be affected by my disability.

24 IF YOU HAVE INDICATED THAT THIS DOCUMENT  
 25 SHALL BECOME EFFECTIVE ON THE DATE OF YOUR  
 26 SIGNATURE, CHECK ONE OF THE FOLLOWING:

- 27 ( ) This document shall not be affected by my subsequent disability.
- 28 ( ) This document shall be revoked by my subsequent disability.

29 IF YOU HAVE INDICATED THAT THIS DOCUMENT  
 30 SHALL BECOME EFFECTIVE UPON THE DATE OF YOUR  
 31 SIGNATURE AND WANT TO LIMIT THE TERM OF THIS

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DOCUMENT, COMPLETE THE FOLLOWING:

This document shall only continue in effect for \_\_\_\_\_ ( )  
years from the date of my signature.

NOTICE OF REVOCATION OF THE POWERS  
GRANTED IN THIS DOCUMENT

You may revoke one or more of the powers granted in this document. Unless otherwise provided in this document, you may revoke a specific power granted in this power of attorney by completing a special power of attorney that includes the specific power in this document that you want to revoke. Unless otherwise provided in this document, you may revoke all the powers granted in this power of attorney by completing a subsequent power of attorney.

NOTICE TO THIRD PARTIES

A third party who relies on the reasonable representations of an attorney-in-fact as to a matter relating to a power granted by a properly executed statutory power of attorney does not incur any liability to the principal or to the principal's heirs, assigns, or estate as a result of permitting the attorney-in-fact to exercise the authority granted by the power of attorney. A third party who fails to honor a properly executed statutory form power of attorney may be liable to the principal, the attorney-in-fact, the principal's heirs, assigns, or estate for a civil penalty, plus damages, costs, and fees associated with the failure to comply with the statutory form power of attorney. If the power of attorney is one which becomes effective upon the disability of the principal, the disability of the principal is established by an affidavit, as required by law.

IN WITNESS WHEREOF, I have hereunto signed my name  
this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Signature of Principal

Acknowledged before me at \_\_\_\_\_

1 \_\_\_\_\_ on \_\_\_\_\_.

2 Signature of Officer or Notary

3 \* **Sec. 2.** AS 13.26.344 is amended by adding a new subsection to read:

4 (p) In a statutory form power of attorney, the language conferring general  
5 authority with regard to voter registration and absentee ballot requests shall be  
6 construed to mean that the principal authorizes the agent to register the principal to  
7 vote or request an absentee ballot for the principal.

8 \* **Sec. 3.** AS 15.05.020 is amended to read:

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

12 (1) A person may not be considered to have gained a residence solely  
13 by reason of presence nor may a person lose it solely by reason of absence while in the  
14 civil or military service of this state or of the United States or of absence because of  
15 marriage to a person engaged in the civil or military service of this state or the United  
16 States, while a student at an institution of learning, while in an institution or asylum at  
17 public expense, while confined in public prison, while engaged in the navigation of  
18 waters of this state or the United States or of the high seas, while residing upon an  
19 Indian or military reservation, or while residing in the Alaska Pioneers' Home or the  
20 Alaska Veterans' Home.

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

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

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

31 (5) A person does not gain residence in any place to which the person

1 comes without the present intention to establish a permanent dwelling at that place.

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

5 (7) The term of residence is computed by including the day on which  
6 the person's residence begins and excluding the day of election.

7 (8) The address of a voter as it appears on the [AN] official voter  
8 registration record [CARD] is presumptive evidence of the person's voting residence.  
9 This presumption is negated only if the voter notifies the director in writing of a  
10 change of voting residence.

11 \* Sec. 4. AS 15.07.050 is amended to read:

12 **Sec. 15.07.050. Manner of registration.** Registration may be made

13 (1) in person before a registration official or through a voter  
14 registration agency;

15 (2) by another individual on behalf of the voter if the voter has  
16 executed a written general power of attorney or a written special power of  
17 attorney authorizing that other individual to register the voter;

18 (3) by mail; or

19 (4) [(3)] by facsimile transmission, scanning, or another method of  
20 electronic transmission that the director approves.

21 \* Sec. 5. AS 15.07.060(a) is amended to read:

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

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

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

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

29 (4) the applicant's Alaska residence address [AND OTHER  
30 NECESSARY INFORMATION ESTABLISHING RESIDENCE, INCLUDING THE  
31 TERM OF RESIDENCE IN THE STATE AND IN THE DISTRICT, IF

1 REQUESTED);

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

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

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

9 (8) the date of application;

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

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

13 (11) an oath [ATTESTATION] that the information provided by the  
14 applicant in (1) - (10) of this subsection is true; and

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

18 \* Sec. 6. AS 15.07.070(b) is amended to read:

19 (b) To register by mail or by facsimile, scanning, or other electronic  
20 transmission approved by the director under AS 15.07.050, the director, the area  
21 election supervisor, or a voter registration agency shall furnish, at no cost to the voter,  
22 forms prepared by the director on which the registration information required under  
23 AS 15.07.060 shall be inserted by the voter, by a person on behalf of the voter if  
24 that person is designated to act on behalf of the voter in a power of attorney, or  
25 by a person on behalf of the voter if the voter is physically incapacitated. The director  
26 may require proof of identification of the applicant as required by regulations adopted  
27 by the director under AS 44.62 (Administrative Procedure Act). Upon receipt and  
28 approval of the completed registration forms, the director or the election supervisor  
29 shall forward to the voter an acknowledgment, and the voter's name shall immediately  
30 be placed on the master register. If the registration is denied, the voter shall  
31 immediately be informed in writing that registration was denied and the reason for

1 denial. When identifying information has been provided by the voter as required by  
2 this chapter, the election supervisor shall forward to the voter a registration card.

3 \* **Sec. 7.** AS 15.07 is amended by adding a new section to read:

4 **Sec. 15.07.075. Voters unaffiliated with a political party.** The director shall  
5 consider a voter to be a voter registered as

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

8 (2) "undeclared" if the voter

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

10 (B) fails to declare an affiliation with a political group or  
11 political party on a voter registration form, or

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

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

16 \* **Sec. 8.** AS 15.07.127 is amended to read:

17 **Sec. 15.07.127. Preparation of master register.** The director shall prepare  
18 both a statewide list and a list by precinct of the names and addresses of all persons  
19 whose names appear on the master register and their political party affiliation.  
20 Subject to the limitations of 15.07.195, any [ANY] person may obtain a copy of the  
21 list, or a part of the list, or an electronic format containing both residence and mailing  
22 addresses of voters, by applying to the director and paying to the state treasury a fee as  
23 determined by the director.

24 \* **Sec. 9.** AS 15.10.090 is repealed and reenacted to read:

25 **Sec. 15.10.090. Notice of precinct boundary or polling place designation**  
26 **and modification.** The director shall give full public notice if a precinct is established  
27 or abolished, if the boundaries of a precinct are designated, abolished, or modified, or  
28 if the location of a polling place is changed. Public notice must include

29 (1) whenever possible, sending written notice of the change to each  
30 affected registered voter in the precinct;

31 (2) providing notice of the change

1 (A) by publication once in a local newspaper of general  
2 circulation in the precinct; or

3 (B) if there is not a local newspaper of general circulation in  
4 the precinct, by posting written notice in three conspicuous places as close to  
5 the precinct as possible; at least one posting location must be in the precinct:

6 (3) posting notice of the change on the Internet website of the division  
7 of elections;

8 (4) providing notification of the change to the appropriate municipal  
9 clerks, community councils, tribal groups, Native villages, and village regional  
10 corporations established under 43 U.S.C. 1606 (Alaska Native Claims Settlement  
11 Act); and

12 (5) inclusion in the official election pamphlet.

13 \* Sec. 10. AS 15.15.030(6) is repealed and reenacted to read:

14 (6) The names of the candidates for each office shall be set out in the  
15 same order on ballots printed for use in each house district. The director shall  
16 randomly determine the order of the names of the candidates for state representative  
17 for each house district. The director shall rotate the order of placement of the names  
18 of candidates for governor, lieutenant governor, United States senator, United States  
19 representative, and state senator on the ballot for each house district.

20 \* Sec. 11. AS 15.15.030(7) is amended to read:

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

26 \* Sec. 12. AS 15.15.350(a) is amended to read:

27 (a) The director may adopt regulations prescribing the manner in which the  
28 precinct ballot count is accomplished so as to ensure [ASSURE] accuracy in the count  
29 and to expedite the process. The election board shall account for all ballots by  
30 completing a ballot statement containing (1) the number of official ballots received;  
31 (2) the number of official ballots voted; (3) the number of official ballots spoiled; (4)

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

11 \* Sec. 13. AS 15.15.430 is amended to read:

12 Sec. 15.15.430. Scope of the review of ballot counting. (a) The review of  
13 ballot counting by the director shall include only [A REVIEW OF]

14 (1) a review of the precinct registers, tallies, and ballots cast; [AND]

15 (2) a review of absentee and questioned ballots as prescribed by law;

16 and

17 (3) unless the ballot for the election district contains nothing but  
18 uncontested offices, a hand count of ballots from one randomly selected precinct  
19 in each election district that accounts for at least five percent of the ballots cast in  
20 that district.

21 (b) If, following the ballot review set out in (a) of this section, the director  
22 finds an unexplained discrepancy in the ballot count in any precinct, the director may  
23 count the ballots from that precinct. If there is a discrepancy of more than one  
24 percent between the results of the hand count under (a)(3) of this section and the  
25 count certified by the election board, the director shall conduct a hand count of  
26 the ballots from that district. The director shall certify in writing to the state ballot  
27 counting review board and publish on the division's Internet website any changes  
28 resulting from a [THE] count performed under this subsection.

29 \* Sec. 14. AS 15.20.030 is amended to read: *New Section*

30 Sec. 15.20.030. Preparation of ballots, envelopes, and other material. The  
31 director shall provide ballots for use as absentee ballots in all districts. The director

1 shall provide a secrecy sleeve in which the voter shall initially place the marked ballot,  
2 and shall provide an envelope with the prescribed voter's certificate on it, in which the  
3 secrecy sleeve with ballot enclosed shall be placed. The director shall prescribe the  
4 form of and prepare the voter's certificate, envelopes, and other material used in  
5 absentee voting. The voter's certificate shall include a declaration, for use when  
6 required, that the voter is a qualified voter in all respects, a blank for the voter's  
7 signature, a certification that the affiant properly executed the marking of the ballot  
8 and gave the voter's identity, blanks for the attesting official or witness  
9 [WITNESSES], and a place for recording the date the envelope was sealed and  
10 witnessed. The envelope with the voter's certificate must include a notice that  
11 false statements made by the voter or by the attesting official or witness on the  
12 certificate are punishable by law.

13 \* Sec. 15. AS 15.20.064 is amended by adding a new subsection to read:

14 (d) The director shall designate locations for early voting by January 1 of an  
15 election year.

16 \* Sec. 16. AS 15.20.066(b) is amended to read:

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

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

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

26 (A) a commissioned or noncommissioned officer of the armed  
27 forces of the United States;

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

30 (C) an individual [TWO UNITED STATES CITIZENS] who  
31 is [ARE] 18 years of age or older.

1 \* Sec. 17. AS 15.20.081(a) is amended to read:

2 (a) A qualified voter may apply by mail or by facsimile, scanning, or other  
3 electronic transmission to the director for an absentee ballot. **Another individual**  
4 **may apply for an absentee ballot on behalf of a qualified voter if that individual**  
5 **is designated to act on behalf of the voter in a written general power of attorney**  
6 **or a written special power of attorney that authorizes the other individual to**  
7 **apply for an absentee ballot on behalf of the voter.** The application must include  
8 the address or, if the application requests delivery of an absentee ballot by electronic  
9 transmission, the telephone electronic transmission number, to which the absentee  
10 ballot is to be returned, the applicant's full Alaska residence address, and the  
11 applicant's signature. However, a person residing outside the United States and  
12 applying to vote absentee in federal elections in accordance with AS 15.05.011 need  
13 not include an Alaska residence address in the application.

14 \* Sec. 18. AS 15.20.081(d) is amended to read:

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

30 \* Sec. 19. AS 15.20.081(h) is amended to read:

31 (h) Except as provided in AS 15.20.480, an absentee ballot returned by mail

1 from outside the United States or from an overseas voter qualifying under  
 2 AS 15.05.011 [A MILITARY APO OR FPO ADDRESS] that has been marked and  
 3 mailed not later than election day may not be counted unless the ballot is received by  
 4 the election supervisor not later than the close of business on the 15th day following  
 5 the election.

6 \* Sec. 20. AS 15.20.450 is amended to read:

7 **Sec. 15.20.450. Requirement of deposit.** The application must include a  
 8 deposit in cash, by certified check, or by bond with a surety approved by the director.  
 9 The amount of the deposit is \$1,000 [\$300] for each precinct, \$2,000 [\$750] for each  
 10 house district, and \$15,000 [\$10,000] for the entire state. If the recount includes an  
 11 office for which candidates received a tie vote, or the difference between the number  
 12 of votes cast was 20 or less or was less than .5 percent of the total number of votes  
 13 cast for the two candidates for the contested office, or a question or proposition for  
 14 which there was a tie vote on the issue, or the difference between the number of votes  
 15 cast in favor of or opposed to the issue was 20 or less or was less than .5 percent of the  
 16 total votes cast in favor of or opposed to the issue, the application need not include a  
 17 deposit, and the state shall bear the cost of the recount. If, on the recount, a candidate  
 18 other than the candidate who received the original election certificate is declared  
 19 elected, or if the vote on recount is determined to be four percent or more in excess of  
 20 the vote reported by the state review for the candidate applying for the recount or in  
 21 favor of or opposed to the question or proposition as stated in the application, the  
 22 entire deposit shall be refunded. If the entire deposit is not refunded, the director shall  
 23 refund any money remaining after the cost of the recount has been paid from the  
 24 deposit.

25 \* Sec. 21. AS 15.20.800(b) is amended to read.

26 (b) If the director conducts an election under (a) of this section by mail, the  
 27 director shall send a ballot for each election described in (a) of this section to each  
 28 person whose name appears on the official registration list prepared under  
 29 AS 15.07.125 for that election. The director shall send ballots by first class,  
 30 nonforwardable mail. The ballot shall be sent to the address stated on the official  
 31 registration list unless *the*

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

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

6 \* Sec. 22. AS 15.20 is amended by adding a new section to article 5 to read:

7           **Sec. 15.20.910. Standards for voting machines and vote tally systems.** The  
8 director may approve a voting machine or vote tally system for use in an election in  
9 the state upon consideration of factors relevant to the administration of state elections,  
10 including whether the Federal Election Commission has certified the voting machine  
11 or vote tally system to be in compliance with the voting system standards approved by  
12 the Federal Election Commission as required by 42 U.S.C. 15481(a)(5) (Help America  
13 Vote Act of 2002). The director may only approve a voting machine or vote tally  
14 system if the machine or system satisfies the requirements of AS 15.15.032(c).

15 \* Sec. 23. AS 15.25.030(a) is amended to read:

16           (a) A member of a political party who seeks to become a candidate of the  
17 party in the primary election shall execute and file a declaration of candidacy. The  
18 declaration shall be executed under oath before an officer authorized to take  
19 acknowledgments and must state in substance

20                   (1) the full name of the candidate;

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

22                   (3) if the candidacy is for the office of state senator or state  
23 representative, the house or senate district of which the candidate is a resident;

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

25                   (5) the name of the political party of which the person is a candidate  
26 for nomination;

27                   (6) the full residence address of the candidate, and the date on which  
28 residency at that address began;

29                   (7) the date of the primary election at which the candidate seeks  
30 nomination;

31                   (8) the length of residency in the state and in the district of the

1 candidate;

2 (9) that the candidate will meet the specific citizenship requirements of  
3 the office for which the person is a candidate;

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

5 (11) that the candidate will meet the specific age requirements of the  
6 office for which the person is a candidate; if the candidacy is for the office of state  
7 representative, that the candidate will be at least 21 years of age on the first  
8 scheduled day of the first regular session of the legislature convened after the  
9 election; if the candidacy is for the office of state senator, that the candidate will  
10 be at least 25 years of age on the first scheduled day of the first regular session of  
11 the legislature convened after the election; if the candidacy is for the office of  
12 governor or lieutenant governor, that the candidate will be at least 30 years of  
13 age on the first Monday in December following election or, if the office is to be  
14 filled by special election under AS 15.40.230 - 15.40.310, that the candidate will  
15 be at least 30 years of age on the date of certification of the results of the special  
16 election; or, for any other office, by the time that the candidate, if elected, is  
17 sworn into office;

18 (12) that the candidate requests that the candidate's name be placed on  
19 the primary election ballot;

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

21 (14) that the person is not a candidate for any other office to be voted  
22 on at the primary or general election and that the person is not a candidate for this  
23 office under any other declaration of candidacy or nominating petition;

24 (15) the manner in which the candidate wishes the candidate's name to  
25 appear on the ballot; and

26 (16) that the candidate is registered to vote as a member of the political  
27 party whose nomination is being sought.

28 \* Sec. 24. AS 15.25.105(a) is amended to read:

29 (a) If a candidate does not appear on the primary election ballot or is not  
30 successful in advancing to the general election and wishes to be a candidate in the  
31 general election, the candidate may file as a write-in candidate. Votes for a write-in

1 candidate may not be counted unless that candidate has filed a letter of intent with the  
2 director stating

3 (1) the full name of the candidate;

4 (2) the full residence address of the candidate and the date on which  
5 residency at that address began;

6 (3) the full mailing address of the candidate;

7 (4) the name of the political party or political group of which the  
8 candidate is a member, if any;

9 (5) if the candidate is for the office of state senator or state  
10 representative, the house or senate district of which the candidate is a resident;

11 (6) the office that the candidate seeks;

12 (7) the date of the election at which the candidate seeks election;

13 (8) the length of residency in the state and in the house district of the  
14 candidate;

15 (9) the name of the candidate as the candidate wishes it to be written  
16 on the ballot by the voter;

17 (10) that the candidate meets the specific citizenship requirements of  
18 the office for which the person is a candidate;

19 (11) that the candidate will meet the specific age requirements of the  
20 office for which the person is a candidate; if the candidacy is for the office of state  
21 representative, that the candidate will be at least 21 years of age on the first  
22 scheduled day of the first regular session of the legislature convened after the  
23 election; if the candidacy is for the office of state senator, that the candidate will  
24 be at least 25 years of age on the first scheduled day of the first regular session of  
25 the legislature convened after the election; if the candidacy is for the office of  
26 governor or lieutenant governor, that the candidate will be at least 30 years of  
27 age on the first Monday in December following election or, if the office is to be  
28 filled by special election under AS 15.40.230 - 15.40.310, that the candidate will  
29 be at least 30 years of age on the date of certification of the results of the special  
30 election; or, for any other office, by the time that the candidate, if elected, is sworn  
31 into office;

1 (12) that the candidate is a qualified voter as required by law; and

2 (13) that the candidate is not a candidate for any other office to be  
3 voted on at the general election and that the candidate is not a candidate for this office  
4 under any other nominating petition or declaration of candidacy.

5 \* Sec. 25. AS 15.25.180(a) is amended to read:

6 (a) The petition must state in substance

7 (1) the full name of the candidate;

8 (2) the full residence address of the candidate and the date on which  
9 residency at that address began;

10 (3) the full mailing address of the candidate;

11 (4) the name of the political group, if any, supporting the candidate;

12 (5) if the candidacy is for the office of state senator or state  
13 representative, the house or senate district of which the candidate is a resident;

14 (6) the office for which the candidate is nominated;

15 (7) the date of the election at which the candidate seeks election;

16 (8) the length of residency in the state and in the district of the  
17 candidate;

18 (9) that the subscribers are qualified voters of the state or house or  
19 senate district in which the candidate resides;

20 (10) that the subscribers request that the candidate's name be placed on  
21 the general election ballot;

22 (11) that the proposed candidate accepts the nomination and will serve  
23 if elected, with the statement signed by the proposed candidate;

24 (12) the name of the candidate as the candidate wishes it to appear on  
25 the ballot;

26 (13) that the candidate is not a candidate for any other office to be  
27 voted on at the primary or general election and that the candidate is not a candidate for  
28 this office under any other nominating petition or declaration of candidacy;

29 (14) that the candidate meets the specific citizenship requirements of  
30 the office for which the person is a candidate;

31 (15) that the candidate will meet the specific age requirements of the

1 office for which the person is a candidate; if the candidacy is for the office of state  
2 representative, that the candidate will be at least 21 years of age on the first  
3 scheduled day of the first regular session of the legislature convened after the  
4 election; if the candidacy is for the office of state senator, that the candidate will  
5 be at least 25 years of age on the first scheduled day of the first regular session of  
6 the legislature convened after the election; and if the candidacy is for the office of  
7 governor or lieutenant governor, that the candidate will be at least 30 years of  
8 age on the first Monday in December following election or, if the office is to be  
9 filled by special election under AS 15.40.230 - 15.40.310, that the candidate will  
10 be at least 30 years of age on the date of certification of the results of the special  
11 election; or, for any other office, by the time that the candidate, if elected, is sworn  
12 into office;

13 (16) that the candidate is a qualified voter; and

14 (17) if the candidacy is for the office of the governor, the name of the  
15 candidate for lieutenant governor running jointly with the candidate for governor.

16 \* Sec. 26. AS 15.30 is amended by adding a new section to read:

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

19 (a) A person who desires to be an independent candidate for President of the United  
20 States must file with the director not earlier than January 1 of a presidential election  
21 year and not later than the 90th day before a presidential general election a petition  
22 signed by qualified voters of the state equal in number to at least one percent of the  
23 number of voters who cast ballots in an election under this chapter for President of the  
24 United States at the last presidential general election. The petition must state that the  
25 signers desire the named candidate for President of the United States to appear on the  
26 ballot as an independent candidate for president at the next succeeding presidential  
27 general election.

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

31 (1) the names of the electors for the independent candidate for