



LAWS OF ALASKA

1968

Source

CSHB 524 am FCC

Chapter No.

228

AN ACT

Revising the Election Code; and providing for an effective date.

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

* Section 1. AS 15.05.020 is repealed and re-enacted to read:

Sec. 15.05.020. RULES FOR DETERMINING RESIDENCE OF VOTER. For the purpose of determining residence for voting, the place of residence is governed by the following rules:

(1) No person may be considered to have gained a residence solely by reason of his presence nor may he lose it solely by reason of his absence while in the civil or military service of this state or of the United States or of his absence because of marriage to a person engaged in the civil or military service of this state or the United States, while a student at an institution of learning, while in an institution or asylum at public expense, while confined in public prison, while engaged in the navigation of waters of this state, of the United States or of the high seas, or while residing upon an Indian or military reservation.

(2) The residence of a person is that place in which his habitation is fixed, and to which, whenever he is absent, he has the intention to return.

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

(4) A person does not lose his residence if he leaves his home and goes to another country, state or place in this state for temporary purposes only and with the

intent of returning.

(5) A person does not gain a residence in a place to which he comes for temporary purposes only.

(6) A person loses his residence in this state if he votes in another state's election, either in person or by absentee ballot, and will not be eligible to vote in this state until he again qualifies under sec. 10 of this chapter.

(7) A qualified voter of this state who leaves the state with the intent of not returning and has not established a residence in another state may vote for President and Vice President by applying to the office of the secretary of state for a presidential ballot as provided in secs. 12 and 14 of this chapter.

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

(9) Notwithstanding the provisions of (1) of this section, the residence of a student enrolled in an institution of learning and who meets the qualifications of sec. 10 of this chapter is the residence shown on his last registration at the institution made at least 30 days before an election.

* Sec. 2. AS 15.10.120 is amended to read:

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

* Sec. 3. AS 15.10 is amended by adding a new section to read:

Sec. 15.10.125. APPOINTMENT OF SECOND ELECTION BOARD OR COUNTING BOARD. (a) There may be only one election board in each precinct except as provided in this section.

(b) In each precinct using paper ballots and having 200 or more voters there may be appointed two election boards. The second election board shall be designated as the counting board.

* Sec. 4. AS 15.10.130 is repealed and re-enacted to read:

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

* Sec. 5. AS 15.10.140 is amended to read:

Sec. 15.10.140. APPOINTMENT OF COUNTERS. The chairman of the election board or the chairman of the counting board when a counting board is used may appoint a team of counters to assist with the counting of the ballots in each precinct where the election supervisor considers necessary. The appointments may be made from among the qualified voters in the precincts in which they reside, and may be made at any time before the close of the precinct canvass. There shall be four counters on each counting team, no more than two of whom may be of the same political party. No counter may work continuously for more than six hours.

* Sec. 6. AS 15.10.150 is amended to read:

Sec. 15.10.150. APPOINTMENT OF NOMINEES FOR JUDGES AND CLERKS. Whenever the appointment of election judges or clerks is required, the party district committee of the political party of which the governor is a member may present in writing to the election supervisor on or before June 1 in each regular election year, or at least 60 days before a special election, the names of two party nominees for judges, and one for clerk, in any or all election precincts, and the election supervisor shall appoint the party nominees to the respective precinct election boards. The party district committee of the political party which received the second largest number of votes in the preceding general election may present in writing to the election supervisor on or before June 1 in each regular election year, or at least 60 days before a special election the name of one party nominee for judge and one for clerk for any or all election precincts and the election supervisor shall appoint the party nominees to the respective precinct election boards. If any party district committee fails to present the names prescribed by this section by June 15 of a regular election year or before the 60th day preceding a special election, the election supervisor may appoint any qualified person not otherwise disqualified under sec. 120 of this chapter.

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

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

within each section. The squares appearing on the ballots shall measure 1/4 inch on each side.

* Sec. 8. AS 15.15.030 is amended by adding a new subsection to read:

(13) The secretary of state may provide for the use of punched card ballots in state elections.

* Sec. 9. AS 15.15 is amended by adding a new section to read:

Sec. 15.15.035. PRINTING OF BALLOTS AND OTHER MATERIAL. The secretary of state may not be required to do business with a printing company while the company is involved in a labor dispute.

* Sec. 10. AS 15.15.070(f) is amended to read:

(f) Additional notice shall be given of all bond issues, initiatives, referendums and propositions by use of newspapers, television, radio, printed posters, maps, and similar means of communication considered necessary. The secretary of state may not be required to post or publish notices except those provided for in this section.

* Sec. 11. AS 15.15.080 is amended to read:

Sec. 15.15.080. TIME FOR OPENING AND CLOSING POLLS. On the day of election, each election board shall open the polls for voting at eight o'clock in the morning, shall close the polls for voting at eight o'clock in the evening, and shall keep the polls open during the time between these hours. The election board members shall report to the polling place at 7:30 in the morning of an election day. The hour shall be determined by the standard time, or daylight saving time, that is applicable to the polling place.

* Sec. 12. AS 15.15.090 is amended to read:

Sec. 15.15.090. VOTING IN PERSON ONLY AT RESIDENT PRECINCT. On election day a qualified voter voting in person shall vote only at the polling place designated for the precinct of his residence. The polling place shall be located within the precinct unless the supervisor and the election board chairman determine that a building located in an adjoining precinct is more suitable or convenient to the voters.

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

Sec. 15.15.213. QUESTIONING A VOTER'S BALLOT. An election judge, clerk, or watcher may challenge a voter if the voter is unable to prove that he is qualified to vote at the polling place for that precinct. If his polling place is in question the voter shall be allowed to vote, and the election officer shall consider the ballot as a challenged ballot.

* Sec. 14. AS 15.15.330 is amended to read:

Sec. 15.15.330. IMMEDIATE COMMENCEMENT OF CANVASS.

In precincts where only one election board is used, when the polls are closed and the last vote has been cast, the election board and clerks or counters shall immediately proceed to open the ballot box and to count and canvass the votes cast. The election board shall cause the canvass to be continued without adjournment until the canvass is complete.

- * Sec. 15. AS 15.15.340 is amended to read:

Sec. 15.15.340. REPORT, OATH AND VACANCIES OF COUNTERS. Counters shall report to the election board at the polls at the time designated by the election supervisor to assume their duties to assist the election board in counting and canvassing the vote. Before undertaking the duties of office, each counter shall subscribe to an oath to honestly, faithfully, impartially, and promptly carry out the duties of his position. An election judge may administer the oath. If an appointed counter fails to appear and subscribe to the oath at the time designated by the election supervisor, the election board shall appoint any qualified voter to fill the vacancy. In no case may the election supervisor proceed with counting the vote before the closing of the polls.

- * Sec. 16. AS 15.15.350 is amended to read:

Sec. 15.15.350. GENERAL PROCEDURE FOR CANVASS. The secretary of state shall issue rules prescribing the manner in which the precinct canvass is accomplished so as to assure accuracy in the count and to expedite the process. The election board or counting board shall canvass the ballots in a manner that allows watchers to see the ballots when opened and read. No person handling the ballot after it has been taken from the ballot box and before it is placed in the envelope for mailing may remove a ballot from the immediate vicinity of the polls or have a marking device in hand.

- * Sec. 17. AS 15.15.380 is amended to read:

Sec. 15.15.380. REMUNERATION OF ELECTION JUDGES, CLERKS AND COUNTERS. The state, through the office of secretary of state, shall pay each judge, clerk, and counter \$2.50 per hour for time spent at their election duties, including the receiving of instructions.

- * Sec. 18. AS 15.20.170 is repealed and re-enacted to read:

Sec. 15.20.170. DISPOSITION OF BALLOTS. Each district judge and magistrate who has been designated by the secretary of state to issue absentee ballots shall stamp on the envelope containing the oath the date on which the ballot is received in his office. All ballots received shall be immediately transmitted by the most expeditious mail service to the election supervisor for his district.

- * Sec. 19. AS 15.20.180 is repealed and re-enacted to read:

Sec. 15.20.180. NAMES OF ABSENTEE VOTERS TO BE MADE AVAILABLE. The election supervisors, district judges and magistrates shall have available for public inspection the names and addresses of persons who voted absentee.

- * Sec. 20. AS 15.20.190 is amended to read:

Sec. 15.20.190. APPOINTMENT, DUTIES, AND COMPENSATION OF DISTRICT CANVASSING BOARD. Thirty days prior to the date of an election, the election supervisor shall appoint, in the same manner provided for the appointment of election judges prescribed in AS 15.10.150, district absentee ballot canvassing boards composed of four members, two from each major political party. The district board shall assist the election supervisors in counting and canvassing the absentee ballots and shall receive the same compensation paid election judges.

- * Sec. 21. AS 15.20.200 is repealed and re-enacted to read:

Sec. 15.20.200. TIME OF DISTRICT CANVASS AND FOR COUNTING ABSENTEE BALLOTS. (a) On the third day following the date of the election, the election supervisor, in the presence and with the assistance of the district absentee canvassing board shall proceed to count all absentee ballots on hand which were canvassed on the previous day, and shall continue to count without recess until completed. The election supervisor may appoint additional counting boards when considered necessary to assist in the counting of absentee ballots.

(b) Eight days after the date of the election the election supervisor, in the presence and with the assistance of the district absentee ballot canvassing board, shall examine affidavits, count and canvass all additional absentee ballots plus all challenged ballots without recess, and certify the absentee canvass.

- * Sec. 22. AS 15.20.210 is amended to read:

Sec. 15.20.210. PROCEDURE FOR DISTRICT CANVASS. (a) On the second day following the date of election, the election supervisor, in the presence and with the assistance of the district absentee ballot canvassing board shall meet and examine all voter certificates on hand. No ballot shall be counted if the voter has failed to properly execute the certificate, if the witnesses or the officer or other person authorized by law to administer the oath fails to affix his signature, or if the voter fails to enclose his marked ballot inside the small envelope provided. The election supervisor or a member of the district absentee ballot canvassing board may challenge the name of an absentee voter when read from the voter's certificate on the back of the large envelope, if he has good reason to suspect that the challenged voter is not qualified to vote, is disqualified, or has voted at the same election. The person making the challenge shall specify the basis of the challenge in writing. The district board by majority vote may refuse to accept and count the absentee ballot of a person properly challenged. If the absentee ballot is refused, the district supervisor shall return a copy of the statement of the challenge to the absentee voter, and shall enclose all rejected ballots in a separate envelope with statements of challenge. The envelope shall be labeled "rejected ballots" and shall be forwarded to the secretary of state with the election certificates and other returns. If the absentee ballot is not refused, the large envelope shall be opened, the smaller, inner blank envelope shall be

placed in a container and mixed with other blank absentee ballot envelopes. The mixed smaller blank envelopes shall be drawn from the container, opened, and the ballots counted according to the rules of determining properly marked ballots as are provided for counting by the election board. Upon completion of the canvass, the election supervisor shall prepare an election certificate of results in the manner provided for the preparation of election certificates by precinct election boards, and shall forward the original certificates and returns to the secretary of state no later than the day the district canvass is completed.

(b) Notwithstanding (a) of this section, in instances where a resident of the state has received his absentee ballot for the wrong election district and his ballot is returned to the election supervisor having jurisdiction over the election district in which he actually resides, the votes cast for statewide candidates and state senate candidates, if the person has voted for candidates from the senate election district in which he resides, shall be counted. Votes for a constitutional amendment or statewide referendum shall also be counted. Votes for other local candidates shall be held invalid.

* Sec. 23. AS 15.25.150 is amended to read:

Sec. 15.25.150. DATE OF FILING PETITION. The petition is filed with the secretary of state by actual physical delivery in person or by mail before June 1 in the year in which a general election is held for the office.

* Sec. 24. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.