



LAWS OF ALASKA

1972

Source

FCCS SCS CSHB 323

Chapter No.

116

AN ACT

Relating to elections; and providing for an effective date.

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

* Section 1. AS 15.05.010(4) is amended to read:

(4) has been a resident of the state for at least 75 days and of the election district in which he seeks to vote for at least 30 days just before the election; and

* Sec. 2. AS 15.05.012 is repealed and re-enacted to read:

Sec. 15.05.012. VOTER QUALIFICATION FOR PRESIDENTIAL ELECTION. A person who is otherwise qualified under sec. 10 of this chapter but who has not been a resident of the election district in which he seeks to vote for at least 30 days preceding the date of a presidential election is entitled to register and vote for presidential and vice-presidential candidates.

* Sec. 3. AS 15.05.014 is repealed and re-enacted to read:

Sec. 15.05.014. PROCEDURES IN PRESIDENTIAL ELECTIONS. In accordance with the Voting Rights Act of 1965 as amended, P.L. 89-110, 79 Stat. 437, 42 U.S.C.A. 1973 et seq., the following procedures apply to elections for the office of President and Vice-President of the United States:

(1) registration and absentee voting procedures, except as otherwise provided in this section, shall be identical to the procedures established in this title;

(2) registration of otherwise qualified persons shall be permitted without regard to a durational residency requirement;

(3) if any citizen who is otherwise qualified to vote in the state for president and vice-president has begun residence in another state after the 30th day preceding the election and, for that reason, does not satisfy the registration requirements of that state, he shall be allowed to vote for president and vice-president either in person in the precinct in which he resided immediately prior to his removal, or by absentee ballot as provided in AS 15.20.

* Sec. 4. AS 15.05.020 is amended by adding a new paragraph to read:

(10) The address of a voter as it appears on his official voter registration card shall be presumptive evidence of the person's voting residence. If the person has changed his voting residence, said presumption shall be negated only by the voter executing an affidavit on a form prepared by the lieutenant governor setting forth his new voting residence.

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

Sec. 15.07.010. REGISTRATION OF VOTERS. The precinct election judges at any election shall allow a person to vote whose name is registered and who is qualified under AS 15.-05.010 in the precinct in which he intends to vote.

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

Sec. 15.07.040. TIME FOR REGISTRATION. A person who is qualified under AS 15.05.010(1) - (4) is entitled to register at any time throughout the year except that no registration will be made for a period of 30 days preceding the election.

* Sec. 7. AS 15.07.070(d) is amended to read:

(d) Qualified voters may register in person before a registration official at any time throughout the year, except that no registration may be made within 30 days preceding an election. Upon receipt and approval of the registration forms the lieutenant governor or the election supervisor shall forward to the voter an acknowledgment in the form of a registration card and his name shall immediately be placed on the master register located in the office of the lieutenant governor and on the district register located in the office of the election supervisor.

* Sec. 8. AS 15.07.090(c) is amended to read:

(c) The lieutenant governor shall transfer the registration of a voter from one precinct to another within an election district when requested by the voter. The request shall be made 14 or more days before the election day. The lieutenant governor shall transfer the registration of a voter from one election district to another when requested by the voter. The voter must reside in his new election district for at least 30 days in order to vote.

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

(d) A person who claims he is a registered voter, but

for whom no evidence of registration in the precinct can be found, shall be granted the right to vote in the same manner as that of a questioned voter and his ballot shall be treated in the same manner. The ballot shall be considered to be a "questioned ballot" and shall be so designated. The lieutenant governor or his representative shall determine whether the voter is registered in the election district before counting the ballot. A voter who has failed to obtain a transfer as provided in (c) of this section may vote in the precinct where registered or he may vote a "questioned ballot" in his precinct of residence.

- * Sec. 10. AS 15.07.140 is amended to read:

Sec. 15.07.140. GENERAL ADMINISTRATIVE SUPERVISION BY LIEUTENANT GOVERNOR. The lieutenant governor shall provide general administrative supervision over the registration and re-registration of voters and may issue regulations under the Administrative Procedure Act (AS 44.62) necessary to protect the interest of the voter and assure administrative efficiency; however, the lieutenant governor may not issue or promulgate administrative regulations which are inconsistent with the provisions of this chapter. The lieutenant governor shall, no later than 40 days before any primary or general election, arrange to have the list of registered voters of the precinct publicly displayed in the precinct. The lieutenant governor shall instruct registration officials to post the list of registered voters in a number of locations calculated to obtain maximum recognition. Upon request by the mayor or city manager of a municipality or a borough chairman the lieutenant governor shall furnish registration information for all precincts all or part of which are within the boundaries of the local government unit.

- * Sec. 11. AS 15.07.200 is repealed and re-enacted to read:

Sec. 15.07.200. REGISTRATION PROGRAM. The registration program shall be under the supervision of the lieutenant governor as set out in AS 15.10.110.

- * Sec. 12. AS 15.10.110 is amended to read:

Sec. 15.10.110. APPOINTMENT OF ELECTION SUPERVISORS. The lieutenant governor shall appoint four election supervisors, one each to serve at Juneau, Anchorage, Fairbanks and Nome, to assist in the administration of elections in the election districts designated by the lieutenant governor. The lieutenant governor may appoint as an election supervisor a person who is a qualified voter in the area over which he has jurisdiction and who does not hold an office in a political party. An election supervisor is entitled to receive compensation in an amount that is comparable to that received for similar state employment as determined by the lieutenant governor.

- * Sec. 13. AS 15.10.125 is repealed and re-enacted to read:

Sec. 15.10.125. APPOINTMENT OF ELECTION BOARDS. In each precinct having 200 or more voters additional election boards may be appointed.

- * Sec. 14. AS 15.10.140 is amended to read:

Sec. 15.10.140. APPOINTMENT OF COUNTERS. The chairman of the election board may appoint a team of counters to assist with the counting of the ballots in each precinct where the election supervisor considers 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.

- * Sec. 15. 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 April 15 in each regular election year, or at least 60 days before a special election, the names of two party nominees for judges, and one for clerk, in any or all election precincts, and the election supervisor shall appoint 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 April 15 in each regular election year, or at least 60 days before a special election the name of one party nominee for judge and one for clerk for any or all election precincts and the election supervisor shall appoint the party nominees to the respective precinct election boards. If any party district committee fails to present the names prescribed by this section by April 15 of a regular election year or before the 60th day preceding a special election, the election supervisor may appoint any qualified person not otherwise disqualified under sec. 120 of this chapter.

- * Sec. 16. AS 15.15.040 is amended to read:

Sec. 15.15.040. PREPARATION OF OTHER ELECTION MATERIALS. The lieutenant governor shall prescribe the form of and prepare tinted sample ballots, the original and duplicate registers, oaths of office of judges, challenge oaths, tally sheets, instructions to voters, warning notices and other forms and supplies required for the election.

- * Sec. 17. AS 15.15.050 is amended to read:

Sec. 15.15.050. DISTRIBUTION OF ELECTION MATERIALS. The lieutenant governor shall distribute an adequate supply of sample and official ballots, original registers, duplicate registers, oaths, and other forms and supplies required for the election to the election supervisors for distribution to chairmen of election boards in precincts not less than 25 days before the date for the election.

- * Sec. 18. AS 15.15.080 is amended to read:

Sec. 15.15.080. TIME FOR OPENING AND CLOSING POLLS. On the day of any 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. 19. AS 15.15.110 is amended to read:

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

- * Sec. 20. AS 15.15.170 is amended to read:

Sec. 15.15.170. PROHIBITION OF POLITICAL PERSUASION NEAR ELECTION POLLS. During the hours the polls are open, no person who is in the polling place or within 100 feet of any entrance to the polling place, may attempt to persuade a person to vote for or against a candidate, proposition or question. The election judges shall post warning notices at the required distance in the form and manner prescribed by the lieutenant governor.

- * Sec. 21. AS 15.15.190 is repealed and re-enacted to read:

Sec. 15.15.190. KEEPING OF DUPLICATE REGISTER. The judge or clerk assigned to keep the duplicate register shall enter the number of the line on which the name of a voter appears in the original register in the space provided in the duplicate book.

- * Sec. 22. AS 15.15.210 is amended to read:

Sec. 15.15.210. CHALLENGING OF VOTERS OF SUSPECT QUALIFICATION. Every election judge and election clerk shall challenge, and every watcher and other person qualified to vote in the precinct may challenge a person attempting to vote if the challenger has good reason to suspect that the challenged person is not qualified to vote. All challenges shall be made in writing setting forth the reason for the challenge. A challenged person before voting shall subscribe to an oath and affidavit provided by the lieutenant governor attesting to the fact that in each particular the person meets all the qualifications of a voter, that he is not disqualified, and that he has not voted at the same election. He shall also state the place from which he came immediately prior to living in the precinct in which he now offers to vote and the length of time of his residence in the former place. After the challenged person has taken the oath and signed the affidavit, the person may vote. If the challenged person refuses to take the oath or sign the affidavit, the person may not vote.

- * Sec. 23. AS 15.15.213 is amended to read:

Sec. 15.15.213. QUESTIONING A VOTER'S BALLOT. If his polling place is in question a voter shall be allowed to vote, and any election official shall consider the ballot as a questioned ballot.

- * Sec. 24. AS 15.15.330 is repealed and re-enacted to read:

Sec. 15.15.330. COMMENCEMENT OF CANVASS. Counting of paper ballots may begin before the polls are closed in precincts having 300 or more voters and designated by the lieutenant governor, provided that counting shall not in any event begin before 2:00 p.m. prevailing time and unless at least 100 votes have been cast. In all other precincts, 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. In all cases the election board shall cause the canvass to be continued without adjournment until the canvass is complete.

- * Sec. 25. 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.

- * Sec. 26. AS 15.15.360(10) is amended to read:

(10) Stickers bearing a candidate's name may be affixed to the ballot in lieu of writing in a candidate's name if write-in votes or ballots are otherwise permitted. Stickers shall not be issued by members of the election board while serving at the polls. Stickers shall not be offered to voters within 100 feet of the polling place.

- * Sec. 27. AS 15.15.380 is amended to read:

Sec. 15.15.380. PAYMENT TO ELECTION JUDGES, CLERKS AND COUNTERS. The state, through the office of lieutenant governor, shall pay each judge, clerk, and counter \$3.50 per hour for time spent at their election duties, including the receiving of instructions.

- * Sec. 28. AS 15.20 is amended by adding new sections to read:

Sec. 15.20.062. APPLICATION TO ELECTION BOARD CHAIRMAN BY PERSONAL REPRESENTATIVE. A qualified voter may apply by personal representative for an absentee ballot to the election board chairman or his designee on election day in the precinct in which he is entitled to vote.

Sec. 15.20.065. APPLICATION TO ELECTION SUPERVISOR IN PERSON OR BY REPRESENTATIVE. A qualified voter may apply in person or by a personal representative for an absentee ballot for state elections for his district at the office of an election supervisor or such other cities designated by the lieutenant governor if time does not permit him to obtain an absentee ballot under sec. 60 or 70 of this chapter. Absentee ballots permitted by this section may be obtained from the office of the election supervisor any time during regular office hours including election day.

- * Sec. 29. AS 15.20.080 is amended to read:

Sec. 15.20.080. DATE FOR APPLICATION IN PERSON. A qualified voter may apply for an absentee ballot in person on any day after the ballots are prepared and available, but not on election day. Absentee ballots shall be prepared and available at least 15 days before the day of any election. Application may be made on election day only in the office of the election supervisor or such other cities designated by the lieutenant governor as provided in sec. 65 of this chapter.

- * Sec. 30. AS 15.20.120 is amended to read:

Sec. 15.20.120. PROCEDURE ON APPLICATION BY PERSONAL REPRESENTATIVE. (a) Upon receipt of a written application by personal representative, the election official authorized to issue the ballot shall provide the ballot and other absentee voting material if the written application is signed by the applicant and is accompanied by a letter from a licensed physician or a statement signed by two qualified voters stating that the applicant will be unable to go to the polling place because of physical disability.

(b) The election board chairman may issue ballots to personal representatives on election day only in areas where district judges or magistrates do not sit.

- * Sec. 31. AS 15.20.140 is amended to read:

Sec. 15.20.140. CASTING VOTE IN PERSON. Upon receipt of an absentee ballot in person, the voter shall proceed to mark the ballot in secret, to place the ballot in the small blank envelope, to place the small envelope in the larger envelope, and to sign the voter's certificate on the back of the larger envelope in the presence of the election official, and return the ballot properly enclosed in the envelopes to the election official who shall sign as attesting witness. The election official shall not accept a marked ballot that has been exhibited by an absentee voter with intent to influence other voters. If the absentee voter improperly marks or otherwise damages a ballot, the voter may request, and the election official shall provide him with another ballot up to a maximum of three. Improperly marked or damaged ballots shall be destroyed. The numbers of all ballots so destroyed shall be noted on the registration lists.

- * Sec. 32. AS 15.20.150 is amended to read:

Sec. 15.20.150. CASTING VOTE BY PERSONAL REPRESENTATIVE

OR BY MAIL. Upon receipt of an absentee ballot through a personal representative or by mail, the voter, whether in or outside the state, in the presence of two attesting witnesses, both of whom are at least 18 years of age, before an election judge, notary public, commissioned officer of the armed forces including the National Guard, district judge or magistrate, United States postmaster, United States assistant postmaster, or other person qualified to administer oaths, may proceed to mark the ballot in secret, to place the ballot in the small blank envelope, to place the small envelope in the larger envelope, and to sign the voter's certificate on the back of the larger envelope in the presence of the above-listed official or described persons who shall sign as attesting witnesses. The voter may then return the ballot properly enclosed in the envelopes, by personal representative to the election official who provided the ballot or by the most expeditious mail service, postmarked not later than the day of the election, to the election supervisor in his district.

* Sec. 33. AS 15.20.250 is amended to read:

Sec. 15.20.250. PRESCRIBING MINIMUM REQUIREMENTS. The lieutenant governor shall prescribe the minimum requirements of voting machines and with the assistance of the Department of Administration, shall conduct tests necessary to determine the adequacy of any particular type or make of machine. Any person, company or corporation may apply to the lieutenant governor to examine their voting machine and to certify the machine as meeting the minimum requirements prescribed by law. The minimum requirements shall be prescribed to insure secrecy to the voter, to permit voting both for candidates and on propositions and questions, to prevent improper voting in primary elections, to minimize error in marking ballots, and to assure accuracy in counting returns. Uncertified machines may not be used for any election.

* Sec. 34. AS 15.20.380 is amended to read:

Sec. 15.20.380. COUNTING OF VOTES CAST. After the polls are closed, the election board shall lock the operating mechanism of the machine. The board, in the presence of watchers, shall proceed to uncover the registering counters, read the vote, including the write-in ballots, and compute the totals. In computing the vote, the board may count a write-in ballot cast for a person for an office whose name appears on the machine as a candidate for that office. If two or more machines, or if a machine and paper ballots were both used in the precinct, the board shall compute the sum of the totals from each.

* Sec. 35. AS 15.25.030(15) is amended to read:

(15) that he is not a candidate for any other office, excluding a congressional office, to be voted upon at the primary election.

* Sec. 36. AS 15.55.040 is amended to read:

Sec. 15.55.040. PUBLICATION OF FALSE STATEMENT. A person who writes, prints or circulates, or who has written,

printed or circulated, a letter, circular, bill, placard, or poster, or who has a paid advertisement placed in a newspaper or any other publication, or who pays or contributes to the payment for any such advertisement, or who makes a radio or television broadcast, wilfully knowing the letter, circular, bill, placard, poster, publication, paid advertisement, or radio or television broadcast to contain a false statement, charge, or comment relating to a candidate at an election or to an election proposition or question, is guilty of a corrupt practice and upon conviction is punishable as for a misdemeanor.

* Sec. 37. AS 15.55 is amended by adding a new section to read:

Sec. 15.55.085. DIVULGING BALLOT COUNT; PENALTY. No election official or any other person authorized by law to be present while votes are being counted may divulge the results of the count of the ballots at any time before the closing of the polls. A person who violates this section is guilty of a misdemeanor and upon conviction is punishable by imprisonment for not more than one year, or by a fine of not less than \$1,000, or by both.

* Sec. 38. The following laws are repealed: AS 15.05.010(3), 15.05.020(7) and 15.05.020(9); AS 15.07.070(e), 15.07.080; AS 15.10.060 and AS 15.15.200.

* Sec. 39. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.