



# LAWS OF ALASKA

1975

Source

HCSSB 269 (Judiciary)

Chapter No.

120

## AN ACT

Establishing procedures for punch-card voting in state elections.

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

\* Section 1. AS 15.15.030(13) is amended to read:

(13) the lieutenant governor may provide for the use of punch-card voting in state elections in any area where data processing equipment is available.

\* Sec. 2. AS 15.20 is amended by adding new sections to read:

#### ARTICLE 5. PUNCH-CARD VOTING.

Sec. 15.20.590. APPOINTMENT OF OFFICIALS. (a) For every area of the state designated by him for punch-card voting, the lieutenant governor shall appoint a Data Processing Review Board which is responsible to him for the evaluation of all computer phases of the election. The board shall consist of at least three members. At least one member shall be a member of the political party whose candidate for governor received the largest number of statewide votes at the preceding general election, one shall be a member of the party whose candidate received the second largest number of votes, and one shall be registered to vote either as an "independent" or "nonpartisan" or shall have declined to state his party affiliation when registering to vote. At least one of the members must be familiar with the election process, and at least two must have some expertise in computer programming and processing. The election supervisor shall name one of the members who has sufficient familiarity with computer programming and operations as presiding officer of the board.

(b) For the computer counting center in his area, each

election supervisor shall appoint

(1) a receiving board consisting of at least one person from each political party; and

(2) a control board consisting of at least one person from each political party.

Sec. 15.20.600. PARTY REPRESENTATION. In secs. 590 - 730 of this chapter, wherever there is a provision for a person to represent a political party, he shall be chosen by the appointing official subject to the approval of the district committee of that party. If the committee makes a reasonable objection, another person shall be appointed.

Sec. 15.20.610. ALTERNATE SITE. For each computer counting center, the lieutenant governor shall designate an alternate site, if available, to be used in the event of equipment failure at the main location. If the computer fails and no alternate site is available, the election supervisor shall designate emergency counting teams to handcount punch-card ballots in the manner prescribed for paper ballots.

Sec. 15.20.620. TESTS AND SECURITY. (a) No later than one week before the election, the computer punch-card vote counting program must be tested in the presence of and to the satisfaction of the Data Processing Review Board. Testing shall take place at both the main and alternate computer counting centers.

(b) In addition to the test specified in (a) of this section, other tests shall be made to ensure that the system is functioning properly

(1) at least one day before the election at a time specified by the Data Processing Review Board presiding officer;

(2) on the day of the election one hour before the polls close;

(3) immediately after the final vote tabulation is complete;

(4) approximately one hour before the processing of the absentee and challenged ballots; and

(5) immediately after the final vote tabulation of absentee and challenged ballots is complete.

(c) As a security precaution, after the computer has been tested as prescribed in (b)(2) and (4) of this section, the computer system shall remain idle and the area secured until tabulation of punch-card ballots begins.

(d) During the final tabulation by computer, a manual count of different individual races in six precincts chosen at random shall be made, and the results checked against those of the system.

(e) If a problem is encountered during any of the

testing or tabulating procedures, additional tests may be conducted as considered necessary.

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

Sec. 15.20.640. PROCESSING AT POLLING PLACE. (a) Immediately after the polls have closed, the ballot box shall be opened by election board members in full view of all persons present, and all ballots shall be removed from the ballot envelopes.

(b) The ballot cards shall be inspected individually, and any ballots which are damaged so that they cannot be read by the computer, or are marked so that the voter can be identified, shall be withdrawn and placed in the facsimile ballot envelope.

(c) The ballots containing write-in votes shall be banded together and placed behind the other undamaged ballot cards which have been voted. The facsimile ballot envelope and the envelope containing questioned and challenged ballots shall be banded to the computer-ready ballots, and the bundle placed in a special container and sealed, with the seal signed by the election board members.

(d) The special container shall be placed in a transport box which shall be locked, sealed, or otherwise secured before delivery to the computer counting center.

Sec. 15.20.650. DELIVERY OF BALLOTS TO COMPUTER COUNTING CENTER. The delivery of ballots from the precinct polling place to the designated computer counting center shall be made by a delivery team consisting of two members of the election board, one from each of the two major political parties. The delivery team shall accompany the ballots from the precinct polling place to the receiving board at the computer counting center.

Sec. 15.20.660. RECEIPT OF BALLOTS AT COMPUTER COUNTING CENTER. (a) A state trooper shall be on duty at the computer counting center during the processing of ballots.

(b) Immediately inside the computer counting center the receiving board shall

(1) receive the transport box and examine the seal; if the seal is damaged or otherwise not intact the board shall notify the election supervisor immediately; if the seal is intact the receiving board shall sign a receipt to that effect and acknowledge delivery;

(2) check the precinct off on a log sheet, enter the arrival time, initial the entry, and have the delivery team sign the log sheet; and

(3) deliver the special container to the control board.

Chapter 120

Sec. 15.20.670. RECEIPT OF BALLOTS BY CONTROL BOARD.  
The control board shall

- (1) cut the seal and remove all ballots and envelopes from the special container;
- (2) insert the proper header and end cards into the ballots;
- (3) place the ballot bundles and facsimile envelope in a tray for delivery to the computer room; and
- (4) give the envelope containing questioned and challenged ballots to the Data Processing Review Board.

Sec. 15.20.680. COUNTING OF BALLOTS BY COMPUTER. (a)  
All processing in the computer room shall be under the supervision of the Data Processing Review Board presiding officer. The presiding officer shall resolve any problems which arise by consulting with other members of the board.

(b) The computer operator shall process the ballots by

- (1) picking up the ballots of one precinct; removing any ballots he finds to be defective and adding them to the facsimile envelope;
- (2) comparing the precinct identification on the header card against that of the envelope to insure that they are the same; any discrepancy noted shall be brought to the attention of the presiding officer of the Data Processing Review Board;
- (3) placing the cards in the computer card reader and activating it;
- (4) returning the counted ballots with the write-in ballots still separated, and the facsimile envelope to the Data Processing Review Board.

Sec. 15.20.690. ALTERNATE SITE COUNTING. (a) A computer service technician shall be on standby duty during the entire vote counting process. If equipment failure occurs and the Data Processing Review Board determines that repairs cannot be made within a reasonable time, the computer room process shall be moved to the alternate site if one is available. If an alternate site is not available, all ballots, including those previously counted, shall be counted manually in the computer counting center.

(b) If an alternate site is available, all ballots including those previously counted shall be boxed, and a receipt prepared. The ballot programs shall also be sealed. The sealed material shall then be transported to the alternate location accompanied by a state trooper, the election supervisor, the computer operator, and the Data Processing Review Board. On arrival at the alternate site, the board shall initiate a test run to insure that the computer is functioning properly. After checking the seals on all containers, the supervisor and presiding officer shall sign the receipt and open all of the materials. All of the ballots shall be counted at the alternate site, including

those already counted at the main location.

(c) After processing is completed, the write-in ballots, the facsimile envelope, and the envelope containing the challenged and questioned ballots shall be given to the election supervisor, and the remaining ballots shall again be sealed and transported to a designated place of security. All computer tapes resulting from the aborted counting operation shall be erased and the summary cards destroyed.

Sec. 15.20.700. DISPOSITION OF BALLOTS. (a) The ballots which have been counted in the computer room shall be sealed by the Data Processing Review Board. The sealed ballots shall then be transported to a designated place of security. The facsimile envelopes, questioned and challenged ballots shall be sealed and given to the election supervisor for tallying. Any ballots containing write-in votes shall be sealed and given to the election supervisor for tallying by the district absentee ballot canvassing board.

(b) A representative of the lieutenant governor's office and a state trooper shall meet any aircraft carrying computer ballots to the capital, and accompany them to the security area there.

(c) The ballot image magnetic tape which contains an exact image of each counted ballot shall be retained in a secure manner by the election supervisor until the lieutenant governor determines that it is no longer needed.

Sec. 15.20.710. REPORT OF PARTIAL RESULTS. The presiding officer of the Data Processing Review Board may authorize activation of the print program to provide partial results, if time permits. This print-out shall be released to the presiding officer of the Data Processing Review Board who shall file the original with the control board and provide copies for posting and distribution to news media representatives.

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

Sec. 15.20.730. INTERPRETATION OF BALLOT MARKS. (a) A vote for a candidate whose name is not printed on the ballot shall be counted only if the name is written in, the square following it is punched, and the number of punches does not exceed the number of offices available. A write-in vote for a candidate whose name is also printed on the ballot may be counted only if the square following the written name is punched, the square following the printed name is not punched, and the number of punches does not exceed the number of offices available.

(b) The computer shall be programmed to count ballots as follows:

(1) a vote may be counted only if the punch is clearly spaced in the square designated by a plus sign

Chapter 120

following the name of the candidate the voter desires to select;

(2) if there is only one plus-marked square for a team whose names are on separate lines, such as president and vice-president or governor and lieutenant governor, a punch in the square or elsewhere in the rectangle following the names shall be counted for that team;

(3) a failure to properly punch a ballot card as to one or more candidates does not itself invalidate the entire ballot;

(4) if a voter punches fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked;

(5) if a voter punches more names than there are persons to be elected to the office, the votes for candidates to that office shall not be counted;

(6) improper marks on the ballots shall not be counted and shall not invalidate punches for candidates properly made;

(7) an erasure or correction invalidates only that section of the ballot in which it appears;

(8) a vote marked for the candidate for President of the United States is considered and counted as a vote for the election of presidential electors.